Judicial Council of California
Rules Committee

RULES COMMITTEE

MINUTES OF OPEN VIDEOCONFERENCE MEETING

Wednesday, March 17, 2026
12:10 – 1:10 p.m.

Advisory Body Members Present:	Hon. Tamara L. Wood, Hon. Bunmi O. Awoniyi, Hon. Ryan Davis, Mr. Charles Johnson, Hon. Jeffrey C. Kauffman, Hon. Ricardo R. Ocampo, Mr. Craig M. Peters, and Hon. Michael Rhoads
Advisory Body Members Absent:	Ms. Rachel W. Hill and Ms. Dena Stone
Advisory Body Staff Present:	Kristin Burford, Benita Downs, and Eric Long
Advisory Bodies Staff Presenting	Deanna Adams, Kristin Burford, Tony Cheng, Jessica Devencenzi, Sarah Fleischer-Ihn, Jenny Grantz, Maddie Joyner, Tyler Shill, and Jeremy Varon,
Other JC Staff Present	James Barolo, Sarah Davis, Audrey Fancy, Saskia Kim, Eunice Lee, Anna Maves, Elyse Pulley, Marymichael Smrdeli, and Corby Sturges

OPEN MEETING

Call to Order and Roll Call

Judge Wood called the meeting to order at 12:11 p.m., after which Ms. Downs called the roll.

Approval of Minutes

The advisory body reviewed and approved the minutes from the January 7, 2026, meeting, as well as the January 29, 2026, Rules Committee meeting conducted by email; Judge Awoniyi abstained as to the vote on the January 29 meeting minutes.

DISCUSSION AND ACTION ITEMS (ITEMS 01–12)

CIVIL AND SMALL CLAIMS

Item 01/W26-01

Civil Practice and Procedure: Revise Civil Case Cover Sheet

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee to revise Civil Case Cover Sheet (form CM-010) by adding a case category for Song-Beverly Act motor

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vehicle lemon law matters. This change was requested by judicial officers and court executive officers from several courts in response to a rise in filings under the Song-Beverly Act.

***Action: The committee approved the recommendation from the Civil and Small Claims Advisory Committee, which is to go to the Judicial Council for action at the April council meeting*.**

Item 02/W26-02

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

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee to adopt three new forms and revise five existing forms to implement AB 774. This legislation makes several changes to laws regarding judgment enforcement, including a new procedure allowing a judgment creditor to seek reinstatement of a lien on real or personal property, and additionally improves the clarity and readability of the forms

***Action: The committee approved the recommendation from the Civil and Small Claims Advisory Committee, which is to go to the Judicial Council for action at the April council meeting*.**

Item 03/W26-03

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

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee to adopt, approve, revise, and revoke various Judicial Council forms used by individuals to request a name change or recognition of a change in gender or sex identifier. It also proposed amendments to two related court rules. These updates are needed to implement Assembly Bill 1084 (Stats. 2025, ch. 723) and Senate Bill 59 (Stats. 2025, ch. 738), improve support for participants in the Secretary of State's address confidentiality program, incorporate technical and clarifying revisions, and address public feedback regarding clarity and ease of use.

***Action: The committee approved the recommendation from the Civil and Small Claims Advisory Committee, which is to go to the Judicial Council for action at the April council meeting*.**

COLLABORATIVE JUSTICE

Item 04/W26-04

Collaborative Justice: Guidelines for Adult Collaborative Treatment Courts

The committee reviewed a recommendation from the Collaborative Justice Courts Advisory Committee to revise Standard 4.10 by expanding its scope from diversion drug court programs to adult collaborative treatment courts. Senate Bill 910 (Stats. 2024, ch. 641) amended Health and Safety Code section 11972, requiring counties and courts with treatment court programs to design and operate them in accordance

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with specified state and national best practices and guidelines. The amended section 11972(b) also requires the Judicial Council to revise the standards of judicial administration accordingly.

Action: The committee approved the recommendation from the Collaborative Justice Courts Advisory Committee, which is to go to the Judicial Council for action at the April council meeting.

CRIMINAL

Item 05/W26-05 (jointly with Appellate Advisory Committee)

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

The committee reviewed a joint recommendation from the Appellate Advisory Committee and the Criminal Law Advisory Committee to amend two court rules and revise three forms. These changes are needed to implement recent legislation related to the Racial Justice Act and to address urgent issues identified by courts in the forms used to make claims under the Act, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin.

Action: The committee approved the joint recommendation from the Appellate Advisory Committee and the Criminal Law Advisory Committee, which is to go to the Judicial Council for action at the April council meeting.

Item 06/W26-06

Criminal Law: Advisements on the Felony Plea Form

The committee reviewed a recommendation from the Criminal Law Advisory Committee to 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.

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

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FAMILY AND JUVENILE LAW

Item 07/W26-07

Juvenile Law: Update to Racial Justice Act Forms

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee to 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.

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

PROBATE AND MENTAL HEALTH

Item 08/W26-08

Mental Health Law: Implementation of CARE Act Legislation

The committee reviewed a recommendation from the Probate and Mental Health Advisory Committee to amend a heading of an article of the California Rules of Court, amend four rules, repeal one rule of court, approve two forms, and revise five forms to implement recently enacted legislation regarding the Community Assistance, Recovery, and Empowerment (CARE) Act. Senate Bill 27 (Stats. 2025, ch. 528) amended both the substantive and procedural aspects of the CARE Act, including changes to eligibility criteria and processes for initiating proceedings. The committee also suggested minor revisions to improve the clarity, usability, and consistency of the rules and forms.

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

PROVIDING ACCESS AND FAIRNESS

Item 09/W26-09

Access and Fairness: Gender Inclusivity of Juror Identification and Juror Questionnaires (Implementation of Assembly Bill 1899)

The committee reviewed a recommendation from the Advisory Committee on Providing Access and Fairness to adopt a new standard of judicial administration to ensure gender inclusivity in juror identification and juror questionnaires, consistent with the directive in Assembly Bill 1899 (Stats. 2024, ch. 812). In line with AB 1899's directive and the recommended new standard, the committee also recommended conforming changes to three court rules, two forms, and two standards of judicial administration; these materials currently use language directed to jurors that is not gender inclusive. In

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addition, the committee recommends minor changes to conform to style guidelines and to improve accuracy, consistency, clarity, and usability of the materials.

Action: The committee approved the recommendation from the Advisory Committee on Providing Access and Fairness, which is to go to the Judicial Council for action at the April council meeting.

JUDICIAL BRANCH ADMINISTRATION

Item 10/SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities

The committee reviewed a recommendation from the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee to adopt 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.

Action: The committee approved the recommendation from the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, which is to go to the Judicial Council for action at the April council meeting.

APPELLATE

Item 11

Appellate Procedure: Increased File-Size Limit for Electronic Filings

The committee reviewed a recommendation from the Appellate Advisory Committee to revise Rule 8.74 by increasing the file-size limit from 25 megabytes to 100 megabytes. This change reflects the Courts of Appeal's increased capacity to handle larger electronic filings.

Action: The committee approved the recommendation from the Appellate Advisory Committee, which is to go to the Judicial Council for action at the April council meeting.

JUDICIAL COUNCIL STAFF

Item 12

Rules and Forms: Miscellaneous Technical Changes

The committee reviewed a recommendation from Judicial Council staff to amend rules 2.571, 2.1010, 5.605, 5.710, 5.715, 5.720, and 5.812; and to 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 to make the necessary

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corrections to ensure that the rules and forms conform to law and to avoid causing confusion for court users, clerks, and judicial officers.

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:06 p.m.

Approved by the advisory body on enter date.

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Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 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):* March 27, 2026

☒ Office director (or designee) reviewed on *(date):* March 30, 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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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

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

Report Type
Action Required

Effective Date
July 1, 2026

Date of Report
March 27, 2026

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

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);

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- *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

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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 identity[11] 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 fields[13] 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 identity[19]

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[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

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[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

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[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. Given the limitations posed federally, the committee recommends including a parenthetical instruction in these forms explaining which box to check if the person's birth certificate reflects a nonbinary gender marker and noting that the purpose of the information is for a federal database search. The committee also recommends deleting "original" before "birth certificate" to account for the possibility of previously amended birth certificates.

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

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

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 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.

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[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.

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 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*

DRAFT

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).

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

CONFIDENTIAL

NC-015

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	**DRAFT**
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		**2026-02-06**
ATTORNEY FOR *(name)*:		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		**Not approved by the Judicial Council**
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITION OF *(name)*:		
EX PARTE REQUEST TO MAKE RECORDS CONFIDENTIAL **(Health & Saf. Code, § 103437)**		CASE NUMBER:

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

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

Note to clerk: This request may be made ex parte and without a filing fee (see Health and Saf. Code, § 103437).

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 a 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. My name is *(name)*: and I am the *(check one):*
   a. ☐ Petitioner who filed the petition listed in item 2.
   b. ☐ Parent, guardian, near relative, or friend who signed the petition listed in item 2, which was brought by, or on behalf of, a minor.
   c. ☐ Attorney for the petitioner.

4. The court has *(check one):*
   a. ☐ Ordered the change described in item 1.
   b. ☐ Not ordered the change described in item 1.

5. I am asking the court 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. *(You may attach form MC-025 to provide additional information.)*

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

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	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	**DRAFT**
TELEPHONE NO.:	FAX NO.:	**2026-02-19**
EMAIL ADDRESS:		
ATTORNEY FOR *(name):*		**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	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	**DRAFT**
TELEPHONE NO.:	FAX NO.:	**2026-02-05**
EMAIL ADDRESS:		
ATTORNEY FOR (*name*):		**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		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):*

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

☐ Continued *(If you are seeking to change additional names, you must prepare a list and attach it to this petition as Attachment 3.)*

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**
   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. **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:
   a. *Petition for Change of Name* (form NC-100)
   b. *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110) (attach as many copies as necessary)
   c. *Order to Show Cause—Change of Name* (form NC-120)
   d. *Decree Changing Name* (form NC-130 or, for guardians, form NC-130G)
   e. *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**
   a. 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.
   b. 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.
   c. 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.
   d. 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.*

NC-110

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 *(check one; if your birth certificate reflects a nonbinary (X) gender marker, check the box shown on the original birth certificate for the purpose of a federal database search):*

☐ 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 *(name of petitioner or petitioners):* 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 *(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

(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	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
E-MAIL 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		
ORDER TO SHOW CAUSE—CHANGE OF NAME TO CONFORM TO GENDER IDENTITY		CASE NUMBER:

Revoked

TO ALL INTERESTED PERSONS:

1. Petitioner *(name):* filed a petition with this court for a decree changing name as follows:

	Present name		Proposed name
a.		to	
b.		to	
c.		to	
d.		to	

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.

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

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

Form Adopted for Mandatory Use
Judicial Council of California
NC-125 [Rev. January 1, 2023]

Code of Civil Procedure, § 1277.5
www.courts.ca.gov

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE:	ZIP CODE:
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		
ATTORNEY FOR (*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 *(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 *Confidential Cover Sheet—Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (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

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
E-MAIL ADDRESS:		
ATTORNEY FOR (*name*):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITION OF *(name):*		
NOTICE OF HEARING ON PETITION		CASE NUMBER:

Revoked

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 www.courts.ca.gov/find-my-court.htm*.)*

Date: Clerk, by _____, Deputy

Form Approved for Optional Use
Judicial Council of California
NC-150 [Rev. January 1, 2023]

Code of Civil Procedure, § 1277.5
Health and Safety Code, §§ 103430, 103435
www.courts.ca.gov

CONFIDENTIAL

NC-200

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:		*FOR COURT USE ONLY*
NAME:			
FIRM NAME:			**DRAFT**
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	**2026-03-26**
TELEPHONE NO.:	FAX NO.:		
EMAIL ADDRESS:			**Not approved by the Judicial Council**
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):*			
PETITION FOR CHANGE OF NAME TO CONFORM TO GENDER IDENTITY			CASE NUMBER:

Instructions for completing this form: Before you complete this form, read *Instructions for Filing a Petition for Change of Name to Conform to Gender Identity* (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 *(check one; if your birth certificate reflects a nonbinary (X) gender marker, check the box shown on the original birth certificate for the purpose of a federal database search):* ☐ Male ☐ Female
      (6) Current residence address *(street):*
      City: County: State: Zip:

PETITION OF *(name of each petitioner):*	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

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

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 *(Name of petitioner or petitioners):* FOR CHANGE OF NAME TO CONFORM TO GENDER IDENTITY	CASE NUMBER:

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 | Signature of Petitioner

Guardian of *(current legal name of minor):*

CONFIDENTIAL

NC-221/NC-321/NC-521

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*):	**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: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (*name*):	*FOR COURT USE ONLY* **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 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		Proposed legal name
	to	

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

CONFIDENTIAL

NC-230

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (*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

CONFIDENTIAL

NC-230G

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (*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 *(name of each petitioner):* 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	STATE BAR NUMBER:		*FOR COURT USE ONLY*
NAME:			
FIRM NAME:			**DRAFT**
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	**2025-11-19**
TELEPHONE NO.:	FAX NO.:		
EMAIL ADDRESS:			**Not approved by the Judicial Council**
ATTORNEY FOR (*name*):			
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

CONFIDENTIAL

NC-300

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		**DRAFT**
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	**2026-03-26**
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		**Not approved by the Judicial Council**
ATTORNEY FOR (*name*):		
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 *(check one; if your birth certificate reflects a nonbinary (X) gender marker, check the box shown on the original birth certificate for the purpose of a federal database search):* ☐ 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:

a. If petitioner is a California resident, in the superior court where petitioner presently resides, or

b. 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:

a. *Petition for Recognition of Adult's Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300)

b. *Order Recognizing Adult's Change of Gender and Sex Identifier, for Name Change, and for Issuance of New Certificates* (form NC-330)

c. If requesting order for new birth certificate for child:
Birth Certificate for Child of Petitioner—Attachment (form NC-311)

d. 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)

e. *Civil Case Cover Shee*t (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

CONFIDENTIAL

NC-325

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (*name*):	*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:

1. Petitioner *(name):* filed a petition with this court for an order that a new ☐ marriage license and certificate ☐ confidential marriage license and certificate be prepared
   a. changing petitioner's designation on the license and certificate to *(check one):*
      ☐ bride
      ☐ groom
      ☐ neither bride nor groom
   b. ☐ and changing name to *(proposed legal name):*

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

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

Date: _____

_____
Judicial Officer

CONFIDENTIAL

NC-330

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	**DRAFT**
TELEPHONE NO.:	FAX NO.:	**2026-02-09**
EMAIL ADDRESS:		
ATTORNEY FOR (*name*):		**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 petitione**r, 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. b. ☐ the petition did not include the agreement of the spouse who shares the marriage license and certificate with the petitioner. An order directing the spouse to make known any objection to the changes requested on the marriage license and certificate or confidential marriage license and certificate by filing a written objection, which includes any reasons why the requested changes would be fraudulent, was issued and served.

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

8. ☐ Other findings *(if any):*

THE COURT ORDERS

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

THE COURT FURTHER ORDERS

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

a. ☐ is changed to *(new legal name):*

b. ☐ was previously changed by court decree.

11. ☐ A new birth certificate must be issued reflecting the change of gender and sex identifier described in item 9
☐ and change of name described in item 10.

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

12. ☐ A new birth certificate for the following child or children of the petitioner must be issued reflecting petitioner's change of gender and sex identifier described in item 9
☐ and change of name described in item 10.

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

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

13. ☐ The marriage license and certificate for petitioner and *(name of spouse):*
issued on *(date):* in *(county):* must be reissued
with a change of designation of the petitioner to ☐ bride ☐ groom ☐ neither bride nor groom
☐ and change of name described in item 10.

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

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

14. ☐ Other orders:

Date:

_____
Judicial Officer

CONFIDENTIAL

NC-400

ATTORNEY *(leave blank if no attorney)* STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (*name*): **[CONFIDENTIAL]**	*FOR COURT USE ONLY* **DRAFT** **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).)

NC-400-INFO Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)

DRAFT 02/10/2026
Not Approved by Council

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:

a. 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.

b. Include the reasons you are asking for a name change when you complete *Attachment to the Petition for Change of Name* (form NC-110).

c. 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:

a. There is an overriding interest (a specific reason) that overcomes the right of public access to the record.

b. That overriding interest supports sealing the name change documents.

c. A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed.

d. The proposed order to seal the records is narrowly tailored to protect that overriding interest.

e. 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:**

a. Your participation in the address confidentiality program is ended under Government Code section 6206.7; or

b. 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.

CONFIDENTIAL

NC-500

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	**DRAFT**
TELEPHONE NO.:	FAX NO.:	**2026-03-26**
EMAIL ADDRESS:		
ATTORNEY FOR (*name*):		**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 *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier* (form NC-500-INFO).

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

INFORMATION ABOUT PETITIONER

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

   Parent's Name: Address:

   Parent's Name: Address:

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

REQUEST FOR RECOGNITION OF CHANGE OF GENDER AND SEX IDENTIFIER

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

PETITION OF *(name of each petitioner):*	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 *(check one; if your birth certificate reflects a nonbinary (X) gender marker, check the box shown on the original birth certificate for the purpose of a federal database search):* ☐ 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 *(name of each petitioner):*	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 (Use Current Legal Name) ▶ 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):* FOR CHANGE OF GENDER (Minor)	CASE NUMBER:

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):*

CONFIDENTIAL

NC-520

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (*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 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

CONFIDENTIAL NC-530

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	**DRAFT**
TELEPHONE NO.:	FAX NO.:	**2026-02-10**
EMAIL ADDRESS:		**Not approved by the Judicial Council**
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 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 *(name of each petitioner):*	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)

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

	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 (*Robertson v. Block* 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.

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

	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.	
			"Original Birth Certificate" 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

	Commenter	Position	Comment	Committee Response
			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 *new* 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. *See, e.g.,* Settlement Agreement in *Hersom et al. v. Crouch et al.*(S.D.W.V. No. 2:21-cv-00450, Oct. 26, 2022) (available at https://www.acluwv.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 *original* 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 *not* 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. The committee also recommends including a parenthetical instruction in forms NC-110, NC-200, NC-300, and NC-500 explaining which box to check if the person's birth certificate reflects a nonbinary gender marker and noting that the purpose of the information is for a federal database search.

	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.	
			Name and Gender Changes While Incarcerated 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.

	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 *Proof of Service By First-Class Mail-Civil* (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 (*Proof of Personal Service-Civil*) specify that an individual who is *not* 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.	

	Commenter	Position	Comment	Committee Response
			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.	
			Conclusion 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 *not* expected to submit a	The committee appreciates the comments provided.

	Commenter	Position	Comment	Committee Response
			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

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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.

	Commenter	Position	Comment	Committee Response
	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

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	Commenter	Position	Comment	Committee Response
			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.

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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
			[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

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

	Commenter	Position	Comment	Committee Response
				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, "*(If the petitioner is represented by an attorney, attorney's signature follows.)*" 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.

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			[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.

	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

	Commenter	Position	Comment	Committee Response
			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

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	Commenter	Position	Comment	Committee Response
			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.

	Commenter	Position	Comment	Committee Response
			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

	Commenter	Position	Comment	Committee Response
				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

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	Commenter	Position	Comment	Committee Response
			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

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	Commenter	Position	Comment	Committee Response
				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

	Commenter	Position	Comment	Committee Response
				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,

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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.

	Commenter	Position	Comment	Committee Response
			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)."

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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

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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
			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.

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

	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.

	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."); In re Ross (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.

	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.

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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 Weathers v. Superior Court (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 Ross, 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 re Manchester's Estate (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.

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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. 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 committee appreciates the response.
			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

	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: *Does the proposal appropriately address the stated purpose?* 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.
			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	The committee appreciates the response. Most commenters recommend referring to the date of

	Commenter	Position	Comment	Committee Response
			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? 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.
			Are there any other objections that would be helpful to list on item 1 of form NC-250/NC-350/NC-550? 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: • *Would the proposal provide cost savings? If so, please quantify.* No, the proposal does not appear to provide cost savings.	The committee appreciates the response.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? 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.
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? No, Orange County would need at least 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.
			How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee appreciates the response.

	Commenter	Position	Comment	Committee Response
			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? 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

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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.

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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.

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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, *Order to Show Cause—Change of Name* (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 *Proof of Service of Order to Show Cause*, would continue to exist within the proposed NC-100 form series.
			NC-150: *Comment*: 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 *for children* 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 *not* 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 *petition for change of name to conform to gender*" (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.

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	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

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	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., §§ 1277.5, 1278, 1278.5, 1279.5	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.

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	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., §§ 1277.5, 1278, 1278.5, 1279.5	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)(ii): 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: "Form NC-221/NC-321/NC-521 may be used."	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 RECOGNITION OF ADULT'S CHANGE OF GENDER AND SEX IDENTIFIER, NAME CHANGE, AND ISSUANCE OF NEW CERTIFICATES"	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,

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	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: *Order to Show Cause ~~for~~ — Change of Name* (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

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	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

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	Commenter	Position	Comment	Committee Response
				avoid use of parentheticals (e.g., petitioner(s)) and similar constructions to present a singular/plural option.
			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 *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO). Page 3, item 6: (Form NC-221/NC-321/NC-521 may be used.)	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 "*Civil Case Cover Sheet*." 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.

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	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? "Objections based solely on concerns over the minor's actual gender identity or gender assigned at birth shall not constitute good cause." 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.

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Item number: 01

Rules Committee Action Request Form

Rules Committee Meeting Date: 4/9/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Appellate Procedure: Required Use of Appendixes in Civil Appeals

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rules 8.40, 8.124, 8.702, 8.713, and 8.845

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):* 10/16/2025
Project description from annual agenda: Consider changes to rules and forms relating to preparation of the record on appeal. The project proposals were recommended by the Appellate Caseflow Workgroup and referred to the committee by the Executive and Planning Committee.
• Consider amending the applicable rules to streamline or reduce the number of tasks required by superior court clerks in preparing the record on appeal and revising related forms as necessary. The Appellate Caseflow Workgroup noted that the burden of compiling the clerk's transcript can cause delays in the early stages of appeals. It thus encouraged the council to consider ways to reduce the tasks superior court clerks are required to perform in the record preparation process.
…
• Consider amending rules to allow and encourage parties to elect to proceed by appendix on appeal. The Appellate Caseflow Workgroup determined that the parties' use of appendixes can expedite the record preparation process.

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

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):* 3/5/2026

☒ Office director (or designee) reviewed on *(date):* 3/23/2026 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-01

Title
Appellate Procedure: Required Use of Appendixes in Civil Appeals

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rules 8.40, 8.124, 8.702, 8.713, and 8.845

Proposed by
Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

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

Executive Summary and Origin

The Appellate Advisory Committee proposes amending five California Rules of Court to require parties represented by counsel to use appendixes in unlimited and limited civil appeals. This proposal is designed to expedite the record-preparation process in civil appeals. This proposal originated from a recommendation of the former Chief Justice's Appellate Caseflow Workgroup.

The Proposal

Under California Rules of Court, rules 8.124, 8.702, 8.713, and 8.845, the use of appendixes is not required in civil appeals, but parties have the option to elect to use an appendix.[1] Rule 8.124 applies to unlimited civil appeals before the Courts of Appeal, rule 8.702 applies to appeals of streamlined California Environmental Quality Act (CEQA) Projects, rule 8.713 applies to appeals from an order dismissing or denying a petition to compel arbitration, and rule 8.845 applies to limited civil appeals before the appellate division of the superior court.[2]

[1] All further references to rules are to the California Rules of Court.

[2] A separate proposal concurrently circulating for comment would also amend rule 8.702. See Appellate Advisory Com. and Civil and Small Claims Advisory Com., *CEQA Actions: Implementation of Senate Bill 676*, *available at courts.ca.gov/policy-administration/invitations-comment*. The revisions from this other proposal only affect

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

The appellate record typically consists of the clerk's transcript, prepared by the court clerk, and the reporter's transcript.[3] In civil cases, rules 8.124 and 8.845 currently allow parties to choose to prepare an appendix instead of having the court clerk complete a clerk's transcript. Because these appendixes are prepared by the parties, the preparation of an appendix can be faster than the process for completing a clerk's transcript. For this reason, the Appellate Caseflow Workgroup recommended that the Judicial Council revise the rules of court to encourage represented civil litigants to prepare their own joint appendixes.[4]

General requirement for appendixes

Based on the Workgroup's recommendation, the committee proposes amending rules 8.124 and 8.845 to establish a general requirement that represented civil litigants prepare appendixes. Because preparing an appendix is both complicated and resource-intensive, the committee proposes exempting from this general requirement represented civil litigants who have a waiver of the fee for a clerk's transcript. The committee also proposes allowing courts to make case-specific exemptions on a motion by a party, as well as establishing a process for such motions. For parties not required to use an appendix under the general rule, the committee proposes amending the current rules to allow the option to elect to use an appendix. This amendment would also allow a party who has a fee waiver to elect to proceed by appendix if the opposing party does not have a fee waiver. However, no party would be able to make such an election if the opposing party has a fee waiver. Similarly, elections to use appendixes would not be permitted if the court had granted a motion by the opposing party to be exempted from the requirement to use appendixes. The committee further proposes amending the advisory committee comment to clarify the above amendments.

Joint appendixes

Under rules 8.40, 8.124, 8.702, 8.713 and 8.845, litigants have the option to prepare a joint appendix, an appendix to which both the appellant and respondent stipulate. To simplify the rules for appendixes, the committee proposes amending those rules to remove the option for joint appendixes. While this amendment would remove the joint appendix option, the goal of submitting a single appendix could still be achieved under the amended rules if the parties work together to determine the documents for inclusion in the appellant's appendix. Parties could still reserve the right to file respondents' and reply appendixes should the parties later determine the appendix should be supplemented with additional records. To clarify this process, the committee

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subdivisions (b), (c), and (f) and the advisory committee comment of rule 8.702, which would not be revised by this proposal and are, therefore, not shown in the attached rule document. (SPR26-06).

[3] Appellate Caseflow Workgroup, *Report to the Chief Justice* (Dec. 6, 2022), p. 15, *newsroom.courts.ca.gov/sites /default/files/newsroom/2022-12/Appellate%20Caseflow%20Workgroup%20Report_Final.pdf*. The workgroup was appointed by former Chief Justice Tani G. Cantil-Sakauye in June 2022. The Chief Justice directed the workgroup to "review policies, procedures, and management and administrative practices of the Courts of Appeal, and to recommend measures to promote transparency, accountability, and efficiency in issuing timely judgments." (*Id.* at p. 1.)

[4] *Id.* at p. 19.

also proposes adding an advisory committee comment explaining that parties are encouraged to cooperate in the preparation of an appellant's appendix.

Register of actions

Subdivision (a)(2) in both rule 8.124 and 8.845 requires the superior court clerk to send a copy of the register of actions to the parties *only when* a party files a notice electing to use an appendix. To maintain consistency with the committee's concurrent proposal[5] to require court clerks to provide the register of actions *in every appeal*, the committee proposes deleting subdivision (a)(2) in both rule 8.124 and 8.845, as well as the corresponding advisory committee comments for those subdivisions.

Alternatives Considered

The committee considered the alternative of requiring joint appendixes but concluded that separate appellant's and respondent's appendixes would be more practicable given that joint appendixes are rarely used in most civil appeals. The committee considered the alternative of maintaining the option for joint appendixes but decided to remove the joint appendix option because the collaboration of a joint appendix can be achieved through the parties' collaboration on an appellant's appendix. The committee considered the alternative of requiring appendixes for all parties but decided to exempt self-represented litigants and other litigants who may not be well-equipped to prepare an appendix due to cost or complexity. The committee considered including a specific provision to allow appellate divisions by local rule to opt out of mandatory appendixes in favor of mandatory clerk's transcripts but decided it would be better for appendixes in limited and unlimited civil appeals to have the same requirements. The committee also considered the alternative of taking no action but rejected this option because the proposal would make the record preparation process more efficient.

Fiscal and Operational Impacts

The committee anticipates the proposed amendments will reduce the fiscal and operational burdens of record preparation on the courts. Implementation would involve making the Courts of Appeal and superior courts aware of the changes.

[5] See Appellate Advisory Com., *Appellate Procedure: Record Designation Rules and Forms* (SPR26-02) *available at courts.ca.gov/policy-administration/invitations-comment*.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Is there anything that joint appendixes achieve that consultation on appellant's appendix does not achieve?
- Should rule 8.845 allow appellate divisions by local rule to opt out of mandatory appendixes in favor of mandatory clerk's transcripts?

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

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

Attachments and Links

1. Cal. Rules of Court, rules 8.40, 8.124, 8.713, and 8.845, at pages 5–21

Rules 8.40, 8.124, 8.702, 8.713, and 8.845 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Title 8. Appellate Rules

Division 1. Rules Relating to the Supreme Court and Courts of Appeal

Chapter 1. General Provisions

Article 2. Service, Filing, Filing Fees, Form, and Privacy

Rule 8.40. Cover requirements for documents filed in paper form

(a) Cover color

(1) As far as practicable, the covers of briefs and petitions filed in paper form must be in the following colors:

Appellant's opening brief or appendix	green
Respondent's brief or appendix	yellow
Appellant's reply brief or appendix	tan
~~Joint appendix~~	~~white~~
Amicus curiae brief	gray
Answer to amicus curiae brief	blue
Petition for rehearing	orange
Answer to petition for rehearing	blue
Petition for original writ	red
Answer (or opposition) to petition for original writ	red
Reply to answer (or opposition) to petition for original writ	red
Petition for transfer of appellate division case to Court of Appeal	white
Answer to petition for transfer of appellate division case to Court of Appeal	blue
Petition for review	white
Answer to petition for review	blue
Reply to answer to petition for review	white
Opening brief on the merits	white
Answer brief on the merits	blue
Reply brief on the merits	white

(2)–(3) * * *

(b) * * *

Chapter 2. Civil Appeals

Article 2. Record on Appeal

Rule 8.124. Appendixes

(a) Required use of appendixes

(1) Except as provided in this rule, the use of appendixes is required in all appeals under this chapter in which all parties are represented by counsel.

(2) The use of appendixes is not required under (1) if:

(A) Any party has a waiver of the fee for a clerk's transcript;

(B) The superior court orders otherwise on a motion served and filed by a party.

(i) Any motion requesting an exemption from the requirement under (1) must be served and filed as follows:

a. If filed by the appellant, with the notice designating the record on appeal under rule 8.121.

b. If filed by the respondent, within 10 days after the appellant serves the notice designating the record on appeal.

(ii) Any opposition to a motion must be served and filed within 10 days after service of the motion.

(iii) In considering whether to grant a motion, the court should weigh the potential hardships and efficiencies for the parties and for the court of using an appendix compared to using a clerk's transcript.

(iv) A motion is deemed denied unless the court gives notice of action on the motion within 20 court days after the time for filing opposition has expired.

~~(a)~~(b) ~~Notice of~~ Election to use appendixes

~~(1)~~ ~~Unless the superior court orders otherwise on a motion served and filed within 10 days after the notice of election is served, this rule governs if~~ In appeals in which appendixes are not required under (a), parties may elect to use appendixes as follows:

~~(A)~~(1) If the respondent does not have a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the respondent under (a)(2)(B) for exemption to the requirement to use appendixes, the appellant may elect~~s~~ to use an appendix under this rule. This election must be made in the appellant's notice designating the record on appeal under rule 8.121~~; or~~.

~~(B)~~(2) If the appellant does not have a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the appellant under (a)(2)(B) for exemption to the requirement to use appendixes, the respondent may elect to use an appendix under this rule. The respondent ~~serves and files~~ must make this election by serving and filing a notice in the superior court electing to use an appendix under this rule within 10 days after the appellant's notice designating the record on appeal is ~~filed and no waiver of the fee for a clerk's transcript is granted to the appellant. If the appellant has a fee waiver, the respondent cannot elect an appendix instead of a clerk's transcript.~~ served.

~~(2) When a party files a notice electing to use an appendix under this rule, the superior court clerk must promptly send a copy of the register of actions, if any, to the attorney of record for each party and to any unrepresented party.~~

~~(3) The parties may prepare separate appendixes or they may stipulate to a joint appendix.~~

(3) Within 10 days after a notice of election is served under (1) or (2), a party receiving the notice of election may file a motion in the superior court asking the court to order that appendixes not be used in the appeal. The court should use the factors provided in (a)(2)(B)(iii) to determine if there is good cause to grant the motion.

~~(b)~~(c) Contents of appendix

(1) ~~A joint appendix or~~ An appellant's appendix must contain:

(A) All items required by rule 8.122(b)(1), showing the dates required by rule 8.122(b)(2);

(B) Any item listed in rule 8.122(b)(3) that is necessary for proper consideration of the issues, including, for an appellant's appendix, any item that the appellant should reasonably assume the respondent will rely on; and

(C) If the respondent elected to proceed by appendix under (b)(2), the notice of election.~~; and~~

~~(D) For a joint appendix, the stipulation designating its contents.~~

(2) An appendix may incorporate by reference all or part of the record on appeal in another case pending in the reviewing court or in a prior appeal in the same case.

(A) The other appeal must be identified by its case name and number. If only part of a record is being incorporated by reference, that part must be identified by citation to the volume and page numbers of the record where it appears and either the title of the document or documents or the date of the oral proceedings to be incorporated. The parts of any record incorporated by reference must be identified both in the body of the appendix and in a separate section at the end of the index.

(B) If the appendix incorporates by reference any such record, the cover of the appendix must prominently display the notice "Record in case number:____ incorporated by reference," identifying the number of the case from which the record is incorporated.

(C) On request of the reviewing court or any party, the designating party must provide a copy of the materials incorporated by reference to the court or another party or lend them for copying as provided in ~~(c)~~(d).

(3) An appendix must not:

(A) Contain documents or portions of documents filed in superior court that are unnecessary for proper consideration of the issues.

(B) Contain transcripts of oral proceedings that may be designated under rule 8.130.

(C) Contain the record of an administrative proceeding that was admitted in evidence, refused, or lodged in the trial court. Any such administrative record must be transmitted to the reviewing court as specified in rule 8.123.

(D) Incorporate any document by reference except as provided in (2).

(4) All exhibits admitted in evidence, refused, or lodged are deemed part of the record, whether or not the appendix contains copies of them.

(5) A respondent's appendix may contain any document that could have been included in the appellant's appendix ~~or a joint appendix~~.

(6) An appellant's reply appendix may contain any document that could have been included in the respondent's appendix.

~~(c)~~(d) Document or exhibit held by other party

If a party preparing an appendix wants it to contain a copy of a document or an exhibit in the possession of another party:

(1) The party must first ask the party possessing the document or exhibit to provide a copy or lend it for copying. All parties should reasonably cooperate with such requests.

(2) If the attempt under (1) is unsuccessful, the party may serve and file in the reviewing court a notice identifying the document or specifying the exhibit's trial court designation and requesting the party possessing the document or exhibit to deliver it to the requesting party or, if the possessing party prefers, to the reviewing court. The possessing party must comply with the request within 10 days after the notice was served.

(3) If the party possessing the document or exhibit sends it to the requesting party ~~non-electronically~~ nonelectronically, that party must copy and return it to the possessing party within 10 days after receiving it.

(4) If the party possessing the document or exhibit sends it to the reviewing court, that party must:

(A) Accompany the document or exhibit with a copy of the notice served by the requesting party; and

(B) Immediately notify the requesting party that it has sent the document or exhibit to the reviewing court.

(5) On request, the reviewing court may return a document or an exhibit to the party that sent it ~~non-electronically~~ nonelectronically. When the remittitur issues, the reviewing court must return all documents or exhibits to the party that sent them, if they were sent ~~non-electronically~~ nonelectronically.

~~(d)~~(e) Form of appendix

(1) An appendix must comply with the requirements of rule 8.144 for a clerk's transcript.

(2) In addition to the information required on the cover of a brief by rule 8.204(b)(10), the cover of an appendix must prominently display the title ~~"Joint Appendix" or~~ "Appellant's Appendix" or "Respondent's Appendix" or "Appellant's Reply Appendix."

(3) An appendix must not be bound or transmitted electronically as one document with a brief.

~~(e)~~(f) Service and filing

(1) A party preparing an appendix must:

(A) Serve the appendix on each party, unless otherwise agreed by the parties or ordered by the reviewing court; and

(B) File the appendix in the reviewing court.

(2) ~~A joint appendix or~~ An appellant's appendix must be served and filed before or together with the appellant's opening brief.

(3) A respondent's appendix, if any, must be served and filed with the respondent's brief.

(4) An appellant's reply appendix, if any, must be served and filed with the appellant's reply brief.

~~(f)~~(g) Cost of appendix

~~(1)~~ Each party must pay for its own appendix.

~~(2) The cost of a joint appendix must be paid:~~

~~(A) By the appellant;~~

~~(B) If there is more than one appellant, by the appellants equally; or~~

~~(C) As the parties may agree.~~

~~(g)~~(h) Inaccurate or noncomplying appendix

Filing an appendix constitutes a representation that the appendix consists of accurate copies of documents in the superior court file. The reviewing court may impose monetary or other sanctions for filing an appendix that contains inaccurate copies or otherwise violates this rule.

Advisory Committee Comment

Previous versions of this rule allowed for joint appendixes. Under this rule, a single appendix can be achieved by discussion between the parties before an appellant's appendix is lodged, while reserving the parties' right to file respondent's and reply appendixes should the parties later determine the appendix should be supplemented with additional records. Parties are encouraged to cooperate in the preparation of an appellant's appendix to avoid the need for further appendixes.

Subdivision (a). Under this provision, the use of appendixes is generally required in all unlimited civil cases in which all parties are represented by counsel. Appendixes are not required if any party has a waiver of the fee for a clerk's transcript or when the superior court orders otherwise on a motion served and filed by a party.

Subdivision ~~(a)~~(b). Under this provision, in cases in which appendixes are not required under subdivision (a), either party may elect to have the appeal proceed by way of an appendix unless the court orders otherwise or certain exceptions apply. If the respondent has not been granted a waiver of the fee for a clerk's transcript and the court has not granted a motion by the respondent for an exemption to the requirement to use appendixes under subdivision (a), the appellant may elect to proceed by appendix. Similarly, ~~I~~if the appellant's fees for a clerk's transcript ~~are~~ have not been waived and the court has not granted a motion by the appellant for an exemption to the requirement to use appendixes under subdivision (a), the respondent ~~timely elects to use an~~ may elect to proceed by appendix~~, that election will govern unless the superior court orders otherwise~~. This respondent's election procedure differs from all other appellate rules governing designation of a record on appeal. In those rules, the appellant's designation, or the stipulation of the parties, determines the type of record on appeal. Before making ~~this~~ either of these elections, ~~respondents~~ the electing party should ~~check~~ determine whether the ~~appellant~~ other party has ~~been granted~~ a fee waiver that is still in effect. If the trial court has granted ~~appellant~~ one party a fee waiver for

the clerk's transcript, or grants such a waiver after the notice of appeal is filed, ~~respondent~~ the other party ~~cannot~~ may not elect to proceed by way of an appendix.

~~Subdivision (a)(2) is intended to assist appellate counsel in preparing an appendix by providing them with the list of pleadings and other filings found in the register of actions or "docket sheet" in those counties that maintain such registers. (See Gov. Code, § 69845.) The provision is derived from rule 10-1 of the United States Circuit Rules (9th Cir.).~~

Subdivision ~~(b)~~(c). ~~Under subdivision (b)(1)(A), a joint appendix or an appellant's appendix must contain any register of actions that the clerk sent to the parties under subdivision (a)(2). This provision is intended to assist the reviewing court in determining the accuracy of the appendix. The provision is derived from rule 30-1.3(a)(ii) of the United States Circuit Rules (9th Cir.).~~

In support of or opposition to pleadings or motions, the parties may have filed a number of lengthy documents in the proceedings in superior court, including, for example, declarations, memorandums, trial briefs, documentary exhibits (e.g., insurance policies, contracts, deeds), and photocopies of judicial opinions or other publications. Subdivision ~~(b)~~(c)(3)(A) prohibits the inclusion of such documents in an appendix when they are not necessary for proper consideration of the issues raised in the appeal. Even if a document is otherwise includable in an appendix, the rule prohibits the inclusion of any substantial *portion* of the document that is not necessary for proper consideration of the issues raised in the appeal. The prohibition is intended to simplify and ~~therefore~~ expedite the preparation of the appendix, to reduce its cost to the parties, and to relieve the courts of the burden of reviewing a record containing redundant, irrelevant, or immaterial documents. The provision is adapted from rule 30-1.4 of the United States Circuit Rules (9th Cir.).

Subdivision ~~(b)~~(c)(3)(B) prohibits the inclusion in an appendix of transcripts of oral proceedings that may be made part of a reporter's transcript. (Compare rule 8.130(e)(3) [the reporter must not copy into the reporter's transcript any document includable in the clerk's transcript under rule 8.122].) The prohibition is intended to prevent a party filing an appendix from evading the requirements and safeguards imposed by rule 8.130 on the process of designating and preparing a reporter's transcript, or the requirements imposed by rule 8.144(e) on the use of daily or other transcripts instead of a reporter's transcript (i.e., renumbered pages, required indexes). In addition, if an appellant were to include in its appendix a transcript of less than all the proceedings, the respondent would not learn of any need to designate additional proceedings (under rule 8.130(a)(3)) until the appellant had served its appendix with its brief, when it would be too late to designate them. Note also that a party may file a certified transcript of designated proceedings instead of a deposit for the reporter's fee (rule 8.130(b)(3)).

Subdivision ~~(d)~~(e). In current practice, served copies of filed documents often bear no clerk's date stamp and are not conformed by the parties serving them. Consistent~~ly~~ with this practice, subdivision ~~(d)~~(e) does not require such documents to be conformed. The provision thereby relieves the parties of the burden of obtaining conformed copies at the cost of considerable time

and expense and expedites the preparation of the appendix and the processing of the appeal. It is to be noted, however, that under subdivision ~~(b)~~(c)(1)(A) each document necessary to determine the timeliness of the appeal must show the date required under rule 8.104 or 8.108. Note also that subdivision ~~(g)~~(h) ~~of rule 8.124~~ provides that a party filing an appendix represents under penalty of sanctions that its copies of documents are accurate.

Subdivision ~~(e)~~(f). Subdivision ~~(e)~~(f)(2) requires ~~a joint~~ an appellant's appendix to be filed with the appellant's opening brief or before the filing of the appellant's opening brief. The provision is intended to improve the briefing process by enabling the appellant's opening brief to include citations to the record and, by allowing earlier filing of the appendix, to assist courts in considering petitions for supersedeas. To provide for the case in which a respondent concludes in light of the appellant's opening brief that the ~~joint~~ appellant's appendix should have included additional documents, subdivision ~~(b)~~(c)(5) permits such a respondent to present in an appendix filed with its respondent's brief (see subd. ~~(e)~~(f)(3)) any document that could have been included in the ~~joint~~ appellant's appendix.

Under subdivision ~~(e)~~(f)(2)–(4) an appendix is required to be filed, at the latest, "with" the associated brief. ~~This provision is~~ These provisions are intended to clarify that an extension of a briefing period ~~ipso facto~~ extends the filing period of an appendix associated with the brief.

Subdivision ~~(g)~~(h). Under subdivision ~~(g)~~(h), sanctions do not depend on the degree of culpability of the filing party—i.e., on whether the party's conduct was willful or negligent—but on the nature of the inaccuracies and the importance of the documents they affect.

Division 3. Rules Relating to Miscellaneous Appeals and Writ Proceedings

Chapter 1. Review of California Environmental Quality Act Involving Streamlined CEQA Projects

Rule 8.702. Appeals

(a)–(c) * * *

(d) Record on appeal

(1) *Record of written documents*

The record of the written documents from the superior court proceedings other than the administrative record must be in the form of ~~a joint appendix or separate~~ appellant's and respondent's appendixes under rule 8.124.

(2)–(3) * * *

(e)–(g) * * *

Chapter 2. Appeals Under Code of Civil Procedure Section 1294.4 From an Order Dismissing or Denying a Petition to Compel Arbitration

Rule 8.713. Record on appeal

(a) Record of written documents

The record of the written documents from the superior court proceedings must be in the form of ~~a joint appendix or separate~~ appellant's and respondent's appendixes under rule 8.124.

(b) * * *

Division 4. Rules Relating to the Superior Court Appellate Division

Chapter 2. Appeals and Records in Limited Civil Cases

Article 2. Record in Civil Appeals

Rule 8.845. Appendixes

(a) Required use of appendixes

(1) Except as provided in this rule, the use of appendixes is required in all appeals under this chapter in which all parties are represented by counsel.

(2) The use of appendixes is not required under (1) if:

(A) Any party has a waiver of the fee for a clerk's transcript;

(B) The superior court orders otherwise on a motion served and filed by a party.

(i) Any motion requesting an exemption from the requirement under (1) must be served and filed as follows:

a. With the notice designating the record on appeal under rule 8.831, if filed by the appellant.

b. Within 10 days after the appellant serves the notice designating the record on appeal, if filed by the respondent.

(ii) Any opposition to a motion must be served and filed within 10 days after service of the motion.

(iii) In considering whether to grant a motion, the court should weigh the potential hardships and efficiencies for the parties and for the court of using an appendix compared to using a clerk's transcript.

(iv) A motion is deemed denied unless the court gives notice of action on the motion within 20 court days after the time for filing opposition has expired.

~~(a)~~(b) ~~Notice of~~ Election to use appendixes

~~(1)~~ ~~Unless the superior court orders otherwise on a motion served and filed within 10 days after the notice of election is served, this rule governs if~~ In appeals in which appendixes are not required under (a), parties may elect to use appendixes as follows:

~~(A)~~(1) If the respondent does not have a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the respondent under (a)(2)(B) for exemption to the requirement to use appendixes, the appellant may elect~~s~~ to use an appendix under this rule. This election must be made in the appellant's notice designating the record on appeal under rule 8.831~~; or~~.

~~(B)~~(2) If the appellant does not have a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the appellant under (a)(2)(B) for exemption to the requirement to use appendixes, the respondent may elect to use an appendix under this rule. The respondent ~~serves and files~~ must make this election by serving and filing a notice in the superior court electing to use an appendix under this rule within 10 days after the appellant's notice ~~of~~ designating the record on appeal is ~~filed, and no waiver of the fee for a clerk's transcript is granted to the appellant. If the appellant has a fee waiver, the respondent cannot elect an appendix instead of a clerk's transcript.~~ served.

~~(2) When a party files a notice electing to use an appendix under this rule, the superior court clerk must promptly send a copy of the register of actions, if any, to the attorney of record for each party and to any unrepresented party.~~

~~(3) The parties may prepare separate appendixes or they may stipulate to a joint appendix.~~

(3) Within 10 days after a notice of election is served under (A) or (B), a party receiving the notice of election may file a motion in the superior court asking the court to order that appendixes not be used in the appeal. The court should use the factors provided in (a)(2)(B)(iii) to determine if there is good cause to grant the motion.

~~(b)~~(c) Contents of appendix

(1) ~~A joint appendix or~~ An appellant's appendix must contain:

(A) All items required by rule 8.832(a)(1), showing the dates required by rule 8.832(a)(2);

(B) Any item listed in rule 8.832(a)(3) that is necessary for proper consideration of the issues, including, for an appellant's appendix, any item that the appellant should reasonably assume the respondent will rely on; and

(C) If the respondent elected to proceed by appendix under (b)(2), the notice of election.~~; and~~

~~(D) For a joint appendix, the stipulation designating its contents.~~

(2) An appendix may incorporate by reference all or part of the record on appeal in another case pending in the reviewing court or in a prior appeal in the same case.

(A) The other appeal must be identified by its case name and number. If only part of a record is being incorporated by reference, that part must be identified by citation to the volume and page numbers of the record where it appears and either the title of the document or documents or the date of the oral proceedings to be incorporated. The parts of any record incorporated by reference must be identified both in the body of the appendix and in a separate section at the end of the index.

(B) If the appendix incorporates by reference any such record, the cover of the appendix must prominently display the notice "Record in case number:____ incorporated by reference," identifying the number of the case from which the record is incorporated.

(C) On request of the reviewing court or any party, the designating party must provide a copy of the materials incorporated by reference to the court or another party or lend them for copying as provided in ~~(c)~~(d).

(3) An appendix must not:

(A) Contain documents or portions of documents filed in superior court that are unnecessary for proper consideration of the issues.

(B) Contain transcripts of oral proceedings that may be designated under rule 8.834.

(C) Incorporate any document by reference except as provided in (2).

(4) All exhibits admitted in evidence, refused, or lodged are deemed part of the record, whether or not the appendix contains copies of them.

(5) A respondent's appendix may contain any document that could have been included in the appellant's appendix ~~or a joint appendix~~.

(6) An appellant's reply appendix may contain any document that could have been included in the respondent's appendix.

~~(c)~~(d) Document or exhibit held by other party

If a party preparing an appendix wants it to contain a copy of a document or an exhibit in the possession of another party:

(1) The party must first ask the party possessing the document or exhibit to provide a copy or lend it for copying. All parties should reasonably cooperate with such requests.

(2) If the request under (1) is unsuccessful, the party may serve and file in the reviewing court a notice identifying the document or specifying the exhibit's trial court designation and requesting the party possessing the document or exhibit to deliver it to the requesting party or, if the possessing party prefers, to the reviewing court. The possessing party must comply with the request within 10 days after the notice was served.

(3) If the party possessing the document or exhibit sends it to the requesting party nonelectronically, that party must copy and return it to the possessing party within 10 days after receiving it.

(4) If the party possessing the document or exhibit sends it to the reviewing court, that party must:

(A) Accompany the document or exhibit with a copy of the notice served by the requesting party; and

(B) Immediately notify the requesting party that it has sent the document or exhibit to the reviewing court.

(5) On request, the reviewing court may return a document or an exhibit to the party that sent it nonelectronically. When the remittitur issues, the reviewing court must return all documents or exhibits to the party that sent them, if they were sent nonelectronically.

~~(d)~~(e) Form of appendix

(1) An appendix must comply with the requirements of rule 8.838 for a clerk's transcript.

(2) In addition to the information required on the cover of a brief by rule 8.883(c)(8), the cover of an appendix must prominently display the title ~~"Joint Appendix" or~~ "Appellant's Appendix" or "Respondent's Appendix" or "Appellant's Reply Appendix."

(3) An appendix must not be bound with or transmitted electronically with a brief as one document.

~~(e)~~(f) Service and filing

(1) A party preparing an appendix must:

(A) Serve the appendix on each party, unless otherwise agreed by the parties or ordered by the reviewing court; and

(B) File the appendix in the reviewing court.

(2) ~~A joint appendix or~~ An appellant's appendix must be served and filed before or together with the appellant's opening brief.

(3) A respondent's appendix, if any, must be served and filed with the respondent's brief.

(4) An appellant's reply appendix, if any, must be served and filed with the appellant's reply brief.

~~(e)~~(g) Cost of appendix

~~(1)~~ Each party must pay for its own appendix.

~~(2) The cost of a joint appendix must be paid:~~

~~(A) By the appellant;~~

~~(B) If there is more than one appellant, by the appellants equally; or~~

~~(C) As the parties may agree.~~

~~(g)~~(h) Inaccurate or noncomplying appendix

Filing an appendix constitutes a representation that the appendix consists of accurate copies of documents in the superior court file. The reviewing court may impose monetary or other sanctions for filing an appendix that contains inaccurate copies or otherwise violates this rule.

Advisory Committee Comment

Previous versions of this rule allowed for joint appendixes. Under this rule, a single appendix can be achieved by discussion between the parties before an appellant's appendix is lodged, while reserving the parties' right to file respondent's and reply appendixes should the parties later determine the appendix should be supplemented with additional records. Parties are encouraged to cooperate in the creation of an appellant's appendix to avoid the need for further appendixes.

Subdivision (a). Under this provision, the use of appendixes is generally required in all limited civil cases in which all parties are represented by counsel. Appendixes are not required if any party has a waiver of the fee for a clerk's transcript or when the superior court orders otherwise on a motion served and filed by a party.

Subdivision ~~(a)~~(b). Under this provision, in cases in which appendixes are not required under subdivision (a), either party may elect to have the appeal proceed by way of an appendix unless the court orders otherwise or certain exceptions apply. If the respondent has not been granted a waiver of the fee for a clerk's transcript and the court has not granted a motion by the respondent

for an exemption to the requirement to use appendixes under subdivision (a), the appellant may elect to proceed by appendix. Similarly, ~~I~~if the appellant's fees for a clerk's transcript ~~are~~ have not been waived and the court has not granted a motion by the appellant for an exemption to the requirement to use appendixes under subdivision (a), the respondent ~~timely elects to use an~~ may elect to proceed by appendix~~, that election will govern unless the superior court orders otherwise~~. This respondent's election procedure differs from all other appellate rules governing designation of a record on appeal. In those rules, the appellant's designation, or the stipulation of the parties, determines the type of record on appeal. Before making ~~this~~ either of these elections, ~~respondents~~ the electing party should ~~check~~ determine whether the ~~appellant~~ other party has ~~been granted~~ a fee waiver that is still in effect. If the trial court has granted ~~the appellant~~ one party a fee waiver for the clerk's transcript, or grants such a waiver after the notice of appeal is filed, the ~~respondent~~ other party ~~cannot~~ may not elect to proceed by way of an appendix.

~~Subdivision (a)(2) is intended to assist appellate counsel in preparing an appendix by providing counsel with the list of pleadings and other filings found in the register of actions or "docket sheet" in those counties that maintain such registers. (See Gov. Code, § 69845.) The provision is derived from rule 10-1 of the United States Circuit Rules (9th Cir.).~~

Subdivision ~~(b)~~(c). ~~Under subdivision (b)(c)(1)(A), a joint appendix or an appellant's appendix must contain any register of actions that the clerk sent to the parties under subdivision (a)(b)(2). This provision is intended to assist the reviewing court in determining the accuracy of the appendix. The provision is derived from rule 30-1.3(a)(ii) of the United States Circuit Rules (9th Cir.).~~

In support of or opposition to pleadings or motions, the parties may have filed a number of lengthy documents in the proceedings in superior court, including, for example, declarations, memorandums, trial briefs, documentary exhibits (e.g., insurance policies, contracts, deeds), and photocopies of judicial opinions or other publications. Subdivision ~~(b)~~(c)(3)(A) prohibits the inclusion of such documents in an appendix when they are not necessary for proper consideration of the issues raised in the appeal. Even if a document is otherwise includable in an appendix, the rule prohibits the inclusion of any substantial *portion* of the document that is not necessary for proper consideration of the issues raised in the appeal. The prohibition is intended to simplify and ~~therefore~~ expedite the preparation of the appendix, to reduce its cost to the parties, and to relieve the courts of the burden of reviewing a record containing redundant, irrelevant, or immaterial documents. The provision is adapted from rule 30-1.4 of the United States Circuit Rules (9th Cir.).

Subdivision ~~(b)~~(c)(3)(B) prohibits the inclusion in an appendix of transcripts of oral proceedings that may be made part of a reporter's transcript. (Compare rule 8.834(c)(4) [the reporter must not copy into the reporter's transcript any document includable in the clerk's transcript under rule 8.832].) The prohibition is intended to prevent a party filing an appendix from evading the requirements and safeguards imposed by rule 8.834 on the process of designating and preparing a reporter's transcript. In addition, if an appellant were to include in its appendix a transcript of less

than all the proceedings, the respondent would not learn of any need to designate additional proceedings (under rule 8.834(a)(3)) until the appellant had served its appendix with its brief, when it would be too late to designate them. Note also that a party may file a certified transcript of designated proceedings instead of a deposit for the reporter's fee (~~Cal. Rules of Court,~~ rule 8.834(b)(2)(D)).

Subdivision ~~(d)~~(e). In current practice, served copies of filed documents often bear no clerk's date stamp and are not conformed by the parties serving them. Consistent with this practice, subdivision ~~(d)~~(e) does not require such documents to be conformed. The provision thereby relieves the parties of the burden of obtaining conformed copies at the cost of considerable time and expense and expedites the preparation of the appendix and the processing of the appeal. It is to be noted, however, that under subdivision ~~(b)~~(c)(1)(A) each document necessary to determine the timeliness of the appeal must show the date required under rule 8.822 or 8.823. Note also that subdivision ~~(g)~~(h) ~~of rule 8.845~~ provides that a party filing an appendix represents under penalty of sanctions that its copies of documents are accurate.

Subdivision ~~(e)~~(f). Subdivision ~~(e)~~(f)(2) requires ~~a joint~~ an appellant's appendix to be filed with the appellant's opening brief or before the filing of the appellant's opening brief. The provision is intended to improve the briefing process by enabling the appellant's opening brief to include citations to the record and, by allowing earlier filing of the appendix, to assist courts in considering petitions for supersedeas. To provide for the case in which a respondent concludes in light of the appellant's opening brief that the ~~joint~~ appellant's appendix should have included additional documents, subdivision ~~(b)~~(c)(5) permits such a respondent to present in an appendix filed with its respondent's brief (see subd. ~~(e)~~(f)(3)) any document that could have been included in the ~~joint~~ appellant's appendix.

Under subdivision ~~(e)~~(f)(2)–(4) an appendix is required to be filed, at the latest, "with" the associated brief. ~~This provision is~~ These provisions are intended to clarify that an extension of a briefing period ~~ipso facto~~ extends the filing period of an appendix associated with the brief.

Subdivision ~~(g)~~(h). Under subdivision ~~(g)~~(h), sanctions do not depend on the degree of culpability of the filing party—i.e., on whether the party's conduct was willful or negligent—but on the nature of the inaccuracies and the importance of the documents they affect.

Item number: 02

Rules Committee Action Request Form

Rules Committee Meeting Date: 4/9/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Appellate Procedure: Record Designation Rules and Forms

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rules 8.74, 8.100, 8.120, 8.121, 8.122, 8.130, 8.144, 8.149, 8.155, 8.407, 8.821, 8.831, 8.832; repeal rules 8.134 and 8.344; approve forms APP-003A, APP-003B, APP-003C, APP-003D; revise forms APP-001-INFO, APP-003, APP-010, APP-101-INFO, APP-103, APP-110

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):* 10/16/2025
Project description from annual agenda: Consider changes to rules and forms relating to preparation of the record on appeal. The project proposals were recommended by the Appellate Caseflow Workgroup and referred to the committee by the Executive and Planning Committee.
• Consider revising the record designation forms and, if necessary, amending the applicable rules to make the record designation process simpler, clearer, and more efficient. There are currently 10 forms (including one information sheet) that litigants use to designate/create the record in civil and criminal cases, with the precise forms to be used depending on the circumstances of the case.

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

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):* 3/6/2026

☒ Office director (or designee) reviewed on *(date):* 3/23/2026 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-02

Title
Appellate Procedure: Record Designation Rules and Forms

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rules 8.74, 8.100, 8.120, 8.121, 8.122, 8.130, 8.144, 8.149, 8.155, 8.407, 8.821, 8.831, 8.832; repeal rules 8.134 and 8.344; approve forms APP-003A, APP-003B, APP-003C, APP-003D; revise forms APP-001-INFO, APP-003, APP-010, APP-101-INFO, APP-103, APP-110

Proposed by
Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

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

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Executive Summary and Origin

The Appellate Advisory Committee proposes revising forms APP-001-INFO, APP-003, APP-010, APP-101-INFO, APP-103, and APP-110—and approving forms APP-003A, APP-003B, APP-003C, and APP-003D—to simplify and improve the clarity of the record-designation process. The committee also proposes amending California Rules of Court, rules 8.100, 8.121, 8.122, 8.821, 8.831, and 8.832 to require that clerk's transcript designations identify documents using names from the trial court register of actions. The committee further proposes revoking California Rules of Court, rules 8.134 and 8.344, and amending rules 8.74, 8.120, 8.122, 8.130, 8.144, 8.149, 8.155, and 8.407 to remove the option for agreed statements. This proposal is designed to make the record-designation process in civil appeals more efficient. This proposal originated from a recommendation of the former Chief Justice's Appellate Caseflow Workgroup.

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

Background

In 2022, then-Chief Justice Tani G. Cantil-Sakauye established and appointed members to the Appellate Caseflow Workgroup. The Chief Justice directed the workgroup to "review policies, procedures, and management and administrative practices of the Courts of Appeal, and to recommend measures to promote transparency, accountability, and efficiency in issuing timely judgments." [1] The Appellate Caseflow Workgroup determined that "in civil cases, designations of record submitted by self-represented litigants or less experienced attorneys can be unclear and imprecise, and they can require time-consuming follow-up measures, such as issuing multiple default notices."[2] For this reason, the workgroup recommended that the Judicial Council revise the relevant rules and forms "to be simpler, clearer, and more efficient."[3]

The Proposal

Several Judicial Council forms are used to help litigants navigate the process of designating the record in civil appeals. Based on the Appellate Caseflow Workgroup's recommendation regarding record designation rules and forms, the committee proposes three changes: (1) revising the record designation forms to make them easier for self-represented litigants and less experienced attorneys to understand and follow, (2) amending several California Rules of Court[4] to require litigants to identify documents in their clerk's transcript designations using names from the trial court register of actions, and (3) repealing and amending rules to remove the option for agreed statements.

Record designation forms

For cases that are appealed to the Court of Appeal, there are currently two Judicial Council forms that address designation of the record on appeal:

- *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003)
- *Respondent's Notice Designating Record on Appeal—Unlimited Civil Case* (form APP-010)

For limited civil cases appealed to the Superior Court Appellate Division, there are two forms:

- *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103)
- *Respondent's Notice Designating Record on Appeal—Limited Civil Case* (form APP-110)

Additionally, there are two information forms that include instructions for designating the record:

- *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001-INFO)

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[1] Appellate Caseflow Workgroup, *Report to the Chief Justice* (Dec. 6, 2022), p. 1, *newsroom.courts.ca.gov/sites /default/files/newsroom/2022-12/Appellate%20Caseflow%20Workgroup%20Report_Final.pdf*.

[2] *Ibid.* at p. 16.

[3] *Ibid.* at p. 19.

[4] All further references to rules are to the California Rules of Court.

- *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO)

Form APP-003

The committee proposes the following revisions to form APP-003:

- Because current form APP-003 is lengthy, and because litigants need only complete the portions of the form that apply to the types of the record, move parts of the current form onto four attachment forms:

  - Items 1a(1), (2), and 4 on the current version of form APP-003 would be covered by new *Appellant's Notice Designating Record on Appeal—Clerk's Transcript Attachment* (form APP-003A).
  - Items 1(c) on the current version of form APP-003 would be covered by new *Appellant's Notice Designating Record on Appeal—Original Trial Court File Attachment* (APP-003B)
  - Items 2b(1) and 5 on the current version of form APP-003 would be covered by new *Appellant's Notice Designating Record on Appeal—Reporter's Transcript Attachment* (APP-003C)
  - Items 2b(3) and 6 on the current version of form APP-003 would be covered by new *Appellant's Notice Designating Record on Appeal—Settled Statement Attachment* (APP-003D)

  Although moving parts of the current form into new attachment forms creates a risk that litigants will not file every necessary form, the committee concluded that this risk would be adequately mitigated by adding instructions to form APP-003 clarifying the circumstances under which to file each attachment form. Additionally, the committee decided the benefit of simplifying form APP-003 outweighed any risk of litigants failing to file necessary attachment forms.

- To reflect a concurrent proposal by the committee to generally require the use of appendixes rather than clerk's transcripts in unlimited civil appeals in which all parties are represented, include new item 1a that (1) adds a checkbox for appellants to indicate if appendixes are required in their case, and (2) adds checkboxes for appellants to indicate if a motion asking for exemption from this requirement is attached to the designation notice.[5]

- Renumber the existing content in item 1 as item 1b(2) and add item 1b(1) for appellants to indicate if appendixes are not required in their case. The options in 1(b)(2), regarding documents the appellant may use if appendixes are not required, are the same as those in current item 1, but the order has been modified to list appendixes first, the limitations on when an appellant can elect to use an appendix are incorporated, and details about the

[5] See Appellate Advisory Com., *Appellate Procedure: Required Use of Appendixes in Civil Appeals* (S26-XX) *available at courts.ca.gov/policy-administration/invitations-comment*.

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proposed new attachment forms APP-003A (clerk's transcript) and APP-003B (original trial court file) have been added.

- Include new language in item 2b clarifying that appellants may designate more than one form of the record, along with new checkboxes appellants can use to indicate whether the form of the record selected will be the full record or just part of the record of the oral proceedings. The order of the record options has been modified to list settled statements first. Details about the proposed new attachment forms APP-003C (settled statements) and APP-003D (reporter's transcripts) have been added.

Form APP-010

The committee proposes revising item 1b on form APP-010 to reflect the concurrent proposal by the committee to generally require the use of appendixes, which includes an exception for circumstances in which the superior court has granted a motion by the appellant for an exemption to the requirement.[6] The committee also proposes revising item 2a to require that the respondent use the title of documents as they appear in the trial court's register of actions when designating additional documents for inclusion in the clerk's transcript. (See below for discussion of proposed rule amendments involving the trial court's register of actions.) The committee additionally proposes adding language to item 3a(2) to clarify the circumstances in which a deposit for the cost of transcribing additional proceedings is required.

Form APP-103

The committee proposes revising form APP-103 to add checkboxes to the beginning of item 5 for the situations in which an appendix is or is not required, with explanations. The proposed revisions also include renumbering parts of item 5 and minor changes to clarify instructions in items 4 and 5. Specifically in item 4a(4), the committee proposes including instructions explaining that written waivers of deposit signed by the reporter are distinct from waivers of court fees and costs. This addition is intended to address reports that this distinction was a source of confusion for litigants. Additionally, because appellants may use different types of record designations for different court proceedings, the committee proposes including tables in each designation type to list the proceedings being designated in that type. The committee further proposes modifying the left column of the tables from "Electronic Monitor's Name" to "Morning/Afternoon/Both" because this information would be more useful in specifying which proceedings the respondent is designating.

Form APP-110

The committee proposes revising item 4b on form APP-110 to reflect the proposed amendments to rule 8.845 establishing a general requirement that parties represented by counsel use appendixes.[7] The committee also proposes clarifying the language in item 6a(3) for the reporter's transcript deposit because the deposit has been a source of confusion for litigants. Additionally,

[6] *Ibid.*

[7] *Ibid*.

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because respondents may use different types of record designations for different court proceedings, the committee proposes including tables in each designation type to list the proceedings being designated in that type. The committee proposes modifying the left column of the tables from "Electronic Monitor's Name" to "Morning/Afternoon/Both" because this information would be more useful in specifying which proceedings the respondent is designating.

Forms APP-001-INFO and APP-101-INFO

The committee proposes revising both appellate information forms to reflect the rule amendments and repeals in this proposal and in the concurrent proposal to establish a general requirement for the use of appendixes.[8] The committee also proposes clarifying the language of both forms with the aim of improving comprehension by self-represented litigants and less experienced attorneys.

Register of actions

The Appellate Caseflow Workgroup's report identifies designations of the record as a source of delay for litigants and costs for trial courts due to the complexity of the current forms and rules. To avoid confusion for both litigants and clerks with respect to the documents litigants wish to include in the clerk's transcript, the committee proposes two new requirements:

- Clerks would be required to send a copy of the trial court register of actions to litigants before they submit their record designations. This is reflected in proposed new subdivisions 8.100(e)(5) and 8.821(d)(5), as well as the proposed amendments to rules 8.121(a), 8.122(b)(1)(F) and 8.831(a) to tie the default notice for failure to timely file a notice designating the record on appeal to the date on which the clerk sends the register of actions.[9]

- Litigants would be required to identify each designated document by its title as listed in the register of actions for the case. This is reflected in the proposed amendments to rules 8.122(a) and 8.832(b), as well as the proposed revisions to the forms discussed above.

Agreed statements

The committee proposes removing the option for agreed statements in the Court of Appeal because they are redundant and infrequently used. An agreed statement is, in effect, a settled statement to which both appellant and respondent agree. However, rule 8.137, the rule for settled statements, allows parties to stipulate to a proposed settled statement, effectively converting the proposed statement into an agreed statement. Moreover, agreed statements have fallen into disuse. To help achieve the goal of making the record-designation process "simpler, clearer, and more efficient," the committee proposes removing the option for agreed statements, which would

[8] *Ibid.*

[9] The committee also proposes several non-substantive amendments to rule 8.100 to improve clarity and reflect current terminology standards for rules of court.

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remove unnecessary language from the relevant rules and forms. Specifically, the committee proposes repealing rules 8.134 and 8.344, and amending rules 8.74, 8.120, 8.122, 8.130, 8.144, 8.149, 8.155, and 8.407 to remove any reference to agreed statements.

Amendments for consistency

In addition to the above proposed rule amendments and form revisions, the committee proposes revising rule 8.130 for consistency with other rules and forms. The proposed amendments to rule 8.130(a)(1) and (b) and the corresponding advisory committee comments would make explicit the requirements that are already present in form APP-003. Additionally, the committee proposes deleting rule 8.149(a)(4) because the authority to use a settled statement for the record of the documents has been repealed. The committee also proposes amending rule 8.120 to switch the order of section (a)(1)(A) (clerk's transcript) and (B) (appendix) to reflect the new general requirement for appendixes included in a concurrent proposal.[10]

Alternatives Considered

The committee considered not making the proposed amendments and revisions but concluded that the improvements to efficiency outweighed any cost and time associated with adjusting to the changes. The committee considered removing the option for agreed statements in appeals before the appellate division but decided to propose the change only in the Court of Appeal and will consider corresponding appellate division changes in the future.

Fiscal and Operational Impacts

The committee anticipates the proposed amendments and revisions will reduce the fiscal and operational burdens of record preparation on the courts. Implementation would involve making the Courts of Appeal and superior courts aware of the changes.

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[10] [10] See Appellate Advisory Com., *Appellate Procedure: Required Use of Appendixes in Civil Appeals* (S26-XX) *available at courts.ca.gov/policy-administration/invitations-comment*.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

Attachments and Links

1. Cal. Rules of Court, rules 8.74, 8.100, 8.120, 8.121, 8.122, 8.130, 8.134, 8.144, 8.149, 8.155, 8.344, 8.407, 8.821, 8.831, and 8.832, at pages 8–22
2. Forms APP-001-INFO, APP-003, APP-003A, APP-003B, APP-003C, APP-003D, APP-010, APP-101-INFO, APP-103, and APP-110, at pages 23–82

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Rules 8.74, 8.100, 8.120, 8.121, 8.122, 8.130, 8.144, 8.149, 8.155, 8.407, 8.821, 8.831, and 8.832 of the California Rules of Court would be amended and rules 8.134 and 8.344 would be repealed, effective January 1, 2027, 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)–(b) * * *

(c) Additional formatting requirements for certain electronic documents

(1)–(3) * * *

(4) ~~*Agreed statement and*~~ *Settled statement*: The format for ~~an agreed statement or~~ a settled statement must comply with this rule and rule 8.144.

(5)–(7) * * *

(d) * * *

Chapter 2. Civil Appeals

Article 1. Taking the Appeal

Rule 8.100. Filing the appeal

(a)–(d) * * *

(e) Superior court clerk's duties

(1) The superior court clerk must promptly send a notification of the filing of the notice of appeal to the attorney of record for each party, to any unrepresented party, and to the reviewing court clerk.

(2) The notification must show the date it was sent and must state the number and title of the case and the date the notice of appeal was filed. If the information is available, the notification must include:

(A) The name, address, telephone number, ~~e-mail~~ email address, and California State Bar number of each attorney of record in the case;

(B) The name of the party each attorney represented in the superior court; and

(C) The name, address, telephone number and ~~e-mail~~ email address of any unrepresented party.

(3) A copy of the notice of appeal is sufficient notification under (1) if the required information is on the copy or is added by the superior court clerk.

(4) The sending of a notification under (1) is a sufficient performance of the clerk's duty despite the death of the party or the discharge, disqualification, suspension, disbarment, or death of the attorney.

(5) When sending the notification of the appeal to the parties, the superior court clerk must include a copy of the register of actions for the case. If the superior court provides remote electronic access to the register of actions under rule 2.503 and a party consented to electronic service in the trial court, instead of sending the register of actions, the superior court clerk may send that party instructions for obtaining a copy of the register of actions using the court's remote electronic access system.

~~(5)~~(6) When sending the notification of the appeal to the reviewing court clerk, the superior court clerk must include ~~the reviewing court~~ the filing fee or an application for, or order granting, a waiver of that fee. If the fee was paid in cash, the clerk must send the reviewing court a certificate of payment and thereafter a check for the amount of the fee.

~~(6)~~(7) Failure to comply with any provision of this subdivision does not affect the validity of the notice of appeal.

(f)–(g) * * *

Article 2. Record on Appeal

Rule 8.120. Record on appeal

Except as otherwise provided in this chapter, the record on an appeal in a civil case must contain the records specified in (a) and (b), which constitute the normal record on appeal.

(a) Record of written documents

(1) A record of the written documents from the superior court proceedings in the form of one of the following:

(A) ~~A clerk's transcript under rule 8.122~~ An appendix under rule 8.124;

(B) ~~An appendix under rule 8.124~~ A clerk's transcript under rule 8.122;

(C) The original superior court file under rule 8.128, if a local rule of the reviewing court permits this form of the record; or

~~(D) An agreed statement under rule 8.134(a)(2); or~~

~~(E)~~(D) A settled statement under rule 8.137.

(2) If an appellant intends to raise any issue that requires consideration of the record of an administrative proceeding that was admitted in evidence, refused, or lodged in the superior court, the record on appeal must include that administrative record, transmitted under rule 8.123.

(b) Record of the oral proceedings

If an appellant intends to raise any issue that requires consideration of the oral proceedings in the superior court, the record on appeal must include a record of these oral proceedings in the form of one of the following:

(1) A reporter's transcript under rule 8.130; or

~~(2) An agreed statement under rule 8.134; or~~

~~(3)~~(2) A settled statement under rule 8.137.

Rule 8.121. Notice designating the record on appeal

(a) Time to file

Within 10 days after filing the notice of appeal, an appellant must serve and file a notice in the superior court designating the record on appeal. The appellant may combine its notice designating the record with its notice of appeal. The superior court clerk may not issue a default notice for failure to timely file a notice designating the record on appeal until the later of 10 days after the filing of the

notice of appeal or 10 days after the clerk sends notification required under rule 8.100(e)(1).

(b)–(c) * * *

Rule 8.122. Clerk's transcript

(a) Designation

(1) A notice designating documents to be included in a clerk's transcript must identify each designated document by its title as listed in the register of actions for the case and filing date or, if the filing date is not available, the date it was signed. The notice may specify portions of designated documents that are not to be included in the transcript. For minute orders or instructions, it is sufficient to collectively designate all minute orders or all minute orders entered between specified dates, or all written jury instructions given, refused, or withdrawn.

(2) Within 10 days after the appellant serves its notice designating a clerk's transcript, the respondent may serve and file a notice in superior court designating any additional documents the respondent wants included in the transcript. Any documents so designated by the respondent must be identified as required under (1).

(3) * * *

(b) Contents of transcript

(1) The transcript must contain:

(A) The notice of appeal;

(B) Any judgment appealed from and any notice of its entry;

(C) Any order appealed from and any notice of its entry;

(D) Any notice of intention to move for a new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order, and any order on such motion and any notice of its entry;

(E) Any notices or stipulations to prepare clerk's or reporter's transcripts or to proceed by ~~agreed or~~ settled statement; and

(F) The register of actions~~, if any~~.

(2) Each document listed in (1)(A), (B), (C), and (D) must show the date necessary to determine the timeliness of the appeal under rule 8.104 or 8.108.

(3) Except as provided in (4), if designated by any party, the transcript must also contain:

(A) Any other document filed or lodged in the case in superior court;

(B) Any exhibit admitted in evidence, refused, or lodged; and

(C) Any jury instruction that any party submitted in writing and the cover page required by rule 2.1055(b)(2) indicating the party requesting it, and any written jury instructions given by the court.

(4) * * *

(c)–(d) * * *

Advisory Committee Comment

Subdivision (a)–(b) * * *

Subdivision (b)(1)(F) requires the clerk's transcript to include the register of actions~~, if any~~. This provision is intended to assist the reviewing court in determining the accuracy of the clerk's transcript.

Subdivision (c)–(d) * * *

Rule 8.130. Reporter's transcript

(a) Notice

(1) A notice under rule 8.121 designating a reporter's transcript must ~~specify the date of~~ include the following information for each proceeding to be included in the transcript ~~and~~:

(A) The date of the proceeding. The notice may also specify portions of designated proceedings that are not to be included.

(B) The department in which the proceeding took place;

(C) A description of the proceeding;

(D) The name of the court reporter, if known; and

(E) ~~The notice must identify any proceeding for which~~ Whether a certified transcript of the proceeding has previously been prepared. This information must be provided by checking the appropriate box on *Appellant's Notice Designating Record on Appeal (Unlimited Civil)* (form APP-003) or, if that form is not used, placing an asterisk before that proceeding in the notice.

(2) If the appellant designates less than all the testimony, the notice must state the points to be raised on appeal; the appeal is then limited to those points unless, on motion, the reviewing court permits otherwise.

(3)–(5) * * *

(b) Deposit or substitute for cost of transcript

(1) With its notice of designation, a party must deposit with the superior court clerk both the approximate cost of transcribing the proceedings it designates and a fee of $50 for the superior court to hold this deposit in trust or a valid fee waiver that covers this fee. The deposit for the approximate cost of transcribing the proceedings it designates must be either:

(A) The amount specified in the reporter's written estimate; or

(B) An amount calculated as follows:

(i) For proceedings that have not previously been transcribed: $325 per fraction of the day's proceedings that did not exceed three hours, or $650 per day or fraction that exceeded three hours.

(ii) For proceedings that have previously been transcribed: $80 per fraction of the day's proceedings that did not exceed three hours, or $160 per day or fraction that exceeded three hours.

(2) * * *

(3) Instead of a deposit under (1) for the approximate cost of transcribing the proceedings it designates, the party may substitute:

(A) The reporter's written waiver of a deposit. A reporter may waive the deposit for a part of the designated proceedings, but such a waiver replaces the deposit for only that part.

(B) A copy of a Transcript Reimbursement Fund application filed under (c)(1).

(C) A certified transcript of all of the proceedings designated by the party. The transcript submitted by the party must not be accepted as a substitute for a deposit under (1) unless it complies with the format requirements of rule 8.144.

(c) Transcript Reimbursement Fund application

(1) * * *

(2) Within 90 days after the appellant serves and files a copy of its application to the Court Reporters Board, the appellant must either file with the superior court a copy of the Court Reporters Board's provisional approval of the application or take one of the following actions:

(A) * * *

~~(B) File an agreed statement or a stipulation that the parties are attempting to agree on a statement under rule 8.134;~~

~~(C)~~(B) * * *

~~(D)~~(C) * * *

~~(E)~~(D) * * *

(3)–(5) * * *

(d) Superior court clerk's duties

(1)–(2) * * *

(3) If the appellant does not present the deposit under (b)(1) or a substitute under (b)(3) with its notice of designation or does not present an additional deposit required under (b)(2):

(A) The clerk must promptly notify the appellant in writing that, within 15 days after the notice is sent, the appellant must take one of the following actions or the court may dismiss the appeal:

(i) * * *

~~(ii) File an agreed statement or a stipulation that the parties are attempting to agree on a statement under rule 8.134;~~

~~(iii)~~(ii) * * *

~~(iv)~~(iii) * * *

~~(v)~~(iv) * * *

(B) * * *

(4)–(5) * * *

(e)–(g) * * *

(h) ~~Agreed or~~ Settled statement when proceedings cannot be transcribed

(1) If any portion of the designated proceedings cannot be transcribed, the superior court clerk must so notify the designating party in writing; the notice must show the date it was sent. Within 10 days after the notice is sent, the party may ~~then~~ move in the superior court to substitute ~~an agreed or~~ a settled statement for that portion of the designated proceedings. ~~by complying with either (A) or (B):~~

~~(A) Within 10 days after the notice is sent, the party may file in superior court, under rule 8.134, an agreed statement or a stipulation that the parties are attempting to agree on a statement. If the party files a stipulation, within 30 days thereafter the party must file the agreed statement, move to use a settled statement under rule 8.137, or proceed without such a statement; or~~

~~(B) Within the party may move in superior court to use a settled statement.~~ If the court grants the motion, the statement must be served, filed, and settled as rule 8.137 provides, but the order granting the motion must fix the times for doing so.

(2) If the ~~agreed or~~ settled statement contains all the oral proceedings, it will substitute for the reporter's transcript; if it contains a portion of the proceedings, it will be incorporated into that transcript.

(3) This remedy supplements any other available remedies.

Advisory Committee Comment

Subdivision (a). Subdivision (a)(1) requires that every notice designating a reporter's transcript identify which proceedings are to be included, and that it do so by specifying the date or dates on which those proceedings took place, the department in which it took place, a description of the proceedings, the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared. ~~Those proceedings for which a certified transcript has previously been prepared must be identified in the party's designation.~~ If the appellant does not want a portion of the proceedings on a given date to be included, the notice should identify that portion by means of a descriptive reference (e.g., "August 3, 2004, but not the proceedings on defendant's motion to tax costs").

As used in subdivision (a)(1), the phrase "proceedings" includes all instructions that the court gives, whether or not submitted in writing, and any instructions that counsel orally propose but the court refuses; all such instructions are included in the reporter's transcript if designated under this rule. All instructions that counsel submit in writing, whether or not given to the jury, are lodged with the superior court clerk and are included in the clerk's transcript if designated under rule 8.122.

Subdivision (a)(2) requires that if the appellant designates less than all the oral proceedings for inclusion in the record on appeal, the notice designating the record on appeal must also state the points appellant intends to raise on appeal. These provisions recognize that, in some cases—such as where some oral proceedings were reported by a court reporter and some were not—the appellant may designate both a settled statement and a reporter's transcript as the record of the oral proceedings. The appellant is not required to state the points appellant intends to raise on appeal if all the oral proceedings are designated for inclusion in the record on appeal, whether as part of a settled statement, a reporter's transcript, or a combination of the two.

Under subdivision (a), portions of depositions read in open court but not reported, or not read but lodged with the superior court clerk, are included in the clerk's transcript if designated under rule 8.122.

Subdivision (b)–(f) * * *

~~**Rule 8.134. Agreed statement**~~

~~**(a) Contents of statement**~~

~~(1) The record on appeal may consist wholly or partly of an agreed statement. The statement must explain the nature of the action, the basis of the reviewing court's jurisdiction, and how the superior court decided the points to be raised on appeal. The statement should recite only those facts needed to decide the appeal and must be signed by the parties.~~

~~(2) If the agreed statement replaces a clerk's transcript, the statement must be accompanied by copies of all items required by rule 8.122(b)(1), showing the dates required by rule 8.122(b)(2).~~

~~(3) The statement may be accompanied by copies of any document includable in the clerk's transcript under rule 8.122(b)(3) and (4).~~

~~**(b) Time to file; extension of time**~~

~~(1) An appellant intending to proceed under this rule must file either an agreed statement or a stipulation that the parties are attempting to agree on a statement in superior court with its notice designating the record on appeal under rule 8.121.~~

~~(2) If the appellant files the stipulation and the parties can agree on the statement, the appellant must file the statement within 40 days after filing the notice of appeal.~~

~~(3) If the appellant files the stipulation and the parties cannot agree on the statement, the appellant must file a new notice designating the record on appeal under rule 8.121 within 50 days after filing the notice of appeal.~~

~~**Advisory Committee Comment**~~

~~**Subdivision (b).** Subdivision (b)(1) requires the appellant to file, with the appellant's notice designating the record under rule 8.121, either an agreed statement or a stipulation that the parties are attempting to agree on a statement. The provision is intended to prevent issuance of a notice of default while the parties are preparing an agreed statement.~~

Rule 8.144. Form of the record

(a)–(f) * * *

(g) ~~Agreed or~~ Settled statements

~~Agreed or~~ Settled statements must conform with this rule insofar as practicable.

Rule 8.149. When the record is complete

(a) Record of written documents

If the appellant elected to proceed without a record of the oral proceedings in the trial court and the parties are not proceeding by appendix under rule 8.124, the record is complete:

(1) * * *

(2) If the original superior court file will be used instead of the clerk's transcript, when that original file is ready for transmission as provided under rule 8.128(b); or

~~(3) If an agreed statement will be used instead of the clerk's transcript, when the appellant files the agreed statement under rule 8.134(b);~~

~~(4) If a settled statement will be used instead of the clerk's transcript, when the statement has been certified by the trial court under rule 8.137(c); or~~

~~(5)~~(3) If any party requested that a record of an administrative proceeding held by the superior court be transmitted to the reviewing court, when that record of that administrative proceeding is ready for transmittal to the reviewing court and any clerk's transcript or other record of the documents from the trial court is complete as provided in ~~(1)–(4)~~ (1) or (2).

(b) Record of the oral proceedings

(1) If the parties are not proceeding by appendix under rule 8.124 and the appellant elected to proceed with a record of the oral proceedings in the trial court, the record is complete when the clerk's transcript or other record of the documents from the trial court is complete as provided in (a) and:

(A) If the appellant elected to use a reporter's transcript, when the certified reporter's transcript is delivered to the court under rule 8.130; or

~~(B) If an agreed statement will be used instead of the reporter's transcript, when the appellant files the agreed statement under rule 8.134(b); or~~

~~(C)~~(B) If a settled statement will be used instead of the reporter's transcript, when the statement has been certified by the trial court under rule 8.137(c).

(2) If the parties are proceeding by appendix under rule 8.124 and the appellant elected to proceed with a record of the oral proceedings in the trial court, the record is complete when the record of the oral proceedings is complete—as provided in ~~(1)(A), (B), or (C)~~ (1)(A) or (B)—and the record of any administrative proceeding held by the superior court that a party requested be transmitted to the reviewing court is ready for transmittal to the reviewing court.

Rule 8.155. Augmenting and correcting the record

(a) Augmentation

(1) At any time, on motion of a party or its own motion, the reviewing court may order the record augmented to include:

(A) * * *

(B) A certified transcript—or ~~agreed or~~ settled statement—of oral proceedings not designated under rule 8.130. Unless the court orders otherwise, the appellant is responsible for the cost of any additional transcript the court may order under this subdivision.

(2)–(3) * * *

(b)–(d) * * *

Chapter 3. Criminal Appeals

Article 2. Record on Appeal

~~**Rule 8.344. Agreed statement**~~

~~If the parties present the appeal on an agreed statement, they must comply with the relevant provisions of rule 8.134, but the appellant must file an original and, if the statement is filed in paper form, three copies of the statement in superior court within 25 days after filing the notice of appeal.~~

Chapter 5. Juvenile Appeals and Writs

Article 2. Appeals

Rule 8.407. Record on appeal

(a)–(c) * * *

(d) ~~Agreed or~~ Settled statement

To proceed by ~~agreed or~~ settled statement, the parties must comply with rule ~~8.344 or~~ 8.346, as applicable.

(e) * * *

Division 4. Rules Relating to the Superior Court Appellate Division

Chapter 2. Appeals and Records in Limited Civil Cases

Article 1. Taking Civil Appeals

Rule 8.821. Notice of appeal

(a)–(c) * * *

(d) Notification of the appeal

(1) When the notice of appeal is filed, the trial court clerk must promptly send a notification of the filing of the notice of appeal to the attorney of record for each party and to any unrepresented party. The clerk must also send or deliver this notification to the appellate division clerk.

(2) The notification must show the date it was sent and must state the number and title of the case and the date the notice of appeal was filed.

(3) A copy of the notice of appeal is sufficient notification under (1) if the required information is on the copy or is added by the trial court clerk.

(4) The sending of a notification under (1) is a sufficient performance of the clerk's duty despite the death of the party or the discharge, disqualification, suspension, disbarment, or death of the attorney.

(5) When sending the notification of the appeal to the parties, the superior court clerk must include a copy of the register of actions for the case. If the superior court provides remote electronic access to the register of actions under rule 2.503 and a party consented to electronic service in the trial court, instead of sending the register of actions, the superior court clerk may send that party instructions for obtaining a copy of the register of actions using the court's remote electronic access system.

~~(5)~~(6) Failure to comply with any provision of this subdivision does not affect the validity of the notice of appeal.

(e) * * *

Article 2. Record in Civil Appeals

Rule 8.831. Notice designating the record on appeal

(a) Time to file

Within 10 days after filing the notice of appeal, an appellant must serve and file a notice in the trial court designating the record on appeal. The appellant may combine its notice designating the record with its notice of appeal. The superior court clerk may not issue a default notice for failure to timely file a notice designating the record on appeal until the later of 10 days after the filing of the notice of appeal or 10 days after the clerk sends notification required under rule 8.821(d)(1).

(b) * * *

Rule 8.832. Clerk's transcript

(a) * * *

(b) Notice of designation

(1) Within 10 days after the appellant serves a notice under rule 8.831 indicating that the appellant elects to use a clerk's transcript, the respondent may serve and file a notice in the trial court designating any additional documents the respondent wants included in the clerk's transcript. Any documents so designated by the respondent must be identified as required under (2).

(2) A notice designating documents to be included in a clerk's transcript must identify each designated document by its title as listed in the register of actions for the case and filing date or, if the filing date is not available, the date it was signed. A notice designating documents in addition to those listed in (a)(1) may specify portions of designated documents that are not to be included in the clerk's transcript. For minute orders or jury instructions, it is sufficient to collectively designate all minute orders or all minute orders entered between specified dates, or all written instructions given, refused, or withdrawn.

(3) All exhibits admitted in evidence, refused, or lodged are deemed part of the record, but a party wanting an exhibit included in the transcript must specify that exhibit by number or letter in its designation. If the trial court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the trial court clerk within 10 days after the notice designating the exhibit is served.

(c)–(d) * * *

APP-001-INFO Information on Appeal Procedures for Unlimited Civil Cases

GENERAL INFORMATION

1 What does this information sheet cover?

This information sheet tells you about appeals in unlimited civil cases. These are civil cases in which the amount of money claimed is more than $35,000, as well as other types of cases, such as those filed in family court, probate court, and juvenile court.

If you are the party who is appealing (asking for the trial court's decision to be reviewed), you are called the APPELLANT, and you should read "Information for the Appellant," starting on page 3. If you received notice that another party in your case is appealing, you are called the RESPONDENT, and you should read "Information for the Respondent," starting on page 13.

This information sheet does not cover everything you may need to know about appeals in unlimited civil cases. It gives you a general idea of the appeal process. To learn more:

- Read rules 8.100–8.278 of the California Rules of Court, which set out the procedures for unlimited civil appeals. You can get these rules at any courthouse or county law library or online at courts.ca.gov/rules.
- Read the local rules and find out about self-help resources for the district in which you filed your appeal at courts.ca.gov/courtsofappeal.htm.
- Visit the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/.
- Review the counties included in each appellate district at courts.ca.gov/documents/appdistmap.pdf.

2 What is an appeal?

An appeal is a request to a higher court to review a decision made by a judge or jury in the superior court. In an unlimited civil case, the court hearing the appeal is the Court of Appeal for the district in which the superior court is located. The lower court—called the "trial court" in this information sheet—is the superior court.

It is important to understand that **an appeal is NOT a new trial**. The Court of Appeal will not consider new evidence, such as the testimony of new witnesses or new exhibits.

The appellate court's job is to review a record of what happened in the trial court and the trial court's decision to see if certain kinds of legal errors were made.

For information about appeal procedures in other kinds of cases, see:

- *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO)
- *Information on Appeal Procedures for Infractions* (form CR-141-INFO)
- *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO)

You can get these forms at any courthouse or county law library or online at courts.ca.gov/forms.

3 Who can appeal?

Only a party in the trial court case can appeal a decision in that case. You may not appeal on behalf of a friend, a spouse, a child, or another relative unless you are a legally appointed representative of that person (such as the person's guardian or conservator).

4 Can I appeal *any* decision the trial court made?

No. Generally, you can only appeal the final judgment—the decision at the end that decides the whole case. Other rulings made by the trial court before the final judgment generally cannot be separately appealed but can be reviewed later as part of an appeal of the final judgment. There are a few exceptions to this general rule.

Code of Civil Procedure section 904.1 lists a few types of orders in an unlimited civil case that can be appealed right away. These include orders that:

- Grant a motion to quash service of summons or grant a motion to stay or dismiss the action on the ground of inconvenient forum.
- Grant a new trial or deny a motion for judgment notwithstanding the verdict.
- Discharge or refuse to discharge an attachment or grant a right to attach.
- Grant or dissolve an injunction or refuse to grant or dissolve an injunction. Note: Injunctions include restraining orders.
- Appoint a receiver.
- Are made after final judgment in the case.
- Are made appealable by the Family Code or the Probate Code.

You should consult with a lawyer or a court self-help center to determine if your order is final and appealable. Go to selfhelp.courts.ca.gov/find to find information about the self-help center in your county.

(You can find Code of Civil Procedure section 904.1 at leginfo.legislature.ca.gov/faces/codes.xhtml.)

5 What does the appellant need to prove to win on appeal?

The appellant must prove that an error in the trial court proceedings was made and that the error affected the outcome of the court's or jury's decision. An error that affected the outcome of the case is called a "prejudicial error."

An error can include things like errors made by the judge about the law, errors or misconduct by the lawyers or by the jury, incorrect instructions given to the jury, or insufficient evidence to support the judgment, order, or other decision being appealed. (Note: This is not a complete list of all possible errors.)

When the appellant argues that the error was based on insufficient evidence to support the judgment or other decision being appealed, the Court of Appeal will determine whether there was "substantial evidence" to support the judgment, order, or other decision being appealed. But in conducting its review, the Court of Appeal only looks to see if there was evidence that reasonably supports the decision.

The Court of Appeal generally will not reconsider the jury's or the trial court's conclusions about which side had more or stronger evidence or whether witnesses were believable. It only determines whether the evidence is sufficient to support the judgment, order, or other decision.

The Court of Appeal will generally not overturn the judgment, order, or other decision being appealed unless the record shows a prejudicial error was made. The winning party does not have to prove that the judgment, order, or other decision was correct. Instead, it is up to the appellant to prove that the error was made and that the error affected the outcome of the case.

6 Do I need a lawyer to represent me in an appeal?

You do not *have* to have a lawyer; if you are an individual (rather than a corporation, for example), you are allowed to represent yourself in an appeal in an unlimited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow. If you have any questions about the appeal procedures, you should talk to a lawyer.

If you decide not to use a lawyer, you must put your address, telephone number, fax number (if available), and email address (if available) on the first page of every document you file with the court.

However, if you need to keep your contact information private (for instance, in an appeal involving a domestic violence restraining order), you may give a different mailing address instead. But if you use a different address, be sure to check it regularly to stay informed about your case and about your obligations regarding your case.

You must keep the Court of Appeal, the trial court (if the trial court proceedings continue or are expected to continue), and the other parties in your case informed of any change in your contact information for service of notices and other documents relating to the appeal.

If you need to change your contact information for your trial court case, you may complete *Notice of Change of Address or Other Contact Information* (form MC-040), file it in the trial court, and have it served on the parties in the case.

If you need to change your contact information for your case in the Court of Appeal, you may refer to form MC-040 as an example of the information that you need to include in a notice regarding the change in your contact information. That notice must be filed in the Court of Appeal and served on the parties in the appellate case.

7 Where can I find a lawyer to help me with my appeal?

You have to hire your own lawyer if you want one. You can get information about finding a lawyer on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help.

APP-001-INFO Information on Appeal Procedures for Unlimited Civil Cases

INFORMATION FOR THE APPELLANT

This part of the information sheet is written for the appellant—the party who is appealing the trial court's decision. It explains some of the rules and procedures relating to appealing a decision in an unlimited civil case. The information may also be helpful to the respondent. Additional information for respondents can be found starting on page 13 of this information sheet.

8 How do I start my appeal?

First, you must serve and file a notice of appeal. The notice of appeal tells the other party or parties in the case and the trial court that you are appealing the trial court's decision. You may use *Notice of Appeal/Cross-Appeal—Unlimited Civil Case* (form APP-002) to prepare a notice of appeal in an unlimited civil case. You can get form APP-002 at any courthouse or county law library or online at courts.ca.gov/forms.

9 How do I "serve and file" the notice of appeal?

"Serve and file" means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send ("serve") the notice of appeal to the other party or parties in the way required by law. If the notice of appeal is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the notice of appeal has been served. This record is called a "proof of service." *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the notice of appeal, who was served with the notice of appeal, how the notice of appeal was served (by mail, in person, or electronically), and the date the notice of appeal was served.
- Bring or send (by mail or electronically) the original notice of appeal and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice of appeal you are planning to file for your own records before you file it with the court.

Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the notice of appeal to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form APP-109-INFO) and on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/court-basics/service.

10 Is there a deadline to serve and file my notice of appeal?

Yes. Generally, in an unlimited civil case, the notice of appeal must be served on the other party or parties in the case and filed with the clerk of the superior court within **60 days** after the trial court clerk or a party serves either (1) a document called a "Notice of Entry" of the trial court judgment or appealable order or (2) a file-stamped copy of the judgment or appealable order.

If the clerk or a party served neither of these documents, the notice of appeal must be filed within 180 days after entry of judgment or appealable order (generally, the date the judgment or appealable order is file-stamped).

This deadline for filing the notice of appeal cannot be extended. If your notice of appeal is late, the Court of Appeal will not be able to consider your appeal.

If a notice of appeal has been filed in a case, any other party to the case may file its own appeal from the same judgment or order. This is called a "cross-appeal."

To cross-appeal, a party must file a notice of appeal within either the regular time for filing a notice of appeal or within 20 days after the clerk of the superior court mails notice of the first appeal, whichever is later. A party that wishes to cross-appeal may use *Notice of Appeal/Cross-Appeal—Unlimited Civil Case* (form APP-002) to file this notice in an unlimited civil case.

11 Do I have to pay a fee to file a notice of appeal?

Yes. Unless the court waives this fee, you must pay a fee for filing your notice of appeal. You can ask the clerk of the court where you are filing the notice of appeal what the fee is or look up the fee for an appeal in an unlimited civil case in the current Statewide Civil Fee Schedule at www.courts.ca.gov/7646.htm (see the "Appeal and Writ Related Fees" section near the end of the schedule).

If you cannot afford to pay the fee, you can ask the court to waive it. To do this, you must fill out and file a *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at courts.ca.gov/forms. You can file this application either before you file your notice of appeal or with your notice of appeal. The court will review this application to determine if you are eligible for a fee waiver.

12 If I file a notice of appeal, do I still have to do what the trial court ordered me to do?

Filing a notice of appeal does NOT automatically postpone most judgments or orders, such as those requiring you to pay another party money, deliver property to another party, or comply with child custody or visitation orders (see Code of Civil Procedure sections 917.1–917.9 and 1176; you can get a copy of these laws at leginfo.legislature.ca.gov.) These kinds of judgments or orders will be postponed, or "stayed," only if you request a stay and the court grants your request or some other procedure authorizes a stay (such as filing a bond in appropriate cases).

In most cases, if the trial court denies your request for a stay, you can apply to the Court of Appeal for a stay. If you do not get a stay and you do not do what the trial court ordered you to do, court proceedings to collect the money or otherwise enforce the judgment or order may be started against you.

13 What do I need to do after I file my notice of appeal?

There are two things that you have to do soon after you file your notice of appeal.

Serve and File Civil Case Information Statement

Within 15 days after the Court of Appeal assigns the appeal a case number, the appellant must serve and file in the Court of Appeal a completed *Civil Case Information Statement* (form APP-004), attaching a copy of the judgment or appealed order that shows the date it was entered. See rules 8.100 and 8.104 of the California Rules of Court. You may check to see if the Court of Appeal has assigned your appeal a case number by going to the Appellate Courts Case Information website, located at appellatecases.courtinfo.ca.gov/index.cfm.

Serve and File Notice Designating the Record on Appeal

Since the Court of Appeal justices were not there to see what happened in the trial court, an official record of what happened must be prepared and sent to the Court of Appeal for its review.

Within 10 days of filing the notice of appeal, you, the appellant must tell the trial court in writing (designate) what documents and oral proceedings, if any, to include in the record that will be sent to the Court of Appeal. Remember, you must prove that there was an error in the trial court proceedings that affected the outcome of those proceedings. To prove this, you will need to designate all parts of the record that the Court of Appeal will need to decide the issues you raised in the appeal.

You can use *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) and any required attachments to this form to designate the record in an unlimited civil case. You can get form APP-003 at any courthouse or county law library or online at courts.ca.gov/forms.

You must serve and file this notice designating the record on appeal within 10 days after you file your notice of appeal. "Serving and filing" this notice means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (serve) the notice to the other party or parties in the way required by law. If the notice is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the notice has been served. This record is called a "proof of service." *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the notice, who was served with the notice, how the notice was served (by mail, in person, or electronically), and the date the notice was served.
- Bring or send (by mail or electronically) the original notice and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it

is a good idea to bring or mail an extra copy of the notice to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/court-basics/service.

(14) What is the official record of the trial court proceedings?

There are three parts of the official record:

- A record of the documents filed in the trial court (other than exhibits);
- A record of what was said in the trial court (this is called the "oral proceedings"); and
- Exhibits that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court.

Read below for more information about each of these parts of the record.

a. Record of the documents filed in the trial court

The first part of the official record of the trial court proceedings is a record of the documents that were filed in the trial court. There are three ways in which a record of the documents filed in the trial court can be prepared for the Court of Appeal:

- An *appendix*, or
- A *clerk's transcript,* or
- The original *trial court file.*

Read below for more information about these options.

(1) Appendix

Description: An appendix is a collection of the documents that were filed in the trial court that a party prepares. (Cal. Rules of Court, rule 8.124.)

When required: Appendixes must be used as the record of the documents from the trial court in all unlimited civil appeals in which all parties are represented by counsel, unless one of the parties has a waiver of the fee for a clerk's transcript. You can ask the trial court to give you an exemption from this requirement by filing a request (motion) with your notice designating the record on appeal. Please read rule 8.124(a)(2)(B) for more information about these motions.

When you may choose to use: In unlimited civil appeals in which appendixes are not required to be used, you can still choose (elect) to use an appendix in your notice designating the record on appeal so long as the respondent does not have a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the respondent for an exemption from the requirement to use appendixes.

Contents: An appellant's appendix must contain a copy of all of the following:

- All the filed documents that are required to be in a clerk's transcript under rule 8.122(b)(1), such as the notice of appeal and the trial court judgment or order being appealed. These documents are listed in rule 8.122(b)(1) and in *Appellant's Notice Designating Record on Appeal—Clerk's Transcript Attachment* (form APP-003(A));
- Any filed document listed in rule 8.122(b)(3) that is necessary for proper consideration of the issues being raised on appeal. This includes not only documents that you, the appellant, plan to rely on, but also any item that you should reasonably expect the respondent will rely on; and
- If the respondent elected to proceed by appendix, the notice of election.

An appendix must not contain documents or portions of documents filed in superior court that are unnecessary for proper consideration of the issues on appeal.

Respondents can also choose to prepare their own appendixes. A respondent's appendix may contain any filed document that could have been included in the appellant's appendix. You, the appellant, can also choose to prepare an appellant's reply appendix that may contain any filed document that could have been but was not included in the respondent's appendix.

Preparation, service, and filing: If you are required or elect to use an appendix, you must prepare your appendix. It must comply with the requirements of rule 8.144 for a clerk's transcript, including arranging documents in chronological order, numbering the pages consecutively, providing indexes of the documents in the appendix, and having a cover with required information on it.

When you have finished preparing your appellant's appendix, you must serve and file it. It must be served and filed either before your opening brief is filed or at the same time that brief is filed. See item 16 for information about that brief.

"Serving and filing" the appendix means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (serve) the appendix to the other party or parties in the way required by law. If the appendix is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the appendix has been served. This record is called a "proof of service." *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must state who served the appendix, who was served with the appendix, how the appendix was served (by mail, in person, or electronically), and the date the appendix was served.
- Bring or send (by mail or electronically) the original appendix and the proof of service to the Court of Appeal. You should make a copy of the appendix you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the appendix to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

Cost: You are responsible for the cost of preparing your appellant's appendix and any appellant's reply appendix.

(2) Clerk's transcript

Description: A clerk's transcript is a compilation of the documents filed in the trial court that is prepared by the trial court clerk.

Contents: Certain documents, such as the notice of appeal and the trial court judgment or order being appealed, must be included in the clerk's transcript. These documents are listed in rule ***8.122(b)*** of the California Rules of Court and in *Appellant's Notice Designating Record on Appeal—Clerk's Transcript Attachment* (form APP-003(A)).

If you want any documents from the trial court proceedings other than those listed in rule 8.122(b) to be included in the clerk's transcript, you must tell the trial court in your notice designating the record on appeal. You can use forms APP-003 and APP-003(A) to do this. You will need to identify each document you want included in the clerk's transcript by its title as it appears in the trial court's register of actions and its filing date or, if you do not know the filing date, the date the document was signed.

If you (the appellant) request a clerk's transcript, the respondent also has the right to ask the clerk to include additional documents in the clerk's transcript. If this happens, you will be served with a notice saying what other documents the respondent wants included in the clerk's transcript.

Cost: Unless you get a fee waiver, you are responsible for paying for preparing a clerk's transcript. The trial court clerk will send you a bill for the cost of preparing an original and one copy of the clerk's transcript.

You must do one of the following three things within 10 days after the clerk sends this bill or the Court of Appeal may dismiss your appeal:

- Pay the bill.
- Ask the trial court to waive the cost because you cannot afford to pay. To do this, you must fill out and file *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at courts.ca.gov/forms. The trial court will review this application to determine if you are eligible for a fee waiver.
- Give the trial court a copy of a court order showing that your fees in this case have already been waived by the court.

Completion and delivery: After the cost of preparing the clerk's transcript has been paid or waived, the trial court clerk will compile the requested documents into a transcript format and, when the record on appeal is complete, will forward the original clerk's transcript to the Court of Appeal for filing. The trial court clerk will send you a copy of the transcript. If the respondent bought a copy, the clerk will also send a copy of the transcript to the respondent.

(3) Trial court file

When available: If the Court of Appeal District that covers the trial court that made the decision you are appealing has a local rule allowing this, and the parties agree, the clerk can send the Court of Appeal the original trial court file instead of a clerk's transcript as a record of documents filed in the trial court (see rule 8.128 of the California Rules of Court).

You can find information about what trial courts are covered by each Court of Appeal District at courts.ca.gov/courts/courts-appeal. The local rules for each Court of Appeal District are on the court's webpage, links for which are also found at courts.ca.gov/courts/courts-appeal.

Cost: As with a clerk's transcript, the appellant is responsible for paying for preparing the trial court file. The trial court clerk will send you a bill for this preparation cost.

You must do one of the following things within 10 days after the clerk sends this bill or the Court of Appeal may dismiss your appeal:

- Pay the bill.
- Ask the trial court to waive the cost because you cannot afford to pay. To do this, you must fill out and file *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at courts.ca.gov/forms. The trial court will review this application to determine if you are eligible for a fee waiver.
- Give the trial court a copy of a court order showing that your fees in this case have already been waived by the court.

Completion and delivery: After the cost of preparing the trial court file has been paid or waived and the record on appeal is complete, the trial court clerk will number the pages and send the file and a list of the documents in the file to the Court of Appeal. The trial court clerk will also send a copy of the list of documents to you and the respondent so that you can put your own files of documents from the trial court in the correct order and number the pages.

b. Record of what was said in the trial court (the "oral proceedings")

Important! **The type of record of the oral proceedings that you choose—a reporter's transcript or a settled statement—should be carefully considered, as it may affect your appeal. You should consult with a lawyer to determine the best option in your case.**

The second part of the official record of the trial court proceedings is a record of what was said in the trial court (this is called a record of the "oral proceedings"). You do not *have* to send the Court of Appeal a record of the oral proceedings. But if you want to raise any issue in your appeal that would require the Court of Appeal to consider what was said in the trial court, the Court of Appeal will need a record of those oral proceedings. For example, if you are claiming that there was not substantial evidence

supporting the judgment, order, or other decision you are appealing, the Court of Appeal will presume there was substantial evidence unless it has a record of the oral proceedings.

You are responsible for deciding how the record of the oral proceedings will be provided and which oral proceedings will be included in that record. Depending what option you select and your circumstances, you may also be responsible for paying for preparing this record or for preparing an initial draft of the record. If you do not take care of these responsibilities, a record of the oral proceedings in the trial court will not be prepared and sent to the Court of Appeal. **If the Court of Appeal does not receive this record, you may forfeit your arguments on appeal, or the Court of Appeal may make presumptions in favor of the judgment or order.**

In an unlimited civil case, you can use *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) and required attachments to tell the trial court whether you want a record of the oral proceeding and, if so, the form of the record that you want to use and the oral proceedings you want to include in that record. You can get form APP-003 at any courthouse or county law library or online at courts.ca.gov/forms.

If your notice designating the record on appeal indicates that you want to include less than all of the oral proceedings in the record on appeal, you must also state in your notice the points that you intend to raise on appeal. You can use the same forms you use to tell the court which oral proceedings you want to include in the record: *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case* (form APP-003) plus either *Appellant's Notice Designating Record on Appeal—Reporter's Transcript Attachment* (form APP-003(C)) or *Appellant's Notice Designating Record on Appeal—Settled Statement Attachment* (form APP-003(D)). Your appeal will then generally be limited to those points unless the reviewing court grants a motion permitting otherwise.

There are two ways in which a record of the oral proceedings can be prepared for the Court of Appeal:

- If you or the other party arranged to have a court reporter present during the trial court proceedings, the reporter can prepare a record, called a "reporter's transcript."
- You can use a "settled statement".

Read below for more information about these options.

(1) Reporter's transcript

Description: A reporter's transcript is a written record (sometimes called a "verbatim" record) of the oral proceedings in the trial court prepared by a court reporter. Rule 8.130 of the California Rules of Court establishes the requirements for reporter's transcripts.

When available: If a court reporter was present in the trial court and made a record of the oral proceedings you want to include in the record on appeal, you can choose (elect) to have the court reporter prepare a reporter's transcript of those proceedings for the Court of Appeal. But a court reporter might not have been present unless you or another party in your case had made specific arrangements to have a court reporter present. If you are unsure, check with the trial court to see if a court reporter made a record of the oral proceedings in your case before choosing this option.

Contents: If you elect to use a reporter's transcript, you must identify in writing (this is called "designating") which oral proceedings you want to be included in the reporter's transcript. You must identify each oral proceeding you want included in the reporter's transcript by its date, the department in which it took place, and a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions). You must also indicate the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared. You can use the same form you used

to tell the court you wanted to use a reporter's transcript—*Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) plus *Appellant's Notice Designating Record on Appeal—Reporter's Transcript Attachment* (form APP-003(C)) to do this. Remember, if your notice designating the record on appeal indicates that you want to include less than all of the oral proceedings in the record on appeal, you must also state in your notice the points that you intend to raise on appeal and your appeal will then generally be limited to those points unless on motion, the reviewing court permits otherwise.

If you elect to use a reporter's transcript, the respondent also has the right to designate additional proceedings to be included in the reporter's transcript. The respondent is responsible for paying for a reporter's transcript for any oral proceedings that they designate. If you elect to proceed without a reporter's transcript, however, the respondent may not designate a reporter's transcript without first getting an order from the Court of Appeal.

Cost: The appellant is responsible for paying for a reporter's transcript for any oral proceedings that they designate. The trial court clerk or the court reporter will notify you of the cost of preparing an original and one copy of the reporter's transcript. You must deposit payment for this cost (and a fee for the trial court) or one of the substitutes allowed by rule 8.130 with the trial court clerk within 10 days after this notice is sent. (See rule 8.130 for more information about this deposit and the permissible substitutes.)

Unlike the fee for filing the notice of appeal and the costs for preparing a clerk's transcript, the court cannot waive the fee for preparing a reporter's transcript. Money from a special fund, called the Transcript Reimbursement Fund, may be available to help you pay for the transcript. You can get information about this fund at courtreportersboard.ca.gov/consumers/index.shtml#trf.

If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared by using a settled statement, which is described below.

Completion and delivery: After the cost of preparing the reporter's transcript or a permissible substitute has been deposited, the court reporter will prepare the transcript and submit it to the trial court clerk. When the record is complete, the trial court clerk will submit the original transcript to the Court of Appeal and send you a copy of the transcript. If the respondent has purchased it, a copy of the reporter's transcript will also be mailed to the respondent.

(2) Settled statement

Description: A settled statement is a summary of oral proceedings in the trial court that is approved by the trial court judge who conducted those proceedings (the term "judge" includes commissioners, referees, hearing officers, and temporary judges).

When available: Under rule 8.137 of the California Rules of Court, you can choose (elect) to use a settled statement as the record of the oral proceedings if (1) the trial court proceedings were not recorded by a court reporter or (2) if you have an order waiving your court fees and costs. Please note that it may take more of your time to prepare a settled statement than to use a reporter's transcript, if it is available.

If you want to use a settled statement as the record of oral proceedings that were recorded by a court reporter and you do not have an order waiving your court fees, you must file a motion to ask the trial court for an order. You may use *Appellant's Motion to Use a Settled Statement (Unlimited Civil Case)* (form APP-025) for this purpose. Read rule 8.137 to learn about the requirements for this motion.

Contents: A settled statement must:

- Include a condensed narrative of the oral proceedings that you designated in your notice designating the record on appeal or motion. The condensed narrative must include:
  - An accurate summary of the testimony of each witness that you believe is relevant to the points you intend to raise on appeal and any exhibits or other evidence presented during the witness's testimony. This includes not only testimony, exhibits, and other evidence that you plan to rely on, but also any testimony, exhibits, or other evidence that you should reasonably expect the respondent will rely on; and
  - Any oral ruling made by the trial court judge during the oral proceedings you designated in your notice designating the record on appeal or motion that you believe is relevant to the points you intend to raise on appeal. This includes not only rulings that you plan to rely on, but also any ruling that you should reasonably expect the respondent will rely on.
- Attach a copy of the judgment or order you are appealing.

Preparing a proposed settled statement: If you elect to use a settled statement, you must prepare a proposed settled statement. You may use *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014) to prepare your proposed statement. You can get the form at any courthouse or county law library or online at courts.ca.gov/forms.

(See rule 8.137 of the California Rules of Court for more information about what must be included in a settled statement and the procedures for preparing a statement. You can get a copy of this rule at any courthouse or county law library or online at courts.ca.gov/rules.)

Serving and filing a proposed settled statement: You must serve and file the proposed statement within 30 days after filing your notice electing to use a settled statement or within 30 days after the trial court clerk sends, or a party serves, the order granting the motion to use a settled statement. "Serve and file" means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (serve) the proposed settled statement to the respondent in the way required by law. If the proposed statement is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the proposed settled statement has been served. This record is called a "proof of service." *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the proposed statement, who was served with the proposed statement, how the proposed statement was served (by mail, in person, or electronically), and the date the proposed statement was served.
- File the original proposed settled statement and the proof of service with the trial court. You should make a copy of the proposed statement you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the proposed statement to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at courts.ca.gov/selfhelp-serving.htm.

Respondent's review: The respondent has 20 days from the date you serve your proposed settled statement to serve and file either:

- Proposed changes (called "amendments") to the proposed statement; or
- If oral proceedings you designated were reported by a court reporter, a notice indicating that the respondent is electing to provide a reporter's transcript instead of proceeding with a settled statement of these oral proceedings.

Request for hearing to review proposed settled statement: No later than 10 days after the respondent files proposed amendments, or the time to do so has expired, a party may request a hearing to review and correct the proposed statement. No hearing will be held unless ordered by the trial court judge. A judge will not ordinarily order a hearing unless there is a factual dispute about a material aspect of the trial court proceeding.

Trial court judge's review of appellant's proposed settled statement:

For more information, see rule 8.137 of the California Rules of Court. See also rule 8.140, which explains the consequences if you, the appellant, fail to make corrections that are ordered to be made to the proposed statement.

Review of modified or corrected statement: If the trial court judge makes or orders you to make any corrections or modifications to the proposed statement, the corrected or modified statement will be sent to you and the respondent for your review.

If you or the respondent disagree with anything in the modified or corrected statement, you have 10 days from the date the modified or corrected statement is sent to you to serve and file proposed modifications or objections to the statement. The judge then reviews the modified or corrected statement and any proposed modifications or objections. The judge can certify the modified or corrected statement as accurate or make or order further modifications or corrections. If the judge decides that further corrections or modifications are necessary, the review process described above takes place again.

Alternatively, the parties may serve and file a stipulation (agreement) that the statement as originally served or corrected or modified is correct. Such a stipulation is equivalent to the judge's certification of the statement.

Sending settled statement to the Court of Appeal: Once the trial court judge certifies the statement or the trial court receives the parties' stipulation, the trial court clerk will send the statement to the Court of Appeal as required under rule 8.150 of the California Rules of Court.

c. Exhibits

The third part of the official record of the trial court proceeding is the exhibits, such as photographs, documents, or other items that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court. Exhibits are considered part of the record on appeal, but the clerk will not include any exhibits in the clerk's transcript unless you ask that they be included in your notice designating the record on appeal. *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) includes a space for you to make this request.

You also can ask the trial court to send original exhibits to the Court of Appeal at the time briefs are filed. (See rule 8.224 for more information about this procedure and see below for information about briefs.)

Sometimes, the trial court returns an exhibit to a party at the end of the trial. If the trial court returned an exhibit to you or another party and you or the other party ask for that exhibit to be included in the clerk's transcript or sent to the Court of Appeal, the party who has the exhibit must deliver that exhibit to the trial court clerk as soon as possible.

15 What happens after the official record has been prepared?

As soon as the record on appeal is complete, the clerk of the trial court will send it to the Court of Appeal for the district in which the trial court is located. When the Court of Appeal receives the record, it will send you a notice telling you when you must file your brief in the Court of Appeal.

16 What is a brief?

Description: A "brief" is a party's written description of the facts in the case, the law that applies, and the party's argument about the issues being appealed. If you are represented by a lawyer in your appeal, your lawyer will prepare your brief. If you are not represented by a lawyer, you will have to prepare your brief yourself.

You should read rules 8.200–8.224 of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in unlimited civil appeals, including requirements for the format and length of these briefs. You can get copies of these rules at any courthouse or county law library or online at courts.ca.gov/rules.

Contents and format of briefs: If you are the appellant, your brief, called an "appellant's opening brief," must clearly explain the legal errors you believe were made in the trial court. Your brief must refer to the exact places in the clerk's transcript and the reporter's transcript (or the other forms of the record you are using) that support your argument. Each brief must be no longer than 14,000 words if produced on a computer, including footnotes. A brief produced on a typewriter must not be longer than 50 pages.

The brief must contain a table of contents and a table of authorities. The cover of appellant's opening brief filed in paper form must be green. For other content and formatting requirements for the brief, read rules 8.40 and 8.204 of the California Rules of Court.

Remember that an appeal is not a new trial. The Court of Appeal will not consider new evidence, such as new exhibits or the testimony of new witnesses, so do not include any new evidence in your brief.

Serving and filing: You must serve and file your opening brief within 40 days after the record is filed in the Court of Appeal or 70 days from the date the appellant chooses to proceed with no reporter's transcript under rule 8.124. "Serve and file" means that you must:

- Have somebody over 18 years old mail, personally deliver, or electronically send (serve) the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the brief has been served. This record is called a "proof of service." *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.
- File the original brief and the proof of service with the Court of Appeal. You should make a copy of the brief you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.
- Note: If a party chooses to prepare an appendix of the documents filed in the trial court instead of designating a clerk's transcript, the appellant's appendix or a joint appendix must be served and filed before or together with the appellant's opening brief.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/court-basics/service.

You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 60 days (see rule 8.212(b) for requirements for these agreements). You can also apply to the presiding justice of the Court of Appeal to extend the time for filing this brief if you can show good cause for an extension (see rule 8.63 for information about extensions of time). You may use *Application for Extension of Time to File Brief—Unlimited Civil Case* (form APP-006) to ask the court for an extension.

If you do not file your brief by the deadline set by the Court of Appeal, the court may dismiss your appeal.

17 What happens after I file my brief?

Within 30 days after you serve and file your brief, the respondent must respond by serving and filing a respondent's brief. Within 20 days after the respondent's brief was filed, you may, but are not required to, file another brief replying to the respondent's brief. This is called a "reply brief."

18 What happens after all the briefs have been filed?

After all the briefs have been filed or the time to file them has passed, the Court of Appeal will contact you to tell you the date for oral argument in your case or ask if you want to participate in oral argument.

19 What is "oral argument"?

"Oral argument" is a hearing before the justices of the Court of Appeal where the parties may orally present their positions. It is not a chance to present new evidence. You do not have to participate in oral argument if you do not want to; you can notify the Court of Appeal that you want to "waive" oral argument. If all parties waive oral argument, the justices will decide your appeal based on the briefs and the appellate record. But if any party requests oral argument, the Court of Appeal will hold oral argument.

If you choose to participate in oral argument, you will have a limited amount of time as set by the court.

Remember that the justices will have already read the briefs, so you do not need to read your brief to the justices or merely repeat the information in it. It is more helpful to tell the justices what you think is most important in your appeal or ask the justices if they have any questions you could answer.

You can find more information about oral argument in appeals cases in rule 8.256 of the California Rules of Court and online at selfhelp.courts.ca.gov/appeals/step-5-oral-argument.

20 What happens after oral argument?

After oral argument is held or waived, the justices of the Court of Appeal will make a decision about your appeal. The clerk of the court will send you a copy of the Court of Appeal's decision. Most opinions will be posted to the Court of Appeal's website.

21 What should I do if I want to give up my appeal?

If you do not want to continue with your appeal, you must notify the court. If the record has not yet been filed in the Court of Appeal, file *Abandonment of Appeal (Unlimited Civil Case)* (form APP-005) in the superior court.

If the record has already been filed in the Court of Appeal, file *Request for Dismissal of Appeal (Civil Case)* (form APP-007) in the Court of Appeal.

INFORMATION FOR THE RESPONDENT

This part of this information sheet is written for the respondent—the party responding to an appeal filed by another party. It explains some of the rules and procedures relating to responding to an appeal in an unlimited civil case. The information may also be helpful to the appellant.

22 I have received a notice of appeal from another party. Do I need to do anything?

You do not *have* to do anything, but there may be consequences if you do nothing. The notice of appeal simply tells you that another party is appealing the trial court's decision. However, this would be a good time to get advice from a lawyer, if you want it. You do not *have* to have a lawyer; if you are an individual (not a corporation, for example), you are allowed to represent yourself in an appeal in an unlimited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow.

If you have any questions about the appeal procedures, you should talk to a lawyer. You must hire your own lawyer if you want one. You can get information about finding a lawyer on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help.

23 If the other party appealed, can I appeal too?

Yes. Even if another party has already appealed, you may still appeal the same judgment or order. This is called a "cross-appeal." To cross-appeal, you must serve and file a notice of appeal. You can use *Notice of Appeal/Cross-Appeal—Unlimited Civil Case* (form APP-002) to file this notice in an unlimited civil case. Please read the information for appellants about filing a notice of appeal, starting on page 3 of this information sheet, if you are considering filing a cross-appeal.

24 Is there a deadline to file a cross-appeal?

Yes. You must serve and file your notice of appeal within either the regular time for filing a notice of appeal (generally 60 days after service of Notice of Entry of the judgment or a file-stamped copy of the judgment) or within 20 days after the clerk of the trial court serves notice of the first appeal, whichever is later.

25 I have received a notice designating the record on appeal from another party. Do I need to do anything?

You do not *have* to do anything, but there may be consequences if you do nothing. A notice designating the record on appeal lets you know what kind of official record the appellant has asked to be sent to the Court of Appeal. Depending on the kind of record chosen by the appellant, however, you may have the option to:

- Add to what is included in the record;
- Participate in preparing the record; *or*
- Ask for a copy of the record.

Look at the appellant's notice designating the record on appeal to see what kind of record the appellant has chosen and read about that form of the record in the response to question 14 above. Then read below for what your options are when the appellant has chosen that form of the record.

a. Clerk's transcript

Appendix: If the appellant is using an appendix, you may prepare a separate respondent's appendix. See pages 5–6 for more information about preparing an appendix.

Clerk's transcript: If the appellant is using a clerk's transcript, you have the option of asking the clerk to include additional documents in the clerk's transcript. To do this, within 10 days after the appellant serves its notice designating the record on appeal, you must serve and file a notice designating additional documents to be included in the clerk's transcript. You may use *Respondent's Notice Designating Record on Appeal—Unlimited Civil Case* (form APP-010) for this purpose.

Whether or not you ask for additional documents to be included in the clerk's transcript, you must pay a fee if you want a copy of the clerk's transcript. The trial court clerk will send you a notice indicating the cost for a copy of the clerk's transcript. If you want a copy, you must deposit this amount with the court within 10 days after the clerk's notice was sent.

If you cannot afford to pay this cost, you can ask the trial court to waive it. To do this, you must fill out and file *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at courts.ca.gov/forms. The trial court will review this application and determine if you are eligible for a fee waiver. The clerk will not prepare a copy of the clerk's transcript for you unless you deposit payment for the cost or obtain a fee waiver.

If the appellant elected (chose) to use a clerk's transcript but does not have a waiver of the fee for a clerk's transcript, and the trial court has not granted a motion by the appellant for exemption from the requirement to use appendixes, you can elect to use an appendix instead of a clerk's transcript, and the appeal will proceed by appendix. To choose an appendix, you can fill out and file *Respondent's Notice Designating Record on Appeal—Unlimited Civil Case* (form APP-010) within 10 days after the appellant's notice designating the record on appeal is filed.

b. Reporter's transcript

If the appellant is using a reporter's transcript, you have the option of asking for additional proceedings to be included in the reporter's transcript. To do this, within 10 days after the appellant files its notice designating the record on appeal, you must serve and file a notice designating additional proceedings to be included in the reporter's transcript. You may use *Respondent's Notice Designating Record on Appeal —Unlimited Civil Case* (form APP-010) for this purpose.

Whether or not you ask for additional proceedings to be included in the reporter's transcript, if you want a copy of the reporter's transcript, you must generally pay a fee for that copy. The trial court clerk or reporter will send you a notice indicating the cost of preparing a copy of the reporter's transcript. If you want a copy of the reporter's transcript, you must deposit payment for this cost (and a fee for the trial court) or one of the substitutes allowed by rule 8.130 with the trial court clerk within 10 calendar days after this notice is sent. (See rule 8.130 for more information about this deposit and the permissible substitutes.)

Unlike the fee for preparing a clerk's transcript, the court cannot waive the fee for preparing a reporter's transcript. Money from a special fund, called the Transcript Reimbursement Fund, may be available to help you pay for the transcript. You can get information about this fund at www.courtreportersboard.ca.gov/consumers/index.shtml#trf.

The reporter will not prepare a copy of the reporter's transcript for you unless you deposit the cost of the transcript, or provide one of the permissible substitutes, or your application for payment by the Transcript Reimbursement Fund is approved.

c. Settled statement

If the appellant elects in their notice designating the record on appeal to use a settled statement (a summary of the trial court proceedings that is approved by the trial court), the appellant will send you a proposed settled statement to review. You will have 20 days from the date the appellant served you this proposed statement to serve and file either:

- Suggested changes (called "amendments") that you think are needed to make sure that the settled statement provides an accurate summary of the oral proceedings (see page 10 of this form and rule 8.137 for more information about the amendment process); or
- If the oral proceedings in the trial court were reported by a court reporter, a notice indicating that you are choosing to provide a reporter's transcript, at your expense, instead of proceeding with a settled statement (see rule 8.137 for the requirements for choosing to provide a reporter's transcript).

"Serve and file" means you must:

- Have somebody over 18 years old mail, personally deliver, or electronically send (serve) the proposed amendments or notice to the appellant in the way required by law. If the proposed amendments or notice are mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the proposed amendments or notice have been served. This record is called a "proof of service." *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the proposed amendments or notice, who was served with the proposed amendments or notice, how the proposed amendments or notice were served (by mail, in person, or electronically), and the date the proposed amendments or notice were served.
- File the original brief and the proof of service with the Court of Appeal. You should make a copy of the brief you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at courts.ca.gov/selfhelp-serving.htm.

26 What happens after the official record has been prepared?

As soon as the record on appeal is complete, the clerk of the trial court will send it to the Court of Appeal. When the Court of Appeal receives this record, it will send you a notice telling you when you must file your brief in the Court of Appeal.

A brief is a party's written description of the facts in the case, the law that applies, and the party's argument about the issues being appealed. If you are represented by a lawyer, your lawyer will prepare your brief. If you are not represented by a lawyer in your appeal, you will have to prepare your brief yourself.

You should read rules 8.200–8.224 of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in unlimited civil appeals, including requirements for the format and length of these briefs. You can get these rules at any courthouse or county law library or online at courts.ca.gov/rules.

The appellant serves and files the first brief, called an "appellant's opening brief." You must respond by serving and filing a "respondent's brief" within 30 days after the appellant's opening brief is filed. "Serve and file" means that you must:

- Have somebody over 18 years old mail, personally deliver, or electronically send (serve) the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the brief has been served. This record is called a "proof of service." *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.
- File the original brief and the proof of service with the Court of Appeal. You should make a copy of the brief you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/court-basics/service.

You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 60 days (see rule 8.212(b) for requirements for these agreements). You can also apply to the presiding justice of the Court of Appeal to extend the time for filing this brief if you can show good cause for an extension. You may use *Application for Extension of Time to File Brief—Unlimited Civil Case* (form APP-006) to ask the court for an extension.

If you do not file a respondent's brief, the appellant does not automatically win the appeal. The court will decide the appeal on the record, the appellant's brief, and any oral argument by the appellant. Remember that an appeal is not a new trial. The Court of Appeal will not consider new evidence, such as new exhibits or the testimony of new witnesses, so do not include any new evidence in your brief.

If you file a respondent's brief, the appellant then has an opportunity to serve and file another brief within 20 days to reply to your brief.

27 What happens after all the briefs have been filed?

After all the briefs have been filed or the time to file them has passed, the Court of Appeal will contact you to tell you the date for oral argument in your case or ask if you want to participate in oral argument.

28 What is "oral argument"?

Oral argument is a hearing before the justices of the Court of Appeal where the parties may orally present their positions. It is not a chance to present new evidence. You do not have to participate in oral argument if you do not want to; you can notify the Court of Appeal that you want to "waive" oral argument. If all parties waive oral argument, the justices will decide your appeal based on the briefs and the appellate record. But if any party requests oral argument, the Court of Appeal will hold oral argument.

If you choose to participate in oral argument, you will have a limited amount of time as set by the court.

Remember that the justices will have already read the briefs, so you do not need to read your brief to the justices or merely repeat the information in it. It is more helpful to tell the justices what you think is most important in your appeal or ask the justices if they have any questions you could answer.

You can find more information about oral argument in appeals cases in rule 8.256 of the California Rules of Court and online at selfhelp.courts.ca.gov/appeals/step-5-oral-argument.

29 What happens after oral argument?

After oral argument is held or waived, the justices of the Court of Appeal will make a decision about your appeal. The clerk of the court will mail you a notice of the Court of Appeal's decision.

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
EMAIL:		
ATTORNEY FOR (*name*):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		**DRAFT 2026-03-26 Not approved by the Judicial Council**
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
OTHER PARENT/PARTY:		
APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL—UNLIMITED CIVIL CASE		SUPERIOR COURT CASE NUMBER:
RE: Appeal filed on *(date):*		COURT OF APPEAL CASE NUMBER *(if known)*:

Notice: Please read form APP-001-INFO (*Information on Appeal Procedures for Unlimited Civil Cases*) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

1. **Record of the Documents Filed in the Superior Court**

(Check either a or b and provide the requested information for the item you checked. If you check a, do not complete b.)

a. ☐ The use of an appendix is required in this case under rule 8.124(a).
Are you filing a motion with this notice requesting an exemption from the requirement to use an appendix in this case?
☐ Yes ☐ No

b. ☐ The use of an appendix is not required in this case under rule 8.124(a).

(1) The requirement to use an appendix does not apply in this case because *(check all that apply)*:

(a) ☐ Not all the parties in this case are represented by counsel.

(b) ☐ A party in this case has a waiver for the cost of a clerk's transcript.

(c) ☐ The court granted a motion filed by ☐ me ☐ another party requesting an exemption from the requirement to use an appendix in this case.

(2) I choose to use the following method of providing the Court of Appeal with a record of the documents filed in the superior court *(check (a), (b), or (c) and complete, serve, and file with this notice the required form for your selected method of providing this record)*:

(a) ☐ An appendix under rule 8.124. I am permitted to elect to use an appendix as the record of the documents filed in the superior court in this case under rule 8.124(b) because the respondent does not have a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the respondent under rule 8.124(a)(2)(B) for exemption to the requirement to use appendixes.

(b) ☐ A clerk's transcript under rule 8.122. *(You must complete, serve, and file form APP-003(A),* Appellant's Notice Designating Record on Appeal—Clerk's Transcript Attachment*, with this notice.)*

(c) ☐ The original superior court file under rule 8.128. *(Do not check this box unless the Court of Appeal District that covers the trial court that made the decision you are appealing has a local rule allowing the use of the original trial court file instead of a clerk's transcript. You can find information about which trial courts are covered by each Court of Appeal District at* courts.ca.gov/courts/courts-appeal*. The local rules for each Court of Appeal District are on the court's webpage, links for which are also found at:* courts.ca.gov/courts/courts-appeal*. You must complete form APP-003(B),* Appellant's Notice Designating Record on Appeal—Original Trial Court File*, and serve and file it with this notice and with a copy of your stipulation with the other parties in this case to use the original superior court file instead of a clerk's transcript.)*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:

2. **Record of Oral Proceedings in the Superior Court**

I choose to proceed *(you must check a or b below):*

a. ☐ **Without** a record of the oral proceedings (what was said at the hearing or trial) in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in deciding whether an error was made in the superior court proceedings.

b. ☐ **With** the following record of the oral proceedings in the superior court. *(If you are choosing to use only one form of the record of the oral proceedings in the superior court, please check (1) or (2) and indicate that this will be the full record of these oral proceedings. If you are choosing to use both forms of the record of the oral proceedings, for example a reporter's transcript for oral proceedings that were recorded by a court reporter and a settled statement for oral proceedings that were not recorded by a court reporter, check the box for each form of the record you are choosing to use and indicate that it is for part of the record or of the oral proceedings.)*

(1) ☐ A reporter's transcript under rule 8.130. *(You must complete, serve, and file form APP-003(C),* Appellant's Notice Designating Record on Appeal—Reporter's Transcript *with this notice.)*

This will be ☐ the full record ☐ part of the record of the oral proceedings.

(2) ☐ A settled statement under rule 8.137. *(You must complete, serve, and file form APP-003(D),* Appellant's Notice Designating Record on Appeal—Settled Statement *with this notice.)*

This will be ☐ the full record ☐ part of the record of the oral proceedings.

3. **Record of an Administrative Proceeding to Be Transmitted to the Court of Appeal**

☐ I request that the clerk transmit to the Court of Appeal under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court *(give the title and date or dates of the administrative proceeding):*

Title of Administrative Proceeding	Date or Dates

Date:

Type or Print Name

Signature of Appellant or Attorney

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:

Appellant's Notice Designating Record on Appeal—Clerk's Transcript Attachment

Notice: Please read form APP-001-INFO (*Information on Appeal Procedures for Unlimited Civil Cases*) before completing this form. If you checked item 1b(2)(b) on form APP-003 (*Appellant's Notice Designating Record on Appeal*) indicating that you elect to use a clerk's transcript as the record of the documents filed in the superior court, you must complete, serve, and file this form with your completed form APP-003.

1. **Notice Designating Clerk's Transcript**

   a. **Required documents.** *(The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed, or if that is not available, the date the document was signed.)*

Document Title and Description	Date of Filing
(1) Notice of appeal	
(2) Notice designating record on appeal *(this document)*	
(3) Judgment or order appealed from *(If you are appealing more than one order in your notice of appeal, please list the additional orders you are appealing in item b, below)*	
(4) Notice of entry of judgment *(if any)*	
(5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order *(if any)*	
(6) Ruling on one or more of the items listed in (5)	
(7) Register of actions or docket	

   b. **Additional documents.** *(If you want the clerk's transcript to include any documents from the superior court proceeding in addition to the items listed in item a, above, you must identify those documents here, using the title that appears in the superior court's register of actions in this case.)*

   ☐ I request that the clerk include in the transcript the following documents that were filed in the superior court proceeding. *(You must identify each document you want included by its title as it appears in the superior court's register of actions in this case (see Cal. Rules of Court, rule 8.122(a)) and provide the date it was filed or, if that is not available, the date the document was signed.)*

Document Title and Description	Date of Filing
(1)	
(2)	
(3)	
(4)	

   ☐ Additional documents are listed on an attachment. (*Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 1b," and start with number (12).)*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:

1. c. **Exhibits to be included in clerk's transcript**

☐ I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. *(For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Cal. Rules of Court, rule 8.122(a)(3).))*

Exhibit Number	Description	Admitted (Yes/No)
(1)		
(2)		
(3)		
(4)		

☐ Additional documents are listed on an attachment. *(Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 1c," and start with number (5).)*

2. **Cost of Clerk's Transcript**

a. ☐ I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.

b. ☐ I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record *(check (1) or (2)):*

(1) ☐ An order granting a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58.

(2) ☐ An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. *(Use form FW-001,* Request to Waive Court Fees*, to prepare and file this application.)*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:

Appellant's Notice Designating Record on Appeal—Original Trial Court File Attachment

Notice: Please read form APP-001-INFO (*Information on Appeal Procedures for Unlimited Civil Cases*) before completing this form. If you checked item 1b(2)(c) on form APP-003 (*Appellant's Notice Designating Record on Appeal*) indicating that you elect to use the original court file as the record of the documents filed in the superior court, you must complete this form and serve and file it and a copy of your stipulation with the other parties to use the original superior court file with your completed form APP-003.

Rule 8.128 of the California Rules of Court allows the Court of Appeal districts to adopt local rules that permit parties to stipulate (agree) to use the original superior court file instead of a clerk's transcript. You may elect to use the superior court file as the record of the documents filed in the superior court if your appeal is in a Court of Appeal District that has adopted a local rule permitting this and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. You can find information about what trial courts are covered by each Court of Appeal District at: courts.ca.gov/courts/courts-appeal. The local rules for each Court of Appeal District are on the court's webpage, links for which are also found at: courts.ca.gov/courts/courts-appeal.

1. **Stipulation to Use Superior Court File**

   a. I have stipulated with the other parties to use the superior court file as the record of the documents filed in the superior court instead of a clerk's transcript.

   b. The stipulation is being filed in the superior court with this notice designating the record on appeal and copies served on the other parties and the Court of Appeal.

2. **Payment for Preparing Superior Court File for Court of Appeal**

   (Under rule 8.128(c), the appellant must generally pay the superior court for the costs of preparing the superior court file for the Court of Appeal.)

   a. ☐ I will pay the superior court clerk for preparing the superior court file for the Court of Appeal when I receive the clerk's estimate of these costs. I understand that if I do not pay these costs, the file will not be prepared and provided to the Court of Appeal.

   b. ☐ I request that the superior court file be prepared at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice (check (1) or (2):

      (1) ☐ An order granting a waiver of court fees and costs under Cal. Rules of Court, rules 3.50-3.58.

      (2) ☐ An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50-3.58 *(Use form FW-001,* Request to Waive Court Fees*, to prepare and file this application)*.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:

Appellant's Notice Designating Record on Appeal—Reporter's Transcript Attachment

Notice: Please read form APP-001-INFO (*Information on Appeal Procedures for Unlimited Civil Cases*) before completing this form. If you checked item 2b(1) on form APP-003 (*Appellant's Notice Designating Record on Appeal*) indicating that you elect to use a reporter's transcript as all or part of the record of the oral proceedings in the superior court, you must complete, serve, and file this form with your completed form APP-003. Remember that you must pay for the cost of preparing a reporter's transcript.

1. **Notice Designating Reporter's Transcript**

   a. Format of the reporter's transcript

   I request that the reporters provide my copy of the reporter's transcript in the following format *(check one):*

   (1) ☐ electronic.

   (2) ☐ paper.

   (3) ☐ electronic and paper.

   (Code Civ. Proc., § 271.)

   b. Proceedings

   I request that the following oral proceedings in the superior court be included in the reporter's transcript. *(You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)*

	Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. Prepared?
(1)						☐ Yes ☐ No
(2)						☐ Yes ☐ No
(3)						☐ Yes ☐ No
(4)						☐ Yes ☐ No

☐ Additional proceedings are listed on an attachment. *(Check here if you need more space to list additional proceedings. List these exhibits on a separate page or pages labeled "Attachment 1," and start with number (5).)*

2. a. Do the proceedings designated in item 1b include all of the oral proceedings in the superior court? ☐ Yes ☐ No
   If you answered "no," proceed to b; if you answered "yes," skip b and c.

   b. If you answered “no” in item 2a, above, did you both elect to use or file a motion asking the court for permission to use a settled statement for part of the record of the oral proceedings and designate in form APP-003(D) (*Appellant's Notice Designating the Record on Appeal—Settled Statement Attachment*) all those oral proceedings from the superior court that you did not include in item 1b? ☐ Yes ☐ No

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:

2. c. If you answered "no" in both items 2a and 2b, state the points that you intend to raise on appeal. *(Cal. Rules of Court, rule 8.130(a)(2) provides that your appeal will be limited to these points unless the Court of Appeal permits otherwise.)* Points are set forth: ☐ Below ☐ On a separate page labeled "Attachment 2."

3. **Cost of Reporter's Transcript**

I have *(check all that apply):*

a. ☐ Deposited with the superior court clerk:

(1) ☐ The approximate cost of preparing the transcript by including the deposit with this notice as provided in rule 8.130(b)(1).

(2) *(Check either (a) or (b))*:

(a) ☐ The fee for the superior court to hold this deposit in trust.

(b) ☐ A valid fee waiver that covers the fee for the superior court to hold this deposit in trust.

b. ☐ Attached the reporter's written waiver of a deposit under rule 8.130(b)(3)(A) for *(check either (1) or (2)):*
(Please note that this is NOT the same as a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. The court cannot waive the cost of preparing a reporter's transcript. The court reporter's "written waiver of a deposit" is an agreement with the reporter that a deposit does not need to be submitted with the court because payment for the transcript will be made directly to the court reporter.)

(1) ☐ all of the designated proceedings.

(2) ☐ part of the designated proceedings.

c. ☐ Submitted with this form a certified transcript under rule 8.130(b)(3)(C).
(Please note that a certified transcript will NOT be accepted as a substitute for this deposit unless the transcript complies with the format requirements for reporter's transcripts in rule 8.144, which include but are not limited to arranging certified transcripts in chronological order, numbering the pages consecutively, providing indexes of where in the transcript each witness's testimony starts or exhibits are offered into evidence, and having a cover with required information on it. You may arrange with a court reporter to do the necessary formatting of the transcript or you may do the formatting yourself.)

d. ☐ Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	SUPERIOR COURT CASE NUMBER:

Appellant's Notice Designating Record on Appeal—Settled Statement Attachment

Notice: Please read form APP-001-INFO (*Information on Appeal Procedures for Unlimited Civil Cases*) before completing this form. If you checked item 2b(2) on form APP-003 (*Appellant's Notice Designating Record on Appeal*) indicating that you elect to use a settled statement as all or part of the record of the oral proceedings in the superior court, you must complete, serve, and file this form with your completed form APP-003.

1. **Settled Statement for Proceedings That Were Not Recorded by a Court Reporter**

   (Complete this section if any of the oral proceedings to be included in a settled statement were not reported by a court reporter.)

   a. The oral proceedings designated in b, below, were not recorded by a court reporter. Under Cal. Rules of Court, rule 8.137, I am permitted to use a settled statement for these proceedings without filing a motion.

   b. Designation of oral proceedings that were not reported by a court reporter

   (You must identify each proceeding you want included by its date, the department in which it took place, and a description of the proceedings (for example, motions before trial or the taking of testimony).)

	Date	Department	Description
(1)			
(2)			
(3)			
(4)			

☐ Additional proceedings are listed on an attachment. *(Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 1," and start with (5).)*

2. **Settled Statement for Proceedings That Were Recorded by a Court Reporter**

   (Complete this section if any of the oral proceedings to be included in a settled statement were reported by a court reporter.)

   a. The proceedings designated in b, below, were reported by a court reporter.

      (1) ☐ I have an order waiving my court fees and costs. Under Cal. Rules of Court, rule 8.137, I am permitted to use a settled statement as the record of these proceedings without filing a motion.

      (2) ☐ I do not have an order waiving my court fees and costs. I understand that under rule 8.137, I must serve and file a motion at the same time that I file this form asking for the court's permission to use a settled statement as the record of these proceedings. *(You may use form APP-025 to prepare this motion.)*

   b. Designation of oral proceedings that were reported by a court reporter to be included in settled statement

   I request that the following proceedings in the superior court be included in the settled statement. *(You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	**SUPERIOR COURT CASE NUMBER:**

2. b.

	Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. Prepared?
(1)						☐ Yes ☐ No
(2)						☐ Yes ☐ No
(3)						☐ Yes ☐ No
(4)						☐ Yes ☐ No

☐ Additional proceedings are listed on an attachment. *(Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 2," and start with number (5).)*

3. a. Do the proceedings designated in items 1 and 2 include all of the oral proceedings in the superior court? ☐ Yes ☐ No

b. If you checked “No” in a, above, did you also elect to use a reporter's transcript for part of the record of the oral proceedings and designate in form APP-003(C) (*Appellant's Notice Designating the Record on Appeal—Reporter's Transcript Attachment*) all those oral proceedings from the superior court that you did not include in 1 and 2? ☐ Yes ☐ No

c. If you checked “No” in both a and b, above, and you have not already identified the points you intend to raise on appeal in form APP-003(C), state the points that you intend to raise on appeal. *(California Rules of Court, rule 8.137(d)(1) provides that your appeal will be limited to these points unless the Court of Appeal permits otherwise.)* Points are set forth:

☐ Below ☐ On a separate page labeled "Attachment 2."

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
EMAIL:		
ATTORNEY FOR (*name*):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
OTHER PARENT/PARTY:		

DRAFT
2026-03-25
Not approved by the Judicial Council

RESPONDENT'S NOTICE DESIGNATING RECORD ON APPEAL—UNLIMITED CIVIL CASE	SUPERIOR COURT CASE NUMBER:
Re: Appeal filed on *(date):*	COURT OF APPEAL CASE NUMBER *(if known)*:

Notice: Please read form APP-001-INFO (*Information on Appeal Procedures for Unlimited Civil Cases*) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

1. **Record of the Documents Filed in the Superior Court**
   (If the appellant has chosen to use a clerk's transcript under Cal. Rules of Court, rule 8.122, you, the respondent, must check a or b:)
   a. ☐ I agree to a clerk's transcript. (*If you, the respondent, want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk's transcript, you must identify those documents in item 2.*)
   b. ☐ I choose an appendix as the record of documents under Cal. Rules of Court, rule 8.124. I can make this choice because the appellant has not been granted a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the appellant for exemption to the requirement to use appendixes. (*If you, the respondent, choose to use an appendix, the appellant must also use an appendix and cannot use a clerk's transcript.*)

2. **Clerk's Transcript**
   The parties will use a clerk's transcript under Cal. Rules of Court, rule 8.122. *(If you, the respondent, want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk's transcript, you must identify those documents here.)*
   a. ☐ **Additional documents.** In addition to the documents designated by the appellant, I request that the clerk include in the transcript the following documents from the superior court proceedings. *(You, the respondent, must identify each document you want included by its title as it appears in the superior court's register of actions in this case and provide the date it was filed or, if that is not available, the date the document was signed.)*

	Document Title and Description	Date of Filing
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		

CASE NAME:	SUPERIOR COURT CASE NUMBER:

☐ Additional documents are listed on an attachment. *(Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 2(a)," and start with number (7).)*

2. b. ☐ **Additional exhibits.** In addition to the exhibits designated by the appellant, I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. *(For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Cal. Rules of Court, rule 8.122(a)(3).))*

Exhibit Number	Description	Admitted (Yes/No)
(1)		
(2)		
(3)		
(4)		

☐ Additional exhibits are listed on an attachment. *(Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 2b," and start with number (5).)*

c. ☐ **Copy of clerk's transcript.** I request a copy of the clerk's transcript. *(Check (1) or (2).)*

(1) ☐ I will pay the superior court clerk for this transcript when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, I will not receive a copy.

(2) ☐ I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record *(check (a) or (b)):*

(a) ☐ An order granting a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58; or

(b) ☐ An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. (*Use form FW-001,* Request to Waive Court Fees*, to prepare and file this application.*)

3. **Record of Oral Proceedings in the Superior Court**

The appellant has chosen to use a reporter's transcript under Cal. Rules of Court, rule 8.130.

a. ☐ **Designation of additional proceedings.** *(If you, the respondent, want any oral proceedings in addition to the proceedings designated by the appellant to be included in the reporter's transcript, you must identify those proceedings here.)*

(1) In addition to the proceedings designated by the appellant, I request that the following proceedings in the superior court be included in the reporter's transcript. *(You, the respondent, must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)*

CASE NAME:	SUPERIOR COURT CASE NUMBER:

3. a. (1) *(continued)*

	Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. Prepared?
(a)						☐ Yes ☐ No
(b)						☐ Yes ☐ No
(c)						☐ Yes ☐ No
(d)						☐ Yes ☐ No
(e)						☐ Yes ☐ No
(f)						☐ Yes ☐ No
(g)						☐ Yes ☐ No

☐ Additional proceedings are listed on an attachment. *(Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 3a(1)," and start with letter (h).)*

(2) **Deposit for additional proceedings.**

I understand that under Cal. Rules of Court, rule 8.130(b)(1), I am responsible for depositing with the court **both** the cost of transcribing the additional oral proceedings that I have designated in (1) for inclusion in the reporter's transcript or submitting to the court one of the substitutes for this deposit permitted under rule 8.130(b)(3) **and** either the fee for the superior court to hold this deposit in trust or a valid fee waiver that covers this fee.

I have *(check and complete (a), (b), (c), or (d)):*

(a) ☐ Deposited with the superior court clerk:

(i) The approximate cost of preparing the additional proceedings by including the deposit with this notice as provided in Cal. Rules of Court, rule 8.130(b)(1).

(ii) *(Check (A) or (B))*:

(A) ☐ The fee for the superior court to hold this deposit in trust.

(B) ☐ A valid fee waiver that covers the fee for the superior court to hold this deposit in trust.

(b) ☐ Attached the reporter's written waiver of a deposit under Cal. Rules of Court, rule 8.130(b)(3)(A) for *(check either (i) or (ii)):*

(i) ☐ All of the designated proceedings.

(ii) ☐ Part of the designated proceedings.

(Please note that this is NOT the same as a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. The court cannot waive the cost of preparing a reporter's transcript. The court reporter's "written waiver of a deposit" is an agreement with the reporter that a deposit does not need to be submitted with the court because payment for the transcript will be made directly to the court reporter.)

(c) ☐ Attached a certified transcript under Cal. Rules of Court, rule 8.130(b)(3)(C).

(Please note that a certified transcript will NOT be accepted as a substitute for this deposit unless the transcript complies with the format requirements for reporter's transcripts in Cal. Rules of Court, rule 8.144, which include but are not limited to arranging certified transcripts in chronological order, numbering the pages consecutively, providing indexes of where in the transcript each witness's testimony starts or exhibits are offered into evidence, and having a cover with required information on it. You may arrange with a court reporter to do the necessary formatting of the transcript or you may do the formatting yourself.)

CASE NAME:	SUPERIOR COURT CASE NUMBER:

3. a. (2) (d) ☐ Attached a copy of a Transcript Reimbursement Fund application filed under Cal. Rules of Court, rule 8.130(c)(1).

b. **Copy of reporter's transcript.**

I understand that if I want a copy of a reporter's transcript, I must pay the court reporter for that copy. *(See Government Code section 69950. Note that you must pay this cost to get a copy whether or not you requested that the reporter's transcript include additional oral proceedings.)*

(1) ☐ I request a copy of the reporter's transcript and I request that the reporters provide my copy of the reporter's transcript in the following format *(check (a), (b), or (c))*:

(a) ☐ electronic.

(b) ☐ paper.

(c) ☐ electronic and paper.

(*Code Civ. Proc., § 271.)*

(2) ☐ I am not requesting a copy of the reporter's transcript. I understand that, under Cal. Rules of Court, rule 8.153, within 20 days after the record has been filed in the reviewing court, I may submit a request in writing to borrow the record.

Date:

Type or Print Name

Signature of Respondent or Attorney

APP-101-INFO Information on Appeal Procedures for Limited Civil Cases

GENERAL INFORMATION

1 What does this information sheet cover?

This information sheet tells you about appeals in limited civil cases. These are civil cases in which the amount of money claimed is $35,000 or less.

If you are the party who is appealing (asking for the trial court's decision to be reviewed), you are called the APPELLANT, and you should read Information for the Appellant, starting on page 2. If you received notice that another party in your case is appealing, you are called the RESPONDENT, and you should read Information for the Respondent, starting on page 11.

This information sheet does not cover everything you may need to know about appeals in limited civil cases. It is meant only to give you a general idea of the appeal process. To learn more, you should read rules 8.800–8.843 and 8.880–8.891 of the California Rules of Court, which set out the procedures for limited civil appeals. You can get these rules at any courthouse or county law library or online at courts.ca.gov/rules.

2 What is an appeal?

An appeal is a request to a higher court to review a decision made by a judge or jury in a lower court. **In a limited civil case, the court hearing the appeal is the appellate division of the superior court and the lower court—called the "trial court" in this information sheet—is the superior court.**

It is important to understand that **an appeal is NOT a new trial**. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits. The appellate division's job is to review a record of what happened in the trial court and the trial court's decision to see if certain kinds of legal errors were made:

For information about appeal procedures in other kinds of cases, see:

- *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001-INFO)
- *Information on Appeal Procedures for Infractions* (form CR-141-INFO)
- *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO)

You can get these forms at any courthouse or county law library or online at courts.ca.gov/forms.

- ***Prejudicial error:*** The appellant (the party who is appealing) may ask the appellate division to decide if an error was made about either the law or court procedures in the case that caused substantial harm to the appellant (this is called "prejudicial error").

  Prejudicial error can include things like errors made by the judge about the law, errors or misconduct by the lawyers, incorrect instructions given to the jury, and misconduct by the jury that harmed the appellant. When it conducts its review, the appellate division presumes that the judgment, order, or other decision being appealed is correct. It is the responsibility of the appellant to show the appellate division that an error was made and that the error was harmful.

- ***No substantial evidence:*** The appellant may also ask the appellate division to decide if there was substantial evidence supporting the judgment, order, or other decision being appealed. When it conducts its review, the appellate division only looks to see if there was evidence that reasonably supports the decision. The appellate division generally will not reconsider the jury's or trial court's conclusion about which side had more or stronger evidence or whether witnesses were telling the truth or lying.

The appellate division generally will not overturn the judgment, order, or other decision being appealed unless the record clearly shows that one of these legal errors was made.

3 Do I need a lawyer to represent me in an appeal?

You do not *have* to have a lawyer; if you are an individual (rather than a corporation, for example), you are allowed to represent yourself in an appeal in a limited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow. If you have any questions about the appeal procedures, you should talk to a lawyer.

If you decide not to use a lawyer, you must put your address, telephone number, fax number (if available), and email address (if available) on the first page of every document you file with the court and let the court know if this contact information changes so that the court can contact you if needed.

4 Where can I find a lawyer to help me with my appeal?

You have to hire your own attorney if you want one. You can get information about finding an attorney on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help.

INFORMATION FOR THE APPELLANT

This part of the information sheet is written for the appellant—the party who is appealing the trial court's decision. It explains some of the rules and procedures relating to appealing a decision in a limited civil case. The information may also be helpful to the respondent. Additional information for respondents can be found starting on page 11 of this information sheet.

5 Who can appeal?

Only a party in the trial court case can appeal a decision in that case. You may not appeal on behalf of a friend, a spouse, a child, or another relative unless you are a legally appointed representative of that person (such as the person's guardian or conservator).

6 Can I appeal *any* decision the trial court made?

No. Generally, you can only appeal the final judgment—the decision at the end that decides the whole case. Other rulings made by the trial court before the final judgment generally cannot be separately appealed but can be reviewed later as part of an appeal of the final judgment. There are a few exceptions to this general rule. Code of Civil Procedure section 904.2 lists a few types of orders in a limited civil case that can be appealed right away. These include orders that:

- Change or refuse to change the place of trial (venue)
- Grant a motion to quash service of summons or grant a motion to stay or dismiss the action on the ground of inconvenient forum
- Grant a new trial or deny a motion for judgment notwithstanding the verdict
- Discharge or refuse to discharge an attachment or grant a right to attach
- Grant or dissolve an injunction or refuse to grant or dissolve an injunction
- Appoint a receiver
- Are made after final judgment in the case

(You can get a copy of Code of Civil Procedure section 904.2 at leginfo.legislature.ca.gov/faces/codes.xhtml.)

7 How do I start my appeal?

First, you must serve and file a notice of appeal. The notice of appeal tells the other party or parties in the case and the trial court that you are appealing the trial court's decision. You may use *Notice of Appeal/Cross-Appeal—Limited Civil Case* (form APP-102) to prepare a notice of appeal in a limited civil case. You can get form APP-102 at any courthouse or county law library or online at courts.ca.gov/forms.

8 How do I "serve and file" the notice of appeal?

"Serve and file" means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send ("serve") the notice of appeal to the other party or parties in the way required by law. If the notice of appeal is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.

- Make a record that the notice of appeal has been served. This record is called a "proof of service." *Proof of Service* (form APP-109) or *Proof of Electronic Service (Appellate Division)* (form APP-109E) can be used to make this record. The proof of service must show who served the notice of appeal, who was served with the notice of appeal, how the notice of appeal was served (by mail, in person, or electronically), and the date the notice of appeal was served.
- Bring or mail the original notice of appeal and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice of appeal you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the notice of appeal to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the Self-Help Guide to the California Courts at courts.ca.gov/selfhelp-serving.htm.

9 Is there a deadline to file my notice of appeal?

Yes. In a limited civil case, except in the very limited circumstances listed in rule 8.823, you must file your notice of appeal within **30 days** after the trial court clerk or a party serves either a document called a "Notice of Entry" of the trial court judgment or a file-stamped copy of the judgment or within 90 days after entry of the judgment, whichever is earlier.

This deadline for filing the notice of appeal cannot be extended. If your notice of appeal is late, the appellate division will not be able to consider your appeal.

10 Do I have to pay to file an appeal?

Yes. Unless the court waives this fee, you must pay a fee for filing your notice of appeal. You can ask the clerk of the court where you are filing the notice of appeal what the fee is or look up the fee for an appeal in a limited civil case in the current Statewide Civil Fee Schedule at courts.ca.gov/7646.htm (note that the "Appeal and Writ Related Fees" section is near the end of this schedule and that there are different fees for limited civil cases depending on the amount demanded in the case). If you cannot afford to pay the fee, you can ask the court to waive it. To do this, you must fill out and file a *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at courts.ca.gov/forms. You can file this application either before you file your notice of appeal or with your notice of appeal. The court will review this application to decide if you are eligible for a fee waiver.

11 If I file a notice of appeal, do I still have to do what the trial court ordered me to do?

Filing a notice of appeal does NOT automatically postpone most judgments or orders, such as those requiring you to pay another party money or to deliver property to another party (see Code of Civil Procedure sections 917.1–917.9 and 1176; you can get a copy of these laws at leginfo.legislature.ca.gov/faces/codes.xhtml). These kinds of judgments or orders will be postponed, or "stayed," only if you request a stay and the court grants your request. In most cases, other than unlawful detainer cases in which the trial court's judgment gives a party possession of the property, if the trial court denies your request for a stay, you can apply to the appellate division for a stay. If you do not get a stay and you do not do what the trial court ordered you to do, court proceedings to collect the money or otherwise enforce the judgment or order may be started against you.

12 What do I need to do after I file my notice of appeal?

Since the appellate division judges were not there to see what happened in the trial court, an official record of what happened must be prepared and sent to the appellate division for its review. Within 10 days of filing your notice of appeal you (the appellant) must notify the trial court and the other parties about what kind of record you want sent to the appellate division and, depending on the kind of record you choose, identify in writing (designate) what documents and oral proceedings, if any, to include in that record. You can use *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103) to provide this notice. You can get form APP-103 at any courthouse or county law library or online at courts.ca.gov/forms.

You must serve and file this notice designating the record on appeal within 10 days after you file your notice of appeal. "Serving and filing" this notice means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send ("serve") the notice to the other party or parties in the way required by law. If the notice is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the notice has been served. This record is called a "proof of service." *Proof of Service* (form APP-109) or *Proof of Electronic Service* (form APP-109E) can be used to make this record. The proof of service must show who served the notice, who was served with the notice, how the notice was served (by mail, in person, or electronically), and the date the notice was served.
- Bring or mail the original notice and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the notice to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the Self-Help Guide to the California Courts at courts.ca.gov/selfhelp-serving.htm.

13 What is the official record of the trial court proceedings?

There are three parts of the official record:

- A record of what was said in the trial court (this is called the "oral proceedings")
- A record of the documents filed in the trial court (other than exhibits)
- Exhibits that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court

Read below for more information about these parts of the record.

a. Record of what was said in the trial court (the "oral proceedings")

The first part of the official record of the trial court proceedings is a record of what was said in the trial court (this is called a record of the "oral proceedings"). You do not *have* to send the appellate division a record of the oral proceedings. But if you want to raise any issue in your appeal that would require the appellate division to consider what was said in the trial court, the appellate division will need a record of those oral proceedings. For example, if you are claiming that there was not evidence supporting the judgment, order, or other decision you are appealing, the appellate division will need a record of the oral proceedings.

You are responsible for deciding how the record of the oral proceedings will be given and, depending on what option you select and your circumstances, you may also be responsible for paying for preparing this record or for preparing an initial draft of the record. If you do not take care of these responsibilities, a record of the oral proceedings in the trial court will not be prepared and sent to the appellate division. **If the appellate division does not receive this record, it will not be able to review any issues that are based on what was said in the trial court and it may dismiss your appeal.**

In a limited civil case, you can use *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103) to tell the court whether you want a record of the oral proceedings and, if so, the form of the record that you want to use. You can get form APP-103 at any courthouse or county law library or online at courts.ca.gov/forms.

There are four ways in which a record of the oral proceedings can be prepared for the appellate division:

- If you or the other party arranged to have a court reporter there during the trial court proceedings, the reporter can prepare a record, called a "reporter's transcript."

- If the proceedings were officially electronically recorded, the trial court can have a transcript prepared from that recording or, if the court has a local rule permitting this and you and the other party agree ("stipulate") to this, you can use the *official electronic recording* itself instead of a transcript.
- You can use an agreed statement.
- You can use a statement on appeal.

Read below for more information about these options. More than one might apply.

(1) Reporter's transcript

Description: A reporter's transcript is a written record (sometimes called a "verbatim" record) of the oral proceedings in the trial court prepared by a court reporter. Rule 8.834 of the California Rules of Court establishes the requirements relating to reporter's transcripts.

When available: If a court reporter was there in the trial court and made a record of the oral proceedings, you can choose ("elect") to have the court reporter prepare a reporter's transcript for the appellate division. In most limited civil cases, however, a court reporter will not have been there unless you or another party in your case made specific arrangements to have a court reporter there. Check with the court to see if a court reporter made a record of the oral proceedings in your case before choosing this option.

Contents: If you elect to use a reporter's transcript, you must identify in writing (this is called "designating") what oral proceedings you want included in the reporter's transcript. You must identify each oral proceeding you want included in the reporter's transcript by its date, the department in which it took place, and a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions). You must also indicate the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared. You can use the same form you used to tell the court you wanted to use a reporter's transcript—*Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103).

If you elect to use a reporter's transcript, the respondent also has the right to designate additional proceedings to be included in the reporter's transcript. If you elect to proceed without a reporter's transcript, however, the respondent may not designate a reporter's transcript without first getting an order from the appellate division.

Cost: The appellant is responsible for paying for preparing a reporter's transcript. The trial court clerk or the court reporter will notify you of the cost of preparing an original and one copy of the reporter's transcript. You must deposit payment for this cost (and a fee for the trial court) or one of the substitutes allowed by rule 8.834 with the trial court clerk within 10 days after this notice is sent. (See rule 8.834 for more information about this deposit and the permissible substitutes.)

Unlike the fee for filing the notice of appeal and the costs for preparing a clerk's transcript, the court cannot waive the fee for preparing a reporter's transcript. A special fund, called the Transcript Reimbursement Fund, may be able to help pay for the transcript. You can get information about this fund at www.courtreporterboard.ca.gov/consumers/index.shtml#rtf. If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared in other ways, by using an agreed statement or a statement on appeal, which are described below.

Completion and delivery: After the cost of preparing the reporter's transcript or a permissible substitute has been deposited, the court reporter will prepare the transcript and submit it to the trial court clerk. When the record is complete, the trial court clerk will submit the original transcript to the appellate division and send you a copy of the transcript. If the respondent has purchased it, a copy of the reporter's transcript will also be mailed to the respondent.

(2) Official electronic recording or transcript

When available: In some limited civil cases, the trial court proceedings were officially recorded on approved electronic recording equipment. If your case was officially recorded, you can choose

("elect") to have a transcript prepared from the recording. Check with the trial court to see if the oral proceedings in your case were officially electronically recorded before you choose this option. If the court has a local rule permitting this and all the parties agree ("stipulate"), a copy of an official electronic recording itself can be used as the record, instead of preparing a transcript. If you choose this option, you must attach a copy of this agreement ("stipulation") to your notice designating the record on appeal.

Contents: If you elect to use a transcript of an official electronic recording, you must identify in writing (this is called "designating") what proceedings you want included in the transcript. You must identify each oral proceeding you want included in the transcript of the electronic recording by its date, the department in which it took place, a description of the proceedings, and if you know it, the name of the electronic recording monitor who recorded the proceedings. You can use the same form you used to tell the court you wanted to use a transcript of an official electronic recording—*Appellant's Notice Designating Record on Appeal* (form APP-103).

Cost: The appellant is responsible for paying the court for the cost of either (a) preparing a transcript *or* (b) making a copy of the official electronic recording.

(a) If you elect to use a transcript of an official electronic recording, you will need to deposit the estimated cost of preparing the transcript with the trial court clerk and pay the trial court a $50 fee. There are two ways to determine the estimated cost of the transcript:

- You can use the amounts listed in rule 8.130(b)(1)(B) for each full or half day of court proceedings to estimate the cost of making a transcript of the proceeding you have designated in your notice designating the record on appeal. Deposit this estimated amount and the $50 fee with the trial court clerk when you file your notice designating the record on appeal.
- You can ask the trial court clerk for an estimate of the cost of preparing a transcript of the proceedings you have designated in your notice designating the record on appeal. You must deposit this amount and the $50 fee with the trial court within 10 days of receiving the estimate from the clerk.

(b) If the court has a local rule permitting the use of a copy of the electronic recording itself, rather than a transcript, and you have attached your agreement with the other parties to do this ("stipulation") to the notice designating the record on appeal that you filed with the court, the trial court clerk will give you an estimate of the costs for this copy of the recording. You must pay this amount to the trial court.

If you cannot afford to pay the cost of preparing the transcript, the $50 fee, or the fee for the copy of the official electronic recording, you can ask the court to waive these costs. To do this, you must fill out and file *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at courts.ca.gov/forms. The court will review this application to decide if you are eligible for a fee waiver.

Completion and delivery: After the estimated cost of the transcript or official electronic recording has been paid or waived, the clerk will have the transcript or copy of the recording prepared. When the transcript is completed or the copy of the official electronic recording is prepared and the rest of the record is complete, the clerk will send it to the appellate division.

(3) Agreed statement

Description: An agreed statement is a written summary of the trial court proceedings agreed to by all the parties. (See rule 8.836 of the California Rules of Court.)

When available: If the trial court proceedings were not recorded either by a court reporter or by official electronic recording equipment or if you do not want to use one of these options, you can choose ("elect") to use an agreed statement as the record of the oral proceedings (please note that it may take more of your time to prepare an agreed statement than to use either a reporter's transcript or official electronic recording, if they are available).

Contents: An agreed statement must explain what the trial court case was about, describe why the appellate division is the right court to consider an appeal in this case (why the appellate division has "jurisdiction"), and describe the rulings of the trial court relating to the points to be made on appeal.

The statement should include only those facts that you and the other parties think are needed to decide the appeal.

Preparation: If you elect to use this option, you must file the agreed statement with your notice designating the record on appeal or, if you and the other parties need more time to work on the statement, you can file a written agreement with the other parties (called a "stipulation") stating that you are trying to agree on a statement. If you file this stipulation, within the next 30 days you must either file the agreed statement or tell the court that you and the other parties were unable to agree on a statement and file a new notice designating the record.

(4) Statement on appeal

Description: A statement on appeal is a summary of the oral proceedings in the trial court that is approved by the trial court judge who conducted those proceedings (the term "judge" includes commissioners and temporary judges).

When available: If the trial court proceedings were not recorded either by a court reporter or by official electronic recording equipment or if you do not want to use one of these options, you can choose ("elect") to use a statement on appeal as the record of the oral proceedings (please note that it may take more of your time to prepare a statement on appeal than to use either a reporter's transcript or official electronic recording, if they are available).

Contents: A statement on appeal must include:

- A statement of the points you (the appellant) are making on appeal;
- A summary of the trial court's rulings and judgment; and
- A summary of the testimony of each witness and other evidence that is relevant to the issues you are raising on appeal.

(See rule 8.837 of the California Rules of Court for more information about what must be included in a statement on appeal and the procedures for preparing a statement. You can get a copy of this rule at any courthouse or county law library or online at courts.ca.gov/rules.)

Preparing a proposed statement: If you elect to use a statement on appeal, you must prepare a proposed statement. If you are not represented by a lawyer, you must use *Proposed Statement on Appeal (Limited Civil Case)* (form APP-104) to prepare your proposed statement. You can get form APP-104 at any courthouse or county law library or online at courts.ca.gov/forms.

Serving and filing a proposed statement: You must serve and file the proposed statement with the trial court within 20 days after you file your notice designating the record. "Serve and file" means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send ("serve") the proposed statement to the respondent in the way required by law. If the proposed statement is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the proposed statement has been served. This record is called a "proof of service." *Proof of Service* (form APP-109) or *Proof of Electronic Service* (form APP-109E) can be used to make this record. The proof of service must show who served the proposed statement, who was served with the proposed statement, how the proposed statement was served (by mail, in person, or electronically), and the date the proposed statement was served.
- File the original proposed statement and the proof of service with the trial court. You should make a copy of the proposed statement you are planning to file for your own records

before you file it with the court. It is a good idea to bring or mail an extra copy of the proposed statement to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the Self-Help Guide to the California Courts at courts.ca.gov/selfhelp-serving.htm.

Review and modifications: The respondent has 10 days from the date you serve your proposed statement to serve and file proposed changes (called "amendments") to this statement. The trial court judge then reviews both your proposed statement and any proposed amendments filed by the respondent. The trial judge will either make or order you (the appellant) to make any corrections or modifications to the statement that are needed to make sure that the statement gives an accurate summary of the testimony and other evidence relevant to the issues you stated you are making on appeal.

Completion and certification: If the judge makes any corrections or modifications to the proposed statement, the corrected or modified statement will be sent to you and the respondent for your review. If the judge orders you to make any corrections or modifications to the proposed statement, you must serve and file the corrected or modified statement within the time ordered by the judge. If you or the respondent disagree with anything in the modified or corrected statement, you have 10 days from the date the modified or corrected statement is sent to you to serve and file objections to the statement. The judge then reviews any objections, makes or orders you to make any additional corrections to the statement, and certifies the statement as an accurate summary of the testimony and other evidence relevant to the issues you stated you are making on appeal.

Sending statement to the appellate division: Once the trial court judge certifies the statement on appeal, the trial court clerk will send the statement to the appellate division along with any record of the documents filed in the trial court.

b. Record of the documents filed in the trial court

The second part of the official record of the trial court proceedings is a record of the documents that were filed in the trial court. There are four ways in which a record of the documents filed in the trial court can be prepared for the appellate division:

- An *appendix*
- A *clerk's transcript*
- The original *trial court file* or
- An *agreed statement*

Read below for more information about these options.

(1) Appendix

When required: Appendixes must be used as the record of the filed documents from the trial court in all limited civil appeals in which all parties are represented by counsel unless one of the parties has a waiver of the fee for a clerk's transcript. You can ask the trial court to give you an exemption from this requirement by filing a request (motion) with your notice designating the record on appeal. Please read California Rules of court, rule 8.845(a) for more information about when an appendix must be used and these motions.

When you may choose to use: In limited civil appeals in which appendixes are not required to be used, you can still choose (elect) to use an appendix in your notice designating the record on appeal so long as the respondent does not have a waiver of the fee for a clerk's transcript and the trial court has not granted a motion by the respondent for exemption to the requirement to use appendixes.

Contents: An appellant's appendix must contain all of the following:

- All the filed documents that are required to be in a clerk's transcript under rule 8.122(b)(1), such as the notice of appeal and the trial court judgment or order being appealed. These documents are listed in rule 8.122(b)(1) and in item 5b on *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103).

- Any filed document listed in rule 8.832(a)(3) that is necessary for proper consideration of the issues being raised on appeal. This includes not only documents that you, the appellant, plan to rely on, but also any item that you should reasonably assume the respondent will rely on; and
- If the respondent elected to proceed by appendix, the notice of election.

An appendix must not contain documents or portions of documents filed in the trial court that are unnecessary for proper consideration of the issues on appeal.

Respondents can also choose to prepare their own appendixes. A respondent's appendix may contain any document that could have been included in the appellant's appendix. As the appellant, you can also choose to prepare an appellant's reply appendix which may contain any document that could have been included in the respondent's appendix.

Preparation, Service, and Filing: If you are required or elect to use an appendix, you must prepare your appendix. It must comply with the requirements of rule 8.144 for a clerk's transcript including arranging documents in chronological order, numbering the pages consecutively, providing indexes of the documents in the appendix, and having a cover with required information on it.

When you have finished preparing your appellant's appendix, you must serve and file it. It must be served and filed either before your opening brief is filed or at the same time as that brief is filed. See item 16 for information about that brief.

"Serving and filing" the appendix means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (serve) the appendix to the other party or parties in the way required by law. If the appendix is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the appendix has been served. This record is called a "proof of service." *Proof of Service* (form APP-109) or *Proof of Electronic Service* (form APP-109E) can be used to make this record. The proof of service must show who served the appendix, who was served with the appendix, how the appendix was served (by mail, in person, or electronically), and the date the appendix was served.
- Bring or send (by mail or electronically) the original appendix and the proof of service to the superior court appellate division. You should make a copy of the appendix you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the appendix to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the Self-Help Guide to the California Courts at courts.ca.gov/selfhelp-serving.htm.

Cost: You are responsible for the cost of preparing your appellant's appendix and any appellant's reply appendix.

(2) Clerk's transcript

Description: A clerk's transcript is a record of the documents filed in the trial court prepared by the clerk of the trial court.

Contents: Certain documents, such as the notice of appeal and the trial court judgment or order being appealed, must be included in the clerk's transcript. These documents are listed in rule 8.832(a) of the California Rules of Court and in *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103).

If you want any documents other than those listed in rule 8.832(a) to be included in the clerk's transcript, you must tell the trial court in your notice designating the record on appeal. You can use form APP-103 to do this. You will need to identify each document you want included in the clerk's transcript by its title and filing date or, if you do not know the filing date, the date the document was signed.

If you—the appellant—request a clerk's transcript, the respondent also has the right to ask the clerk to include additional documents in the clerk's transcript. If this happens, you will be served with a notice saying what other documents the respondent wants included in the clerk's transcript.

Cost: As the appellant, you are responsible for paying for preparing a clerk's transcript. The trial court clerk will send you a bill for the cost of preparing an original and one copy of the clerk's transcript. You must do one of the following things within 10 days after the clerk sends this bill or the appellate division may dismiss your appeal:

- Pay the bill.
- Ask the court to waive the cost because you cannot afford to pay. To do this, you must fill out and file a *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at courts.ca.gov/forms. The court will review this application to decide if you are eligible for a fee waiver.
- Give the court a copy of a court order showing that your fees in this case have already been waived by the court.

Completion and delivery: After the cost of preparing the clerk's transcript has been paid or waived, the trial court clerk will compile the requested documents into a transcript format and, when the record on appeal is complete, will forward the original clerk's transcript to the appellate division for filing. The trial court clerk will send you a copy of the transcript. If the respondent bought a copy, the clerk will also send a copy of the transcript to the respondent.

(3) Trial court file

When available: If the court has a local rule allowing this, the clerk can send the appellate division the original trial court file instead of a clerk's transcript (see rule 8.833 of the California Rules of Court).

Cost: As with a clerk's transcript, you, as the appellant, are responsible for paying for preparing the trial court file. The trial court clerk will send you a bill for this preparation cost. You must do one of the following things within 10 days after the clerk sends this bill or the appellate division may dismiss your appeal:

- Pay the bill.
- Ask the court to waive the cost because you cannot afford to pay. To do this, you must fill out and file a *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at courts.ca.gov/forms. The court will review this application to decide if you are eligible for a fee waiver.
- Give the court a copy of a court order showing that your fees in this case have already been waived by the court.

Completion and delivery: After the cost of preparing the trial court file has been paid or waived and the record on appeal is complete, the trial court clerk will send the file and a list of the documents in the file to the appellate division. The trial court clerk will also send a copy of the list of documents to the appellant and respondent so that you can put your own files of documents from the trial court in the correct order.

(4) Agreed statement

When available: If you and the respondent have already agreed to use an agreed statement as the record of the oral proceedings (see "Agreed statement" on page 6) and agree to this, you can use an agreed statement instead of a clerk's transcript. To do this, you must attach to your agreed statement all of the documents that are required to be included in a clerk's transcript.

c. Exhibits

The third part of the official record of the trial court proceeding is the exhibits, such as photographs, documents, or other items that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court. Exhibits are considered part of the record on appeal, but the clerk will not include any exhibits in the clerk's transcript unless you ask that they be included in your notice designating the record on appeal. *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103), includes a space for you to make this request. You also can ask the trial court to send original exhibits to the appellate division at the time briefs are filed (see rule 8.843 for more information about this procedure and see below for information about briefs).

Sometimes, the trial court returns an exhibit to a party at the end of the trial. If the trial court returned an exhibit to you or another party and you or the other party ask for that exhibit to be included in the clerk's transcript or sent to the appellate division, the party who has the exhibit must deliver that exhibit to the trial court clerk as soon as possible.

14 What happens after the official record has been prepared?

As soon as the record on appeal is complete, the clerk of the trial court will send it to the appellate division. When the appellate division receives the record, it will send you a notice telling you when you must file your brief in the appellate division.

15 What is a brief?

Description: A "brief" is a party's written description of the facts in the case, the law that applies, and the party's argument about the issues being appealed. If you are represented by a lawyer in your appeal, your lawyer will prepare your brief. If you are not represented by a lawyer, you will have to prepare your brief yourself. You should read rules 8.882–8.884 of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in limited civil appeals, including requirements for the format and length of these briefs. You can get copies of these rules at any courthouse or county law library or online at courts.ca.gov/rules.

Contents: If you are the appellant, your brief, called an "appellant's opening brief," must clearly explain what you believe are the legal errors made in the trial court. Your brief must refer to the exact places in the clerk's transcript and the reporter's transcript (or the other forms of the record you are using) that support your argument. Remember that an appeal is not a new trial. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits, so do not include any new evidence in your brief.

You may, but are not required to, fill out *Appellant's Opening Brief—Limited Civil Case* (form APP-200) and use it as your opening brief. You can get more information about using this form as your opening brief from *How to Use Form APP-200 in Limited Civil Cases* (form APP-200-INFO).

Serving and filing: You must serve and file your brief in the appellate division by the deadline the court set in the notice it sent you, which is usually 30 days after the record is filed in the appellate division or 60 days from the date the appellant chooses to proceed with no reporter's transcript under rule 8.845. "Serve and file" means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send ("serve") the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the brief has been served. This record is called a "proof of service." *Proof of Service* (form APP-109) or *Proof of Electronic Service* (form APP-109E) can be used to make this record. The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.
- File the original brief and the proof of service with the appellate division. You should make a copy of the brief you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

- Note: If a party chooses to prepare an appendix of the documents filed in the trial court instead of designating a clerk's transcript, the appellant's appendix must be served and filed before or together with the appellant's opening brief.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the Self-Help Guide to the California Courts at courts.ca.gov/selfhelp-serving.htm.

You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 30 days (see rule 8.882(b) for requirements for these agreements). You can also ask the court to extend the time for filing this brief if you can show good cause for an extension (see rule 8.811(b) for a list of the factors the court will consider in deciding whether there is good cause for an extension). You may use *Application for Extension of Time to File Brief—Limited Civil Case* (form APP-106) to ask the court for an extension.

If you do not file your brief by the deadline set by the appellate division, the court may dismiss your appeal.

16 What happens after I file my brief?

Within 30 days after you serve and file your brief, the respondent may, but is not required to, respond by serving and filing a respondent's brief. If the respondent does not file a brief, the appellant does not automatically win the appeal. The court will decide the appeal on the record, the appellant's brief, and any oral argument by the appellant.

If the respondent files a brief, within 20 days after the respondent's brief was filed, you may, but are not required to, file another brief replying to the respondent's brief. This is called a "reply brief."

17 What happens after all the briefs have been filed?

Once all the briefs have been filed or the time to file them has passed, the appellate division will notify you of the date for oral argument in your case.

18 What is "oral argument"?

"Oral argument" is the parties' chance to explain their arguments to the appellate division judges in person. You do not have to participate in oral argument if you do not want to; you can notify the appellate division that you want to "waive" oral argument. If all parties waive oral argument, the judges will decide your appeal based on the briefs and the record that were submitted. But if one party waives oral argument and another party or parties does not, the appellate division will hold oral argument with the party or parties who did not waive it.

If you do choose to participate in oral argument, you will have up to 10 minutes for your argument unless the appellate division orders otherwise. Remember that the judges will have already read the briefs, so you do not need to read your brief to the judges. It is more helpful to tell the judges what you think is most important in your appeal or ask the judges if they have any questions you could answer.

19 What happens after oral argument?

After oral argument is held (or the date it was scheduled passes if all the parties waive oral argument), the judges of the appellate division will make a decision about your appeal. The appellate division has 90 days after the date scheduled for oral argument to decide the appeal. The clerk of the court will mail you a notice of the appellate division's decision.

20 What should I do if I want to give up my appeal?

If you decide you do not want to continue with your appeal, you must file a written document with the appellate division notifying it that you are giving up (this is called "abandoning") your appeal. You can use *Abandonment of Appeal (Limited Civil Case)* (form APP-107) to file this notice in a limited civil case. You can get form APP-107 at any courthouse or county law library or online at courts.ca.gov/forms.

INFORMATION FOR THE RESPONDENT

This section of this information sheet is for the respondent —the party responding to an appeal filed by another party. It explains some of the rules and procedures relating to responding to an appeal in a limited civil case. The information may also be helpful to the appellant.

21 I have received a notice of appeal from another party. Do I need to do anything?

You do not *have* to do anything. The notice of appeal simply tells you that another party is appealing the trial court's decision. However, this would be a good time to get advice from a lawyer, if you want it. You do not *have* to have a lawyer; if you are an individual (not a corporation, for example), you are allowed to represent yourself in an appeal in a limited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow.

If you have any questions about the appeal procedures, you should talk to a lawyer. You must hire your own lawyer if you want one. You can get information about finding a lawyer on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help.

22 If the other party appealed, can I appeal too?

Yes. Even if another party has already appealed, you may still appeal the same judgment or order. This is called a "cross-appeal." To cross-appeal, you must serve and file a notice of appeal. You can use form APP-102 (*Notice of Appeal/Cross-Appeal—Limited Civil Case)* to file this notice in a limited civil case. Please read the information for appellants about filing a notice of appeal, starting on page 2 of this information sheet, if you are considering filing a cross-appeal.

23 Is there a deadline to file a cross-appeal?

Yes. You must serve and file your notice of appeal within either the regular time for filing a notice of appeal (generally 30 days after mailing or service of Notice of Entry of the judgment or a file-stamped copy of the judgment) or within 10 days after the clerk of the trial court mails notice of the first appeal, whichever is later.

24 I have received a notice designating the record on appeal from another party. Do I need to do anything?

You do not *have* to do anything. A notice designating the record on appeal lets you know what kind of official record the appellant has asked to be sent to the appellate division. Depending on the kind of record chosen by the appellant, however, you may have the option to:

- Add to what is included in the record
- Participate in preparing the record *or*
- Ask for a copy of the record

Look at the appellant's notice designating the record on appeal to see what kind of record the appellant has chosen and read about that form of the record in the response to question 13 above. Then read below for what your options are when the appellant has chosen that form of the record.

a. Reporter's transcript

If the appellant is using a reporter's transcript, you have the option of asking for additional oral proceedings to be included in the reporter's transcript. To do this, within 10 days after the appellant files its notice designating the record on appeal, you must serve and file a notice designating additional proceedings to be included in the reporter's transcript. You may use form APP-110 *(Respondent's Notice Designating Record on Appeal —Limited Civil Case)* for this purpose.

Whether or not you ask for additional proceedings to be included in the reporter's transcript, you must generally pay a fee if you want a copy of the reporter's transcript. The trial court clerk or reporter will send you a notice stating the cost of preparing a copy of the reporter's transcript. If you want a copy of the reporter's transcript, you must deposit this amount (and a fee for the trial court) or one of the substitutes allowed by rule 8.834 with the trial court clerk within 10 days after this notice is sent. (See rule 8.834 for more information about this deposit and the permissible substitutes.)

Unlike the fee for preparing a clerk's transcript, the court cannot waive the fee for preparing a reporter's transcript. A special fund, called the Transcript Reimbursement Fund, may be able to help pay for the transcript. You can get information about this fund at www.courtreportersboard.ca.gov/consumers/index.shtml#trf. The reporter will not prepare a copy of the reporter's transcript for you unless you deposit the cost of the transcript, or one of the permissible substitutes, or your application for payment by the Transcript Reimbursement Fund is approved.

If the appellant elects not to use a reporter's transcript, you may not designate a reporter's transcript without first getting an order from the appellate division.

b. Agreed statement

If you and the appellant agree to prepare an agreed statement (a summary of the trial court proceedings that is agreed to by the parties), you and the appellant will need to reach an agreement on that statement within 30 days after the appellant files its notice designating the record.

c. Statement on appeal

If the appellant elects to use a statement on appeal (a summary of the oral proceedings in the trial court that is approved by the trial court), the appellant will send you a proposed statement to review. You will have 10 days from the date the appellant sent you this proposed statement to serve and file suggested changes (called "amendments") that you think are needed to make sure that the statement gives an accurate summary of the testimony and other evidence relevant to the issues the appellant stated the appellant is raising on appeal. "Serve and file" means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send ("serve") the proposed amendments to the appellant in the way required by law. If the proposed amendments are mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the proposed amendments have been served. This record is called a "proof of service." *Proof of Service* (form APP-109) or *Proof of Electronic Service* (form APP-109E) can be used to make this record. The proof of service must show who served the proposed amendments, who was served with the proposed amendments, how the proposed amendments were served (by mail, in person, or electronically), and the date the proposed amendments were served.
- File the original proposed amendments and the proof of service with the trial court. You should make a copy of the proposed amendments you are planning to file for your own records before you file them with the court. It is a good idea to bring or mail an extra copy of the proposed amendments to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the Self-Help Guide to the California Courts at courts.ca.gov/selfhelp-serving.htm.

d. Appendix

If the appellant is using an appendix, you may prepare a separate respondent's appendix. See pages 8–9 for more information about preparing an appendix.

If the appellant chooses a clerk's transcript but does not have a waiver of the fee for a clerk's transcript, and the trial court has not granted a motion by the appellant for exemption to the requirement to use appendixes, you can choose an appendix instead of a clerk's transcript, and the appeal will proceed by appendix. To choose an appendix, you can fill out and file *Respondent's Notice Designating Record on Appeal—Limited Civil Case* (form APP-110) within 10 days after the appellant's notice designating the record on appeal is filed.

e. Clerk's transcript

If the appellant is using a clerk's transcript, you have the option of asking the clerk to include additional documents in the clerk's transcript.

To do this, within 10 days after the appellant serves its notice designating the record on appeal, you must serve and file a notice designating additional documents to be included in the clerk's transcript. You may use *Respondent's Notice Designating Record on Appeal—Limited Civil Case* (form APP-110) for this purpose.

Whether or not you ask for additional documents to be included in the clerk's transcript, you must pay a fee if you want a copy of the clerk's transcript. The trial court clerk will send you a notice stating the cost for a copy of the clerk's transcript. If you want a copy, you must deposit this amount with the court within 10 days after the clerk's notice was sent.

If you cannot afford to pay this cost, you can ask the court to waive it. To do this, you must fill out and file a *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at courts.ca.gov/forms. The court will review this application and decide if you are eligible for a fee waiver. The clerk will not prepare a copy of the clerk's transcript for you unless you deposit payment for the cost or obtain a fee waiver.

25 What happens after the official record has been prepared?

As soon as the record on appeal is complete, the clerk of the trial court will send it to the appellate division. When the appellate division receives this record, it will send you a notice telling you when you must file your brief in the appellate division.

A brief is a party's written description of the facts in the case, the law that applies, and the party's argument about the issues being appealed. If you are represented by a lawyer, your lawyer will prepare your brief. If you are not represented by a lawyer in your appeal, you will have to prepare your brief yourself.

You should read rules 8.882–8.884 of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in limited civil appeals, including requirements for the format and length of these briefs. You can get these rules at any courthouse or county law library or online at courts.ca.gov/rules.

The appellant serves and files the first brief, called an "appellant's opening brief." You may, but are not required to, respond by serving and filing a respondent's brief within 30 days after the appellant's opening brief is filed. "Serve and file" means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send ("serve") the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so, not you.
- Make a record that the brief has been served. This record is called a "proof of service." *Proof of Service* (form APP-109) or *Proof of Electronic Service* (form APP-109E) can be used to make this record. The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.
- File the original brief and the proof of service with the appellate division. You should make a copy of the brief you are planning to file for your own records before you file it with the court. It is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed. You can get more information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the Self-Help Guide to the California Courts at courts.ca.gov/selfhelp-serving.htm.

You may, but are not required to, fill out *Respondent's Brief—Limited Civil Case* (form APP-201) and use it as your answering brief. You can get more information about using this form as your answering brief from *How to Use Form APP-201 in Limited Civil Cases* (form APP-201-INFO).

You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 30 days (see rule 8.882(b) for requirements for these agreements). You can also ask the court to extend the time for filing this brief if you can show good cause for an extension (see rule 8.811(b) for a list of the factors the court will consider in deciding whether there is good cause for an extension). You may use *Application for Extension of Time to File Brief—Limited Civil Case* (form APP-106) to ask the court for an extension.

If you do not file a respondent's brief, the appellant does not automatically win the appeal. The court will decide the appeal on the record, the appellant's brief, and any oral argument by the appellant. Remember that an appeal is not a new trial. The appellate division will not consider new evidence, such as the testimony of new witnesses or new exhibits, so do not include any new evidence in your brief.

If you file a respondent's brief, the appellant then has an opportunity to serve and file another brief within 20 days replying to your brief.

26 What happens after all the briefs have been filed?

Once all the briefs have been filed or the time to file them has passed, the court will notify you of the date for oral argument in your case.

"Oral argument" is the parties' chance to explain their arguments to appellate division judges in person. You do not have to participate in oral argument if you do not want to; you can notify the appellate division that you want to "waive" oral argument. If all parties waive oral argument, the judges will decide the appeal based on the briefs and the record that were submitted. But if one party waives oral argument and another party or parties does not, the appellate division will hold oral argument with the party or parties who did not waive it.

After oral argument is held (or the scheduled date passes if all parties waive argument), the judges of the appellate division will make a decision about the appeal. The appellate division has 90 days after oral argument to decide the appeal. The clerk of the court will mail you a notice of the appellate division's decision.

APP-103 Appellant's Notice Designating Record on Appeal (Limited Civil Case)

Clerk stamps date here when form is filed.

DRAFT
2026-03-10
Not approved by the Judicial Council

Instructions

- This form is only for choosing ("designating") the record on appeal in a **limited civil case.**
- Before you fill out this form, read form APP-101-INFO (*Information on Appeal Procedures for Limited Civil Cases*) to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at courts.ca.gov/forms.
- This form can be attached to your notice of appeal. If it is not attached to your notice of appeal, you must serve and file this form within 10 days after you file your notice of appeal. **If you do not file this form on time, the court may dismiss your appeal.**
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service on the California Courts Online Self-Help Center site at courts.ca.gov/selfhelp-serving.htm.
- Take or mail the original completed form and proof of service to the clerk's office for the same court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

Trial Court Case Name:

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

1 Your Information

a. Appellant (the party who is filing this appeal):

Name: _____

b. Appellant's contact information *(skip this if the appellant has a lawyer for this appeal):*

Street address: _____ (*Street*) _____ (*City*) _____ (*State*) _____ (*Zip*)

Mailing address *(if different):* _____ (*Street*) _____ (*City*) _____ (*State*) _____ (*Zip*)

Phone: _____ Email: _____

c. Appellant's lawyer *(skip this if the appellant does not have a lawyer for this appeal):*

Name: _____ State Bar number: _____

Street address: _____ (*Street*) _____ (*City*) _____ (*State*) _____ (*Zip*)

Mailing address *(if different):* _____ (*Street*) _____ (*City*) _____ (*State*) _____ (*Zip*)

Phone: _____ Email: _____

Fax: _____

Trial Court Case Name: _____ Trial Court Case Number:

2 Information About Your Appeal

On *(fill in the date):* _____ I/my client filed a notice of appeal in the trial court case identified in the box on page 1 of this form.

Record of Oral Proceedings in the Trial Court

You do not have to provide the appellate division with a record of what was said in the trial court (this is called a record of the "oral proceedings"). But if you want to raise any issue in your appeal that would require the appellate division to consider what was said in the trial court, you will need to provide the appellate division with a record of those oral proceedings. For example, if you are claiming that there was not evidence supporting the judgment, order, or other decision you are appealing, you will need to provide a record of the oral proceedings.

3 I elect (choose)/My client elects to proceed *(check a or b):*

a. ☐ **Without** a record of the oral proceedings in the trial court (*skip item 4; go to item 5*). I understand that if I elect to proceed without providing a record of the oral proceedings, the appellate division will not be able to review any issues I might want to raise about what was said in the trial court during those proceedings or any claim that there was not evidence to support the judgment, order, or decision I am appealing.
(Write initials here): _____

b. ☐ **With** a record of the oral proceedings in the trial court *(complete item 4 below)*. I understand that if I elect (choose) to proceed **with** a record of the oral proceedings in the trial court, I have to choose the record I want to use and take the actions described below to make sure this record is provided to the appellate division. I understand that if I do not take the actions described below and the appellate division does not receive this record, I am not likely to succeed in my appeal. *(Write initials here)*: _____

4 I want to use the following record of what was said in the trial court proceedings in my case *(check and complete **any and all** of the following that are applicable below—a, b, c, d, and e. Use only one method for each court session that you designate.):*

a. ☐ **Reporter's Transcript.** *This option is available only if there was a court reporter in the trial court who made a record of what was said in court. Check with the trial court to see if there was a court reporter in your case before choosing this option. Complete (1) and (2).*

(1) **Designation of proceedings to be included in reporter's transcript.** I request that the following proceedings in the trial court be included in the reporter's transcript. (*You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings, and whether a certified transcript of the designated proceeding was previously prepared.)*

	Date	Department	Description	Reporter's Name	Prev. Prepared?
1					☐ Yes ☐ No
2					☐ Yes ☐ No
3					☐ Yes ☐ No
4					☐ Yes ☐ No
5					☐ Yes ☐ No
6					☐ Yes ☐ No
7					☐ Yes ☐ No

☐ *Check here if you need to list other proceedings and attach a separate page or pages listing those proceedings. At the top of each page, write "APP-103, item 4a."*

Trial Court Case Name: _____ Trial Court Case Number:

(4) a. (2) The proceedings designated in (1) ☐ include ☐ do not include all of the testimony in the trial court. If the designated proceedings **do not** include all of the testimony, state the points that you intend to raise on appeal. *(Cal. Rules of Court, rule 8.834(a)(2) provides that your appeal will be limited to these points unless, on a motion, the appellate division permits otherwise.)*

_____

_____

_____

☐ *Check here if you need more space to list other points and attach a separate page or pages listing those points. At the top of each page, write "APP-103, item 4a(2)."*

(3) ☐ **Certified transcripts.** I have attached to this Appellant's Notice Designating Record on Appeal an original certified transcript of *all the proceedings I have designated* in (1). The transcript complies with the format requirements in rule 8.144 of the California Rules of Court. Under rule 8.834, no payment is due for this transcript (skip the rest of (4) and go to (5)).

(4) **Payment for reporter's transcript.**

(a) ☐ I will pay for the reporter's transcript I have designated in (1). Within 10 days of getting the reporter's estimate of the cost of the transcript, I will:

(i) ☐ Deposit with the trial court **both** an amount equal to the estimated cost of the transcript **and** either a fee of $50 for the superior court to hold this deposit in trust or a valid fee waiver that covers the fee for the superior court to hold this deposit in trust. I understand that if I do not comply with this requirement, my appeal may be dismissed.

(ii) ☐ File with the trial court a copy of the written waiver of deposit signed by the reporter. I understand that if I do not comply with this, my appeal may be dismissed. *(Please note that this is **not** the same as a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. The court cannot waive the cost of preparing a reporter's transcript. The court reporter's "written waiver of a deposit" is an agreement with the reporter that a deposit does not need to be submitted with the court because payment for the transcript will be made directly to the court reporter.)*

(b) ☐ I am unable to afford the cost of the reporter's transcript I have designated in (1) and am therefore applying to the Transcript Reimbursement Fund to pay for this transcript. Within 10 days of receipt of the court reporter's estimate of the costs for this transcript, I will file with the trial court a copy of my application to the Court Reporters Board for payment or reimbursement from the Transcript Reimbursement Fund.

(5) **Format of reporter's transcript.** I request that the reporter provide my copy of the transcript in:

(a) ☐ Paper format only.

(b) ☐ Electronic format only.

(c) ☐ Both paper and electronic format.

b. ☐ **Transcript From Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. Identify each proceeding you want included by its date, the department in which it took place, and a description of the proceedings:*

Trial Court Case Name: _____ Trial Court Case Number:

4 b.

	Date	Department	Description	Morning/Afternoon/Both
1				
2				
3				

☐ *Check here if you need more space to describe any proceeding or to list more proceedings and attach a separate page describing or listing those proceedings. At the top of each page, write "APP-103, item 4b."*

Check and complete (1) or (2).

(1) ☐ I will pay the trial court clerk for this transcript myself. I understand that if I do not pay for the transcript, my appeal may be dismissed.

(a) ☐ With this notice designating the record on appeal, I have deposited with the trial court clerk the approximate cost of transcribing the proceedings I designated above, calculated as provided in Cal. Rules of Court, rule 8.130(b)(1)(B).

(b) ☐ Within 10 days of receipt of the clerk's estimate of the cost of the transcript, I will deposit that amount with the trial court clerk.

(2) ☐ I am asking that the transcript be provided at no cost to me because I cannot afford to pay this cost. I have attached *(check (a) or (b) and attach the appropriate document):*

(a) ☐ An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).

(b) ☐ An application for a waiver of court fees and costs under d in Cal. Rules of Court, rules 3.50–3.58 and 8.818(d). *(Use form FW-001,* Request to Waive Court Fees*. The court will review this form to decide if you are eligible for a fee waiver.)*

c. ☐ **Copy of Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court, the court has a local rule for the appellate division permitting the use of the official electronic recording itself as the record of the proceedings, and all of the parties have agreed (stipulated) that they want to use the recording itself as the record of what was said in the case. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. You must attach a copy of your agreement (stipulation) with the other parties to this notice. Check and complete (1) or (2).*

	Date	Department	Description	Morning/Afternoon/Both
1				
2				
3				

Trial Court Case Name: _____ Trial Court Case Number:

4 c. (1) ☐ I will pay the trial court clerk for this copy of the recording myself when I receive the clerk's estimate of the cost of this copy. I understand that if I do not pay for this copy of the recording, it will not be prepared and provided to the appellate division.

(2) ☐ I am asking that a copy of the recording be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record *(check (a) or (b) and submit the appropriate document):*

(a) ☐ An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).

(b) ☐ An application for a waiver of court fees and costs under rules Cal. Rules of Court, 3.50–3.58 and 8.818(d). *(Use form FW-001,* Request to Waive Court Fees. *The court will review this form to decide if you are eligible for a fee waiver.)*

d. ☐ **Agreed Statement.** *An agreed statement is a summary of the trial court proceedings agreed to by the parties. See form APP-101-INFO for information about preparing an agreed statement. Check (1) or (2).*

	Date	Department	Description
1			
2			
3			

(1) ☐ I have attached an agreed statement to this notice.

(2) ☐ All the parties have agreed in writing (stipulated) to try to agree on a statement *(you must attach a copy of this agreement (stipulation) to this notice)*. I understand that, within 30 days after I file this notice, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal, and if I do not, the court may dismiss my appeal.

e. ☐ **Statement on Appeal.** *A statement on appeal is a summary of the oral proceedings approved by the trial court. See form APP-101-INFO for information about preparing a proposed statement in the trial court. Check (1) or (2).*

	Date	Department	Description
1			
2			
3			

(1) ☐ I have attached my proposed statement on appeal to this notice. (*If you are not represented by a lawyer in this appeal, you must use form APP-104,* Proposed Statement on Appeal (Limited Civil Case), *to prepare and file this proposed statement. You can get a copy of form APP-104 at any courthouse or county law library or online at courts.ca.gov/forms.)*

(2) ☐ I have NOT attached my proposed statement on appeal to this notice. I understand that I must serve and file this proposed statement in the trial court within 20 days of the date I file this notice and that if I do not file the proposed statement on time, the court may dismiss my appeal.

Trial Court Case Name: _____ Trial Court Case Number:

Record of the Documents Filed in the Trial Court

5 *Check either a or b and provide the requested information for the item you checked. If you check item a, do not complete item b.*

a. ☐ The use of an appendix is required in this case under rule 8.845(a). *(Appendixes must be used as the record of the documents from the trial court in all limited civil appeals in which all parties are represented by counsel unless one of the parties has a waiver of the fee for a clerk's transcript. You can ask the trial court to give you an exemption from this requirement by filing a request (motion) with your notice designating the record on appeal. Please read rule 8.845 for more information about appendixes.)*

Are you filing a motion with this notice requesting an exemption from the requirement to use an appendix in this case? ☐ Yes ☐ No

b. ☐ The use of an appendix is not required in this case under rule 8.845(a).

(1) ☐ The requirement to use an appendix does not apply in this case because *(check all that apply)*:

(a) ☐ Not all the parties in this case are represented by counsel.

(b) ☐ A party in this case has a waiver for the cost of a clerk's transcript.

(c) ☐ The court granted a motion filed by ☐ me ☐ another party requesting an exemption from the requirement to use an appendix in this case.

(2) I elect (choose)/My client elects to use the following record of the documents filed in the trial court *(check (a), (b), or (c) and fill in any required information):*

(a) ☐ **Clerk's Transcript.** *(Fill out (i)–(iv).) Note that, if the appellate division has adopted a local rule permitting this, the clerk may prepare and send the original court file to the appellate division instead of a clerk's transcript.*

(i) **Required documents.** *The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed or, if that is not available, the date the document was signed.*

	Document Title and Description	Date of Filing
1	Notice of appeal	
2	Notice designating record on appeal *(this document)*	
3	Judgment or order appealed from	
4	Notice of entry of judgment *(if any)*	
5	Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order *(if any)*	
6	Ruling on any item included under (e)	
7	Register of actions or docket	

Trial Court Case Name: _____ Trial Court Case Number:

5 b. (2) (a) (ii) **Additional documents.** *If you want any documents in addition to the required documents listed in (2)(a)(i) above to be included in the clerk's transcript, you must identify those documents here.*

☐ I request that the clerk include in the transcript the following documents that were filed in the trial court. *(Identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)*

	Document Title and Description	Date of Filing
1		
2		
3		
4		
5		

☐ *Check here if you need to list other documents and attach a separate page or pages listing those documents. At the top of each page, write "APP-103, item 5b(2)(a)(ii)."*

(iii) **Exhibits.**

☐ I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the trial court. *(For each exhibit, give the exhibit number (such as Plaintiff's #1 or Defendant's A) and a brief description of the exhibit, and indicate whether or not the court admitted the exhibit into evidence. If the trial court has returned a designated exhibit to a party, the party who has that exhibit must deliver it to the trial court clerk as soon as possible.)*

Exhibit Number	Description	Admitted Into Evidence
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No

☐ *Check here if you need to list other exhibits and attach a separate page or pages listing those exhibits. At the top of each page, write "APP-103, item 5b(2)(a)(iii)."*

(iv) **Payment for clerk's transcript.** *(Check (A) or (B).)*

(A) ☐ I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the costs of the transcript. I understand that if I do not pay for the transcript, it will not be prepared and provided to the appellate division.

Trial Court Case Name: _____ Trial Court Case Number:

5 b. (2) (a) (ii) (B) ☐ I am asking that the clerk's transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record *(check below and submit the checked document):*

☐ An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).

☐ An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d). *(Use form FW-001,* Request to Waive Court Fees. *The court will review this form to decide if you are eligible for a fee waiver.)*

OR

(b) ☐ **An appendix under rule 8.845.** *(This option is available only if the respondent does not have a waiver of the fee for a clerk's transcript and the trial court has not granted a motion by the respondent for exemption to the requirement to use appendixes.)*

OR

(c) ☐ **Agreed statement.** *(This option is only available if you have chosen to use an agreed statement as the record of the oral proceedings under item 4 above and you attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in 5b(2)(a)(i) above and in rule 8.832 of the California Rules of Court.)*

Date: _____

_____ ▶ _____

Type or print your name Signature of appellant or attorney

APP-110 Respondent's Notice Designating Record on Appeal—Limited Civil Case

Clerk stamps date here when form is filed.

DRAFT

2026-03-26

Not approved by the Judicial Council

Instructions

- This form is only for choosing ("designating") the record on appeal in a **limited civil case.** Note that any rules referenced in this form are to the California Rules of Court.
- Before you fill out this form, read form APP-101-INFO, *Information on Appeal Procedures for Limited Civil Case*s, to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at courts.ca.gov/forms.
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from form APP-109-INFO, *What Is Proof of Service?,* or on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/court-basics/service.
- Take or mail the original completed form and proof of service to the clerk's office for the same court that issued the judgment or order that is being appealed. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

Trial Court Case Name:

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

1 Your Information

a. Respondent *(the party who is responding to an appeal filed by another party):*

Name: _____

b. Respondent's contact information *(skip this if the respondent has a lawyer for this appeal):*

Street address: _____ (*Street*) _____ (*City*) _____ (*State*) _____ (*Zip*)

Mailing address *(if different):* _____ (*Street*) _____ (*City*) _____ (*State*) _____ (*Zip*)

Phone: _____ Email: _____

c. Respondent's lawyer *(skip this if the respondent does not have a lawyer for this appeal):*

Name: _____ State Bar number: _____

Street address: _____ (*Street*) _____ (*City*) _____ (*State*) _____ (*Zip*)

Mailing address *(if different):* _____ (*Street*) _____ (*City*) _____ (*State*) _____ (*Zip*)

Phone: _____ Email: _____

Fax: _____

Information About the Appeal

(2) On *(fill in the date):* _____ another party filed a notice of appeal in the trial court case identified in the box on page 1 of this form.

(3) On *(fill in the date):* _____ the appellant filed an appellant's notice designating the record on appeal.

Record of the Documents Filed in the Trial Court

(4) The appellant elected (chose) to use a clerk's transcript under Cal. Rules of Court, rule 8.832 as the record of the documents filed in the trial court. *(You must check a or b):*

a. ☐ I agree to a clerk's transcript. *(If you want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk's transcript, you must identify those documents in item 5.)*

b. ☐ I choose an appendix as the record of documents under Cal. Rules of Court, rule 8.845. I can make this choice because the appellant has not been granted a waiver of the fee for a clerk's transcript and the superior court has not granted a motion by the appellant for exemption to the requirement to use appendixes. (*If you choose to use an appendix, the appellant must also use an appendix and cannot use a clerk's transcript.*)

Clerk's Transcript

(5) The parties will use a clerk's transcript.

a. **Additional documents and exhibits.**

☐ I understand that if I do not identify any additional documents or exhibits below, only the documents and exhibits designated by the appellant will be included in the clerk's transcript.

(1) **Documents**

☐ In addition to the documents designated by the appellant, I request that the clerk include in the transcript the following documents that were filed in the trial court. *(Identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)*

	Document Title and Description	Date of Filing
1		
2		
3		
4		

☐ *Check here if you need more space to list other documents and attach a separate page or pages listing those documents. At the top of each page, write "APP-110, item 5a(1)."*

(2) **Exhibits**

☐ In addition to the exhibits designated by the appellant, I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the trial court. *(For each exhibit, give the exhibit number (such as Plaintiff's #1 or Defendant's A) and a brief description of the exhibit and indicate whether or not the court admitted the exhibit into evidence. If the trial court has returned a designated exhibit to a party, the party who has that exhibit must deliver it to the trial court clerk as soon as possible.)*

5 a. (2)

Exhibit Number	Description	Admitted Into Evidence
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No

☐ *Check here if you need more space to list other exhibits and attach a separate page or pages listing those exhibits. At the top of each page, write "APP-110, item 5a(2)."*

b. ☐ **Copy of clerk's transcript.** I request a copy of the clerk's transcript. *(Check and complete (1) or (2).)*

(1) ☐ I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the costs of the transcript.

(2) ☐ I am asking that a copy of the clerk's transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record *(check (a) or (b) and submit the checked document):*

(a) ☐ An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).

(b) ☐ An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d). (*Use form FW-001,* Request to Waive Court Fees. *The court will review this form to decide if you are eligible for a fee waiver.)*

Record of Oral Proceedings in the Trial Court

6 The appellant elected to use the following record of what was said in the trial court proceedings *(check and complete **any and all** of the following that are applicable below—a, b, and c. Use only one method for each court session that you designate):*

a. ☐ **Reporter's Transcript.** The appellant elected to use a reporter's transcript under rule 8.834 as the record of the oral proceedings in the trial court.

(1) ☐ **Designation of additional proceedings to be included in the reporter's transcript.** *(If you want any proceedings in addition to the proceedings designated by the appellant to be included in the reporter's transcript, you must identify those proceedings here.)*

In addition to the proceedings designated by the appellant, I request that the following proceedings in the trial court be included in the reporter's transcript. *(You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings, and whether a certified transcript of the designated proceeding was previously prepared.)*

	Date	Department	Description	Reporter's Name	Prev. Prepared?
1					☐ Yes ☐ No
2					☐ Yes ☐ No
3					☐ Yes ☐ No
4					☐ Yes ☐ No
5					☐ Yes ☐ No
6					☐ Yes ☐ No

☐ *Check here if you need more space to list other proceedings and attach a separate page or pages listing those proceedings. At the top of each page, write "APP-110, item 6a(1)."*

6 a. (2) ☐ **Certified transcripts.** I have attached to this form an original certified transcript of all the proceedings I have designated in (1). The transcript complies with the format requirements in rule 8.144 of the California Rules of Court.

(3) ☐ **Copy of reporter's transcript.** I request a copy of the reporter's transcript. *(Check and complete (a) or (b).)*

(a) ☐ I will pay for the reporter's transcript. Within 10 days of receiving the reporter's estimate of the cost of the transcript, I will *(check and complete (i) or (ii)):*

(i) ☐ Deposit **both** an amount equal to the estimated cost of the transcript with the trial court, and either a fee of $50 for the trial court or a valid fee waiver which covers the fee for the superior court to hold this deposit in trust. I understand that if I do not comply with this requirement, I will not receive a copy of the transcript.

(ii) ☐ Pay the reporter directly and file with the trial court a copy of the written waiver of deposit signed by the reporter. I understand that if I do not comply with this requirement, I will not receive a copy of the transcript.

(b) ☐ I am unable to afford the cost of the reporter's transcript and am therefore applying to the Transcript Reimbursement Fund to pay for this transcript. Within 10 days of receiving the reporter's estimate of the cost of the transcript, I will file with the trial court a copy of my application to the Court Reporters Board for payment or reimbursement from the Transcript Reimbursement Fund. I understand that within 90 days of filing my application, I must file with the trial court a copy of the provisional approval of my application or pay for the reporter's transcript as provided in (a). I understand that if I do not comply, I will not receive a copy of the transcript.

(4) **Format of reporter's transcript.** I request that the reporter provide my copy of the transcript in:

(a) ☐ Electronic format only.

(b) ☐ Paper format only.

(c) ☐ Electronic format and a second copy of the reporter's transcript in paper format.

OR

b. ☐ **Transcript From Official Electronic Recording.** The appellant elected to use the transcript from an official electronic recording as the record of the oral proceedings in the trial court under Cal. Rules of Court, rule 8.835(b).

(1) ☐ **Designation of additional proceedings to be included in the transcript.** *(If you want any proceedings in addition to the proceedings designated by the appellant to be included in the transcript, you must identify those proceedings here.)*

In addition to the proceedings designated by the appellant, I request that the following proceedings in the trial court be included in the transcript. *(You must identify each proceeding you want included by its date, the department in which it took place, and a description of the proceedings.)*

6 b. (1)

	Date	Department	Description	Morning/Afternoon/Both
1				
2				
3				

☐ *Check here if you need more space to describe any proceeding or to list other proceedings and attach a separate page describing or listing those proceedings. At the top of each page, write "APP-110, item 6b(1)."*

(2) **Copy of the transcript from an official electronic recording.** I request a copy of this transcript. *(Check and complete (a) or (b).)*

	Date	Department	Description	Morning/Afternoon/Both
1				
2				
3				

(a) ☐ I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the cost of the transcript. I understand that if I do not pay for the transcript, I will not receive a copy.

(b) ☐ I am asking that the transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record. *(Check (i) or (ii) and submit the appropriate document):*

(i) ☐ An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).

(ii) ☐ An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d). *(Use form FW-001,* Request to Waive Court Fees*. The court will review this form to decide if you are eligible for a fee waiver.)*

OR

c. ☐ **Copy of Official Electronic Recording.** The appellant and I have agreed to use the official electronic recording itself as the record of the oral proceedings in the trial court under rule 8.835(a). I request a copy of this recording. *(Check and complete (1) or (2).)*

	Date	Department	Description	Morning/Afternoon/Both
1				
2				
3				

(1) ☐ I will pay the trial court clerk for this copy of the recording myself when I receive the clerk's estimate of the costs of this copy.

6 c. (2) ☐ I am asking that the transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record. *(Check (a) or (b) and submit the appropriate document):*

(a) ☐ An order granting a waiver of the cost under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d).

(b) ☐ An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58 and 8.818(d). *(Use form FW-001,* Request to Waive Court Fees*. The court will review this form to decide if you are eligible for a fee waiver.)*

Date: _____

_____ ▶ _____

Type or print your name | Signature of respondent or attorney

Item number: 03

Rules Committee Action Request Form

Rules Committee Meeting Date: 4/9/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Appellate Procedure: Record in Felony Appeals

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rule 8.320

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):* 10/16/2025
Project description from annual agenda: Consider amending the applicable rules to streamline or reduce the number of tasks required by superior court clerks in preparing the record on appeal and revising related forms as necessary. The Appellate Caseflow Workgroup noted that the burden of compiling the clerk's transcript can cause delays in the early stages of appeals. It thus encouraged the council to consider ways to reduce the tasks superior court clerks are required to perform in the record preparation process.

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

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):* 2/20/2026

☒ Office director (or designee) reviewed on *(date):* 3/23/2026 by *(name):* Michael Giden

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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-03

Title
Appellate Procedure: Record in Felony Appeals

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 8.320

Proposed by
Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

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

Executive Summary and Origin

The Appellate Advisory Committee proposes amending California Rules of Court, rule 8.320, to clarify what must be included in the record in criminal felony appeals. This proposal is designed to help reduce the number of appeals in which augmentation or correction of the record is necessary, which would reduce both the work for court clerks and resulting delays. This proposal originated from a recommendation of the former Chief Justice's Appellate Caseflow Workgroup.

The Proposal

Under California Rules of Court, rule 8.320, the normal record on appeal in an appeal from a judgment of conviction (or an appeal from an order granting a new trial) in a felony case must contain both a reporter's transcript and a clerk's transcript.[1] The Appellate Caseflow Workgroup identified in its December 2022 report the following sources of delay in preparing the clerk's transcript: finding case files, reviewing their contents, and identifying relevant documents.[2] The

[1] All further references to rules are to the California Rules of Court.

[2] Appellate Caseflow Workgroup, *Report to the Chief Justice* (Dec. 6, 2022), p. 16, *newsroom.courts.ca.gov/sites/default/files/newsroom/2022-12/Appellate%20Caseflow%20Workgroup%20Report_Final.pdf*. The workgroup was appointed by then-Chief Justice Tani G. Cantil-Sakauye in June 2022. Chief Justice Cantil-Sakauye directed the workgroup to "review policies, procedures, and management and administrative practices of the Courts of Appeal, and to recommend measures to promote transparency, accountability, and efficiency in issuing timely judgments." (*Ibid.* at p. 1.)

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

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workgroup also found that "superior courts have too few fully trained staff to compile clerks' transcripts promptly."[3]

Rule 8.320

Currently, rule 8.320 sets out general requirements for the normal record in subdivision (a), for clerk's transcripts in subdivision (b), and for reporter's transcripts in subdivision (c). Subdivision (d) of the rule then sets out the circumstances and requirements for a limited normal record, and subdivision (e) sets out when exhibits are deemed part of the record. To address the concerns identified by the Appellate Caseflow Workgroup, the committee proposes amending rule 8.320 to simplify the requirements for clerk's transcripts and reporter's transcripts in felony appeals by restructuring the rule for consistency and clarity. The changes are intended to help both litigants and court clerks understand what is required in a felony appellate record and to make the differing requirements clearer.

Subdivision (a) would set out what is required to be included in a normal record on appeal in felony cases: the clerk's transcript and the reporter's transcript. To clarify that exhibits are deemed part of the record, the committee proposes deleting the language on exhibits in subdivision (e) and moving it to subdivision (a). For subdivisions (b), (c), and (d), the committee proposes amendments to give different types of appeals governed by this rule their own subdivision based on the procedural posture. New subdivision (b), "Record in defendant's appeal from conviction or People's appeal from order granting new trial," and new subdivision (c), "Record in appeal from a postjudgment order or action," would be formatted the same way as current subdivision (d), with (1) for the clerk's transcript and (2) for the reporter's transcript. As a result of moving the provision on exhibits into subdivision (a), the proposal would redesignate existing subdivisions (f) and (g) as subdivisions (e) and (f).

To align the rule's language with this restructuring, the committee proposes the use of different terms in different contexts. Subdivision (a) would continue to use "must contain" to set out the general requirement for the record. Because the requirement is established in subdivision (a), subdivisions (b), (c), and (d) would list what "the normal record is composed of" because these subdivisions would be definitional. The definition in (1) would be phrased as, "A clerk's transcript containing [various documents]" because clerk's transcripts contain documents; the definition in (2) would be phrased as, "A reporter's transcript of [various oral proceedings]" because reporter's transcripts are transcriptions of what was said on the record.

For clarity, the amendments to (b) would consolidate the provisions regarding the contents of the clerk's and reporter's transcripts in appeals from a conviction or new trial order into one subdivision; these provisions are spread over subdivisions (a), (b), and (c) in the existing rule. For example, the language that would be stricken from subdivision (a) concerning the type of appeal would be moved into new subdivision (b). The requirements for reporter's transcripts in current subdivision (c) would also be incorporated into new subdivision (b).

[3] *Ibid.* at p. 16.

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The committee also proposes amending the title of subdivision (d) from "Limited normal record in certain appeals" to "Record in appeals from judgments on demurrers or certain appealable orders." The new title is based on subdivision (c) of rule 8.867, which covers similar appeals in the misdemeanor context and provides a more specific description of the type of appeal covered.

Because subdivision (d) pertains to judgments on demurrer and appeals of prejudgment orders, the committee proposes deleting language from subdivision (d)(1)(E) that relates to court minutes and relocating that language to new subdivision (c)(1)(F), which covers postjudgment proceedings.

New Advisory Committee Comment

The amendments would include a new advisory committee comment clarifying two subdivisions. The first comment states that subdivision (c)(1)(I) requires clerks to identify the materials other than exhibits the court stated it relied on in making any oral order, and these documents should be identified in the minute order for that hearing. Because clerks use minute orders to determine what documents the court relied on, the committee wanted to emphasize the importance of including all documents relied on in minute orders while allowing for individual courts to develop appropriate practices and procedures. The second comment states that subdivision (d) does not apply to appeals from an order granting a new trial or from postjudgment orders, which are covered by new subdivisions (b) and (c), respectively. The committee also proposes minor clarifying changes to the existing advisory committee comments.

Alternatives Considered

The committee considered alternative language but concluded that maintaining as much consistency with the current language as possible would best achieve the goal of reducing the number of appeals in which augmentation or correction of the record is necessary. The committee also considered the alternative of taking no action but rejected this option because the proposal has the potential to make the record preparation process more efficient.

Fiscal and Operational Impacts

The committee anticipates the proposed amendments will reduce the fiscal and operational burdens of record preparation on the courts. Implementation would involve making the Supreme Court, Courts of Appeal, and superior courts aware of the changes.

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Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Would the rule be clearer as proposed, with appeals from a postjudgment court order or action separated out into new subdivision (c), or with separate paragraphs, similar to current subdivision (d)(2)(B), which calls out any separate requirements for such appeals?
- Would it be helpful to adopt similar amendments to the rules for the record on appeal in misdemeanor and infraction cases?

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

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

Attachments and Links

1. Cal. Rules of Court, rule 8.320, at pages 5–11

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Rule 8.320 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Title 8. Appellate Rules

Division 1. Rules Relating to the Supreme Court and Courts of Appeal

Chapter 3. Criminal Appeals

Article 2. Record on Appeal

Rule 8.320. Normal record; exhibits

(a) Contents

~~If the defendant appeals from a judgment of conviction, or if the People appeal from an order granting a new trial,~~ The record must contain a clerk's transcript and a reporter's transcript, which together constitute the normal record. Exhibits admitted in evidence, refused, or lodged are deemed part of the record, but may be transmitted to the reviewing court only as provided in (f)(2) or rule 8.224.

(b) ~~Clerk's transcript~~Record in defendant's appeals from conviction or People's appeals from order granting new trial

If the defendant appeals from a judgment of conviction, or if the People appeal from an order granting a new trial, the normal record is composed of:

(1) *Clerk's transcript*

~~The~~ A clerk's transcript ~~must~~ containing:

~~(1)~~(A) The accusatory pleading and any amendment;

~~(2)~~(B) Any demurrer or other plea;

~~(3)~~(C) All court minutes;

~~(4)~~(D) All jury instructions that any party submitted in writing and the cover page required by rule 2.1055(b)(2) indicating the party requesting each instruction, and any written jury instructions given by the court;

~~(5)~~(E) Any written communication between the court and the jury or any individual juror;

~~(6)~~(F) Any verdict;

~~(7)~~(G) Any written opinion of the court;

~~(8)~~(H) The judgment or order appealed from and any abstract of judgment or commitment;

~~(9)~~(I) Any motion for new trial, with supporting and opposing memoranda and attachments;

~~(10)~~(J) The notice of appeal and any certificate of probable cause filed under rule 8.304(b);

~~(11)~~(K) Any transcript of a sound or sound-and-video recording furnished to the jury or tendered to the court under rule 2.1040;

~~(12)~~(L) Any application for additional record and any order on the application;

~~(13)~~(M) And, if the appellant is the defendant:

~~(A)~~(i) Any written defense motion denied in whole or in part, with supporting and opposing memoranda and attachments;

~~(B)~~(ii) If related to a motion under ~~(A)~~(i), any search warrant and return and the reporter's transcript of any preliminary examination or grand jury hearing;

~~(C)~~(iii) Any document admitted in evidence to prove a prior juvenile adjudication, criminal conviction, or prison term;

~~(D)~~(iv) The probation officer's report; and

~~(E)~~(v) Any court-ordered diagnostic or psychological report required under Penal Code section 1203.03(b) or 1369.

~~(c)~~(2) *Reporter's transcript*

~~The~~ A reporter's transcript ~~must contain~~ of:

~~(1)~~(A) The oral proceedings on the entry of any plea other than a not guilty plea;

~~(2)~~(B) The oral proceedings on any motion in limine;

~~(3)~~(C) The oral proceedings at trial, but excluding the voir dire examination of jurors and any opening statement;

~~(4)~~(D) All instructions given orally;

~~(5)~~(E) Any oral communication between the court and the jury or any individual juror;

~~(6)~~(F) Any oral opinion of the court;

~~(7)~~(G) The oral proceedings on any motion for new trial;

~~(8)~~(H) The oral proceedings at sentencing, granting or denying of probation, or other dispositional hearing;

~~(9)~~(I) And, if the appellant is the defendant:

~~(A)~~(i) The oral proceedings on any defense motion denied in whole or in part except motions for disqualification of a judge and motions under Penal Code section 995;

~~(B)~~(ii) The closing arguments; and

~~(C)~~(iii) Any comment on the evidence by the court to the jury.

(c) Record in appeal from a postjudgment court order or action

If the defendant or the People appeal from a court order or other action after judgment, the normal record is composed of:

(1) *Clerk's transcript*

A clerk's transcript containing:

(A) The accusatory pleading and any amendment;

(B) Any plea other than not guilty;

(C) The court order or other action appealed from and all abstracts of judgment or commitment;

(D) Any written petition, motion or notice of motion, application, or other paper filed in the court that was the subject of the court order or other action being appealed from, with supporting and opposing memoranda and attachments;

(E) All court minutes after any filing described in (D);

(F) The following additional court minutes:

(i) If there was a trial in the case, any court minutes of proceedings at the time the original verdict was rendered;

(ii) If the original judgment of conviction is based on a guilty plea or nolo contendere plea, any court minutes of the proceedings at the time of entry of such plea; and

(iii) The court minutes of all sentencing hearings;

(G) Any written decision of the court concerning the order or other court action being appealed from;

(H) All probation officer reports;

(I) Any other material, other than exhibits, the court stated that it relied on in making the order or taking the other action being appealed from; and

(J) The notice of appeal.

(2) *Reporter's transcript*

A reporter's transcript of:

(A) Any oral proceedings incident to the order or other action being appealed;

(B) All sentencing proceedings, granting or denying of probation, or other dispositional hearing; and

(C) If the original judgment of conviction is based on a guilty plea or nolo contendere plea, the proceedings at the time of entry of such plea.

(d) ~~Limited normal~~ Record in ~~certain~~ appeals from judgments on demurrers or certain appealable prejudgment orders

If the People appeal from a judgment on a demurrer to the accusatory pleading, or if the defendant or the People appeal from an appealable order other than a ruling on a motion for new trial or a postjudgment order, the normal record is composed of:

(1) *Clerk's transcript*

A clerk's transcript containing:

(A) The accusatory pleading and any amendment;

(B) Any demurrer or other plea;

(C) Any written motion or notice of motion granted or denied by the order appealed from, with supporting and opposing memoranda and attachments;

(D) The judgment or order appealed from and any abstract of judgment or commitment;

(E) Any court minutes relating to the judgment or order appealed from; and~~:~~

~~(i) If there was a trial in the case, any court minutes of proceedings at the time the original verdict is rendered and any subsequent proceedings; or~~

~~(ii) If the original judgment of conviction is based on a guilty plea or nolo contendere plea, any court minutes of the proceedings at the time of entry of such plea and any subsequent proceedings;~~

(F) The notice of appeal.~~; and~~

~~(G) If the appellant is the defendant, all probation officer reports and any court-ordered diagnostic report required under Penal Code section 1203.03(b).~~

(2) *Reporter's transcript*

~~(A)~~ A reporter's transcript of any oral proceedings incident to the judgment or order being appealed.~~;~~ ~~and~~

~~(B) If the appeal is from an order after judgment, a reporter's transcript of:~~

~~(i) The original sentencing proceeding; and~~

~~(ii) If the original judgment of conviction is based on a guilty plea or nolo contendere plea, the proceedings at the time of entry of such plea.~~

~~(e) Exhibits~~

~~Exhibits admitted in evidence, refused, or lodged are deemed part of the record, but may be transmitted to the reviewing court only as provided in (g)(2) or rule 8.224.~~

~~(f)~~(e) Stipulation for partial transcript

If counsel for the defendant and the People stipulate in writing before the record is certified that any part of the record is not required for proper determination of the appeal, that part must not be prepared or sent to the reviewing court.

~~(g)~~(f) Additional clerk's transcript materials required by local rule

In addition to the items listed in (b)(1), (c)(1), and (d)(1), the reviewing court may, by local rule, require the clerk's transcript to include any or all additional court records contained in the superior court file.

(1) For purposes of this provision, "court records" has the meaning provided in rule 2.502(3).

(2) The reviewing court's local rule may require the clerk's transcript to include copies of exhibits admitted in~~to~~ evidence, refused, or lodged.

Advisory Committee Comment

Rule 8.320 addresses the normal record in felony criminal appeals only. Rule 8.483 governs the normal record and exhibits in civil commitment appeals.

Rules ~~8.45–8.46~~ 8.45 and 8.46 address the appropriate handling of sealed and confidential records that must be included in the record on appeal. Examples of confidential records include Penal Code section 1203.03 diagnostic reports, records closed to inspection by court order under *People v. Marsden* (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, ~~in camera~~

in camera proceedings on a confidential informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v. Superior Court* (1982) 31 Cal.3d 424, 430).

Subdivision (c)(1)(I). This subdivision requires the court clerk to include any materials (other than exhibits) the court stated it relied on in making any oral order. These documents should be identified in the minute order for that hearing.

Subdivision (d). This subdivision does not apply to appeals from an order granting a new trial, as the record in those appeals is governed by subdivision (b), nor does it apply to appeals from postjudgment orders, as the record in those appeals is governed by subdivision (c).

Subdivision (d)(1)(E). This ~~rule~~ subdivision identifies the minutes that must be included in the record in appeals subject to subdivision (d). The ~~trial~~ superior court clerk may include additional minutes beyond those identified in this rule if that would be more cost-effective.

Subdivision (g). This ~~rule~~ subdivision authorizes the Courts of Appeal to adopt local rules that require additional court records, as defined by rule 2.502(3), to be included in the clerk's transcript, up to all court records in the superior court file. For purposes of this ~~rule~~ subdivision, items excluded from the definition of "court records" under rule 2.502(3) are not considered part of the superior court file.

~~Rule 8.483 governs the normal record and exhibits in civil commitment appeals.~~

Item number: 04

Rules Committee Action Request Form

Rules Committee Meeting Date: 04/09/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Appellate Procedure: Clarify Rule Requiring Notice of Failure to Procure the Record

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rule 8.140

Committee or other entity submitting the proposal:
Appellate Advisory Committee

Staff contact (name, phone, and email)*:*
Nikki Marquez, 415-865-7990, nikki.marquez@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* 10/16/2025
Project description from annual agenda: 6. Clarify Rule 8.140. Consider what action, if any, such as education or rule amendment relating to rule 8.140, is necessary to clarify the circumstances under which a default notice must be sent. This change was suggested by the chair of a County Bar Association Appellate Law Section.

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

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):* 03/09/2026

☒ Office director (or designee) reviewed on *(date):* 03/23/2026 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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https://courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-04

Title
Appellate Procedure: Clarify Rule Requiring Notice of Failure to Procure the Record

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 8.140

Proposed Effective Date
January 1, 2027

Proposed by
Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Contact
Nikki Marquez, 415-865-7990
nikki.marquez@jud.ca.gov

Executive Summary and Origin

The Appellate Advisory Committee proposes amending California Rules of Court, rule 8.140 to add an advisory committee comment providing examples of acts requiring the superior court to notify a litigant they have failed to timely do an act required to procure the record on appeal in a civil case. This proposal was prompted by a suggestion from the chair of a county bar association's appellate law section.

The Proposal

Rule 8.140(a) requires the superior court clerk to provide written notice to a party who has failed to timely do an act required to procure the record on appeal in a civil case. The committee proposes amending rule 8.140 to include an advisory committee comment to provide examples of "act[s] required to procure the record."

The initial version of this rule came into effect in 1943, and it was amended in 1977 to the current process, which was based on the Third Appellate District's procedure to dismiss unperfected appeals on its own motion. The 1977 amendment required the superior court clerk to notify the appellant of their default when they had not taken proper steps to procure the preparation of the record, and required the reviewing court to dismiss the appeal if the appellant did not file a timely application for relief. The new process was seen as necessary to address unperfected appeals that were not progressing without relying on the respondent's initiative. In its report to the Judicial Council, the committee provided the following examples of steps

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

appellants failed to take for perfecting the appeal: "filing the designation or paying the estimated cost of a transcript."[1]

The rule was amended in 2002 to include defaults by respondents and an advisory committee comment with the example that "a respondent's failure to deposit the cost of transcribing proceedings that it had designated" would trigger a default notice under subdivision (a). This example was removed in a later amendment.

Based on suggestions and comments to the committee, it appears litigants do not always complete the steps required to procure the record, which triggers a default notice under rule 8.140. These failures suggest that the term "an act required to procure the record" in subdivision (a) may be too vague to inform litigants, particularly self-represented litigants, what is required to procure the record and what will trigger a default notice. Thus, the committee proposes adding the following language to the advisory committee comment in rule 8.140:

> A superior court's duty to provide prompt written notice to a litigant applies only to acts that are required or necessary to procure the record. Examples include, but are not limited to, an appellant who does not file a notice designating the record on appeal, pay the filing fee, submit proper evidence of excuse from payment, or pay the estimated cost of a transcript, or a respondent who does not deposit the cost of transcribing proceedings they have designated.

Alternatives Considered

The committee considered not proposing any amendments to rule 8.140 but rejected this option because the proposal would provide clarity to court users, particularly self-represented litigants, and thus aid appellate efficiency.

The committee also considered amending rule 8.140(a) to add clarifying language to the rule itself but rejected this option because the committee concluded that information was best presented in the advisory committee comment.

The committee considered amending the rule to limit the number of subsequent notices or reduce the days allotted to correct a deficiency for subsequent notices. The committee rejected this option because the need for subsequent notices does not appear to be a common issue and because reducing the time to correct a deficiency may negatively impact self-represented litigants and limit their ability to appear in court.

Finally, the committee considered whether to amend the record-procurement rules for limited civil, misdemeanor, and infraction cases with a similar advisory committee comment. (See Cal. Rules of Court, rules 8.842, 8.874, and 8.924.) The committee determined a similar amendment may clarify, for court users, what acts trigger a default notice. However, because it is unclear if

[1] Judicial Council of Cal., Advisory Com. Rep., *Dismissing Civil Appeals When Record Not Perfected* (Oct. 26, 1976), at p. 1.

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there is a need for a similar amendment in limited civil, misdemeanor, and infraction cases, the committee seeks specific comments as to whether a comparable advisory committee comment would be helpful for litigants to understand what triggers a default notice.

Fiscal and Operational Impacts

The committee anticipates minimal fiscal and operational impacts on courts as a result of the proposed amendment. Implementation requirements for courts would involve making litigants, court staff, and judicial officers aware of the change.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Would amending the record-procurement rules for limited civil, misdemeanor, and infraction cases to add a similar advisory committee comment be useful? (See Cal. Rules of Court, rules 8.842, 8.874, and 8.924.)

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

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

Attachments and Links

1. Cal. Rules of Court, rule 8.140, at page 4

DRAFT

Rule 8.140 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 8.140. Failure to procure the record

(a) Notice of default

Except as otherwise provided by these rules, if a party fails to timely do an act required to procure the record, the superior court clerk must promptly notify the party in writing that it must do the act specified in the notice within 15 days after the notice is sent, and that if it fails to comply, the reviewing court may impose one of the following sanctions:

(1) If the defaulting party is the appellant, the court may dismiss the appeal; or

(2) If the defaulting party is the respondent, the court may proceed with the appeal on the record designated by the appellant.

(b) * * *

(c) * * *

Advisory Committee Comment

Subdivision (a). In subdivision (a), the reference to a failure to "timely" do a required act is intended to include any valid extension of that time.

A superior court's duty to provide prompt written notice to a litigant applies only to acts that are required or necessary to procure the record. Examples include, but are not limited to, an appellant who does not file a notice designating the record on appeal, pay the filing fee, submit proper evidence of excuse from payment, or pay the estimated cost of a transcript, or a respondent who does not deposit the cost of transcribing proceedings they have designated.

DRAFT

Item number: 05

Rules Committee Action Request Form

Rules Committee Meeting Date: 4/9/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Appellate Procedure: Extension-of-Time Order in Limited Civil, Misdemeanor, and Infraction Appeals

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Approve form APP-106(O)/CR-127(O)

Committee or other entity submitting the proposal:
Appellate Advisory Committee

Staff contact (name, phone, and email)*:*
Nikki Marquez, 415-865-7990, nikki.marquez@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* 10/16/2025
Project description from annual agenda: 7. Form for Court to Issue on an Extension of Time Application in the Appellate Division (new project). Consider developing a new form for the appellate division to issue an order on an extension of time application. This proposal originated with a comment by a bar association.

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

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):* 12/26/2025

☒ Office director (or designee) reviewed on *(date):* 3/4/2026 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-05

Title
Appellate Procedure: Extension-of-Time Order in Limited Civil, Misdemeanor, and Infraction Appeals

Proposed Rules, Forms, Standards, or Statutes
Approve form APP-106(O)/CR-127(O)

Proposed by
Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Nikki Marquez, 415-865-7990
nikki.marquez@jud.ca.gov

Executive Summary and Origin

The Appellate Advisory Committee proposes approving a new optional form for issuing an order on an application for an extension of time to file a brief in limited civil, misdemeanor, and infraction appeals. This proposal originated from a suggestion by the Committee on Appellate Courts of the California Lawyers Association's Litigation Section.

Background

The Judicial Council approved a new extension-of-time form (CR-127), effective January 1, 2026, that could be used for both misdemeanor and infraction appeals in the appellate division of the superior court (see Link A).[1] During the spring 2025 public comment period for form CR-127, the Committee on Appellate Courts of the California Lawyers Association's Litigation Section suggested the form contain a section at the end for the court to issue an order on the application by checking a box and adding a signature. The Appellate Advisory Committee did not recommend form changes in response to the suggestion at the time. The Judicial Council also approved revisions, effective January 1, 2025, to the form that may be used to request extensions

[1] Judicial Council of Cal., Advisory Com. Rep., *Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals* (Oct. 8, 2025), jcc.legistar.com/View.ashx?M=F&ID=14853397&GUID=C230E2D7-4ED4-457B-8913-F70B881C0E4F.

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

of time in limited civil case appeals, form APP-106 (see Link B).[2] The form was first approved effective January 1, 2010.

The Proposal

Currently, there is no Judicial Council form for a court to issue a decision on an extension-of-time application in the appeal of a limited civil, misdemeanor, or infraction case.[3] The advisory committee therefore proposes the adoption of a new form, *Order Concerning Application for Extension of Time to File Brief—Limited Civil, Misdemeanor, or Infraction Case* (form APP-106(O)/CR-127(O)). This plain language form can be used by courts to rule on extension-of-time requests. The proposed order form may create efficiencies for courts by eliminating the need to create and disseminate a separate order. This form may also assist litigants, who are often self-represented in these matters because there is no right to counsel on appeal in these types of cases, by providing a ruling on their application in a standardized format.[4]

Alternatives Considered

The advisory committee considered the alternative of not proposing a new form but rejected this option because a new form would aid appellate efficiency.

The committee also considered two separate forms, one for limited civil appeals and the other for misdemeanor and infraction appeals. The committee did not pursue this option because the content of each form would be substantially similar, and separate forms would require courts to identify the proper form.

Finally, the committee considered whether the new form should instead be completed by litigants and submitted with their application for an extension of time, similar to a proposed order. The committee did not pursue this option because it could be a barrier for self-represented litigants when applying for an extension of time.

Fiscal and Operational Impacts

The advisory committee anticipates minimal fiscal or operational impacts on the courts as a result of the proposed new optional form. This form could, in fact, make operations more efficient by providing courts with a standardized way of processing a routine request.

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[2] Judicial Council of Cal., Advisory Com. Rep., *Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time* (Sept. 24, 2024), jcc.legistar.com/View.ashx?M=F&ID=13263715&GUID=BC12A141-58DF-49EF-92C9-9C26649356B9.

[3] Under rule 8.882(b)(3), before a brief is due, a party may apply to the presiding judge of the appellate division for an extension of time for filing a brief.

[4] Some council forms for other case types contain a court order on an application for an extension of time within the application form. See, for example, form CR-126, *Application for Extension of Time to File Brief—Criminal Case*, selfhelp.courts.ca.gov/jcc-form/CR-126, and form APP-006, *Application for Extension of Time to File Brief—Unlimited Civil Case*, https://selfhelp.courts.ca.gov/jcc-form/APP-006.

Implementation by the courts would involve making court staff and judicial officers aware of the new form.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Would it be helpful to include a field in item 2a for the court to also supply updated deadlines for subsequent filings based on the extension?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- If item 2a were to include a field to supply updated deadlines for subsequent filings based on the extension, how would that impact the implementation requirements for the courts?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?
- Would cross-numbering the proposed form (APP-106(O))/CR-127(O)) for use across three types of proceedings present any administrative difficulties for courts?
- Would (O) designation in the proposed form's numbering (APP-106(O))/CR-127(O)) present any administrative difficulties for courts?

Attachments and Links

1. Form APP-106(O)/CR-127(O), at page 4
2. Link A: *Application for Extension of Time to File Brief—Misdemeanor or Infraction Case* (form CR-127), *selfhelp.courts.ca.gov/jcc-form/CR-127*
3. Link B: *Application for Extension of Time to File Brief—Limited Civil Case* (form APP-106), *selfhelp.courts.ca.gov/jcc-form/APP-106*

DRAFT

APP-106(O)/ CR-127(O)

Order on Application for Extension of Time to File Brief

Clerk stamps date here when form is filed.

DRAFT

2026-03-05

Not approved by the Judicial Council

Clerk fills in the name and street address of the court:

Superior Court of California, County of

Clerk fills in the number and name of the case:

Trial Court Case Number:

Trial Court Case Name:

Clerk fills in the number below:

Appellate Division Case Number:

(1) The court received an application for extension of time to file the following brief:

a. ☐ Appellant's opening brief
b. ☐ Respondent's brief
c. ☐ Appellant's reply brief
d. ☐ Supplemental or other brief

The application was filed on *(date):* _____

(2) The court makes the following order:

a. ☐ The court **grants** the request for an extension of time to file the brief in item (1). The deadline to file the brief has been extended to *(date):* _____ for a total extension of *(number of days):* _____.

b. ☐ The court **denies** the request for an extension of time to file the brief in item (1).

The brief is still due on *(date):* _____

(3) Other Orders

_____

_____

_____

_____

_____

Date: _____

_____

Signature of Presiding Judge or Acting Presiding Judge of the Appellate Division

This is a Court Order.

Item number: 06

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: CEQA Actions: Implementation of Senate Bill 676

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rules 3.2200, 3.2206, 3.2207, 3.2220, 3.2221, 3.2222, 3.2223, 3.2231, 3.2240, 8.700, 8.702, 8.703, and 8.705; repeal rules 3.2235, 3.2236, and 3.2237

Committee or other entity submitting the proposal:
Appellate Advisory Committee & Civil and Small Claims Advisory Committee

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

Annual agenda approved by Rules Committee on (*date):* October 16, 2025 (both AAC and CSCAC)
Project description from annual agenda:
AAC
Item 2. CEQA Actions: Implementation of Streamlining Legislation
This is a joint project with the Civil and Small Claims Advisory Committee. SB 676 (Stats. 2025, ch. 550) changes procedures for CEQA actions relating to projects to repair, demolish, or replace property or facilities damaged or destroyed by wildfire. The bill requires the Judicial Council to adopt rules to implement a statutory requirement for courts to resolve these actions, including appeals, within a specific timeframe. Develop rule recommendations as appropriate.

CSCAC
Item 3: CEQA Rules: Implementation of SB 676
(description of agenda item is substantially the same as the AAC agenda item above)

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

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):* 3/5/2026

☒ Office director (or designee) reviewed on *(date):* 3/17/2026 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-06

Title
CEQA Actions: Implementation of Senate Bill 676

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rules 3.2200, 3.2206, 3.2207, 3.2220, 3.2221, 3.2222, 3.2223, 3.2231, 3.2240, 8.700, 8.702, 8.703, and 8.705; repeal rules 3.2235, 3.2236, and 3.2237

Proposed by
Appellate Advisory Committee
Hon. Allison M. Danner, Chair

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

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Kristin Burford, 916-263-2989
kristin.burford@jud.ca.gov

Executive Summary and Origin

The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending seven California Rules of Court governing the expedited resolution of actions and proceedings brought under the California Environmental Quality Act (CEQA) to implement Senate Bill 676 (Stats. 2025, ch. 550), which provides streamlined CEQA review for certain projects to "maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed by wildfire." (See Pub. Res. Code, § 21168.6.2(a).) In addition, the committees recommend additional rule changes to remove outdated material related to streamlined CEQA projects, improve consistency with the governing laws, make minor clarifying edits, and facilitate the future updating of these rules.

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

Background

The current structure of the title 3 (civil) and title 8 (appellate) rules governing proceedings for projects that are eligible for CEQA streamlining was established in 2014.[1] Since then, the streamlining rules have been amended regularly to reflect legislative changes to CEQA (e.g., when a new law expands the projects eligible for CEQA streamlining).[2] When a bill extends CEQA streamlining eligibility to a new project type, the necessary implementing rule changes typically require:

- Adding the new project type to the definitions for streamlined CEQA projects found in rules 3.2220 and 8.700;
- Reviewing and, as needed, updating rules that cite to multiple or a range of code sections that govern streamlined CEQA projects (rules 3.2220(b); 3.2221(b), (c)(3); 8.702(f)(4)); and
- Where the governing law imposes responsibility for costs of the proceeding, incorporating the new project type into the rules related to the responsibility to pay such costs (rules 3.2223(3), (4); 3.2240; 8.702(b)(2); 8.703(b)(2)(D); 8.705).

The Proposal

Implementation of Senate Bill 676

The committees propose the following rule changes in light of Senate Bill 676 (Link A). That bill, effective January 1, 2027, expands the projects eligible for CEQA streamlining to include certain wildfire recovery projects. This proposal would add the new project type to the rules governing streamlined CEQA projects.

In particular, the committees propose the following rule changes, effective January 1, 2027:

1. Amend rules 3.2220(a) and 8.700 to add a definition for a new project type, designated "wildfire recovery project." The law does not specify a name for this new project type; this name is proposed because the eligible projects under SB 676 would involve work to "maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed by wildfire." To avoid restating the statutory rules governing which projects would be eligible for streamlining, this term would be defined as "a project that qualifies

[1] Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: Rules to Implement Senate Bill 743* (Mar. 1, 2014), *courts.ca.gov/sites/default/files/courts/default/2024-10/jc-20140425-itemm.pdf*.

[2] See, e.g., Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (Apr. 9, 2025), *jcc.legistar.com/View.ashx?M=F&ID=14019449&GUID=C8EFFF45-A145-46A3-BBBD-5C3FA2F34158*; Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: Initial Case Management Conferences* (Aug. 21, 2024), *jcc.legistar.com/View.ashx?M=F&ID=13259734&GUID=68C78DF7-103E-4ACB-B4AB-816CE2B321E5*; Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (Oct. 26, 2023), *jcc.legistar.com/View.ashx?M=F&ID=12398997&GUID=7F912B56-E0AF-4D15-B801-87FE8D7EF0C2*.

Draft

for judicial streamlining under Public Resources Code section 21168.6.2(a)(2)," which is the code section added by SB 676.[3]

2. Amend rule 3.2220(b) to add the newly enacted Public Resources Code section 21168.6.2 to the listed code sections governing streamlined CEQA projects.

3. Amend rule 3.2223(2)(A), which relates to the required contents of a petition, to add the newly enacted Public Resources Code section 21168.6.2. With this change, the petition would need to state that the project proponent provided notice to the lead agency that the project was proceeding under that code section.[4]

4. Amend rules 3.2223, 3.2240, 8.702,[5] 8.703, and 8.705 to incorporate the new wildfire recovery project type into the rules related to cost responsibility for streamlined CEQA proceedings.[6] These rules specify the applicable fees and require that certain filings indicate that the responsible party has been given notice they must pay the fees.

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[3] Public Resources Code section 21168.6.2(a) states, in part:

> On and after January 1, 2027, and subject to subdivisions (b) and (c), for a project, located in a geographic area for which the Governor declared a state of emergency pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code, that is to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed by wildfire, and the project is not otherwise exempt from this division by paragraph (3) of subdivision (b) of Section 21080 or by a Governor's executive order, all of the following shall apply:
>
> …
>
> (2)(A) An action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report, or the adoption of a negative declaration or mitigated negative declaration, for the project or the granting of any project approval, including any potential appeals to the court of appeal or the Supreme Court, shall, to the extent feasible, be resolved within 270 calendar days of the filing of the certified record of proceedings with the court.

Subdivisions (b) and (c) of this section contain other conditions for projects to be eligible for streamlining under this provision. Those conditions include: the state of emergency is active (i.e., has not been rescinded) when the project is proposed, the state of emergency was declared on or after January 1, 2023, and the project is consistent with applicable zoning and land use ordinances.

[4] While the law does not expressly require notice to the lead agency, that notice would be needed in practice to ensure that the lead agency could prepare the record of proceedings concurrently with CEQA review as described in Public Resources Code section 21167.6.2(a). See Pub. Res. Code, § 21168.6.2(a)(1) (providing that the record of proceedings for wildfire recovery projects shall be prepared as specified in section 21167.6.2(a)).

[5] A separate proposal concurrently circulating for comment would also amend rule 8.702. See Appellate Advisory Com., *Appellate Procedure: Required Use of Appendixes in Civil Appeals* (SPR26-01), available at *courts.ca.gov/policy-administration/invitations-comment*. The revisions from this other proposal only affect subdivision (d) of rule 8.702, which would not be revised by this proposal, and are, therefore, not shown in the attached rule document.

[6] See Pub. Res. Code § 21168.6.2(a)(3) ("The applicant shall agree to pay the costs of the trial court and the court of appeal in hearing and deciding any action or proceeding brought under this section in a form and manner as provided in a rule of court, that the Judicial Council shall adopt, which shall include, but not be limited to, the costs for the appointment of a special master if deemed appropriate by the court.").

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Additional technical revisions

The committees would also recommend further revisions to remove outdated material, improve consistency with the governing laws, make minor clarifying edits, and facilitate the future updating of these rules. Those proposed changes are described briefly below.

Remove outdated material

The CEQA streamlining laws may include an expiration or automatic repeal date, limiting the time frame in which the project is eligible for streamlining. This proposal would delete material from the rules related to the following projects, which are no longer eligible for streamlining:

- Sacramento arena project (no longer eligible for streamlining as of January 1, 2023).[7] See proposed revisions to rules 3.2222, 3.2231, and 8.702;[8] and the advisory committee comment to rule 8.702; and the proposed repeal of the heading of title 3, division 22, article 2, chapter 2[9] and rules 3.2235–3.2237.

- Environmental leadership transit project (no longer eligible for streamlining as of January 1, 2026).[10] See proposed changes to rules 3.2220, 3.2223, 3.2240, 8.700, 8.702, 8.703, and 8.705.

Improve consistency with governing law

The definitions in the CEQA streamlining laws (rules 3.2220(a) and 8.700(a)) refer to the relevant Public Resources Code sections for the different project types eligible for CEQA streamlining. This proposal would make minor adjustments to the definitions to note applicable certification requirements for projects in the relevant definition, incorporate limiting conditions into the definition, ensure that the terms used in the rule match those in the law, and expressly state that applicable definitions in the code for individual types of infrastructure projects (e.g., "energy infrastructure project") apply in the rules.

Minor clarifying edits

The proposal would also make minor clarifying edits to improve readability. In title 3, these proposed changes are found in rules 3.2206 and 3.2207.

Different CEQA streamlining laws only require the payment of "the costs" versus "any additional costs" for the streamlined proceeding. See, e.g., Pub. Res. Code, § 21168.6.6(b)(10). The rules specify different fees depending on the cost responsibility language in the law for the applicable project. See rules 3.2240 and 8.705.

[7] See former Pub. Res. Code, § 21168.6.6, as added by Stats. 2013, ch. 386, § 7 and later repealed by Stats. 2022, ch. 38, § 4. See also Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (Apr. 9, 2025), *jcc.legistar.com/View.ashx?M=F&ID=14019449&GUID=C8EFFF45-A145-46A3-BBBD-5C3FA2F34158*.

[8] Rule 8.702(c)(1) refers to rule 3.2237, which relates to the Sacramento arena project and is proposed for repeal.

[9] With the repeal of this heading, the following chapter heading (for title 3, division 22, article 2, chapter 3) would be renumbered (as chapter 2).

[10] See former Pub. Res. Code, § 21168.6.9(i), as amended by Stats. 2024, ch. 80, § 113 ("This section shall remain in effect only until January 1, 2026, and as of that date is repealed.").

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In title 8, the current heading of division 3, chapter 1 would be revised to add "proceedings" so it would read: "Chapter 1. Review of California Environmental Quality Act Proceedings Involving Streamlined CEQA Projects." This change is proposed for clarity and consistency with the heading of title 3, division 22, chapter 2 ("Chapter 2. California Environmental Quality Act Proceedings Involving Streamlined CEQA Projects").

Facilitate updating rules

The CEQA streamlining rules include several provisions that list applicable sections of the Public Resources Code. These lists can require updating each time the CEQA streamlining laws change and, if the lists are not properly updated, could lead to confusion and discrepancies. Unless these section lists provide helpful guidance to the courts or litigants, this proposal would recommend replacing the lists in rules 3.2200, 3.2221, and 8.702 with generalized text.

Alternatives Considered

The committees did not consider taking no action because rule changes are necessary to implement SB 676 and ensure the CEQA streamlining rules are consistent with statutory law.

The committees considered not making further changes, beyond those required to implement SB 676, to the rules related to CEQA streamlining, but concluded that the additional changes were either needed to ensure that the rules accurately reflected the law or would improve the usability and maintenance of the rules.

Fiscal and Operational Impacts

Superior and appellate courts that consider streamlined CEQA actions under this new law may face operational impacts and costs to conduct these proceedings in an expedited fashion, as provided for in the rules. The operational impacts could affect caseflow management and the conduct of other proceedings that are not eligible for streamlining. These impacts relate to the expansion of CEQA streamlining under SB 676.

The committees anticipate that this proposal would also require courts to train court staff and judicial officers so that they will be aware of the new streamlined CEQA project type. Similarly, to the extent that training on this new project type is needed, that training relates to changes made by SB 676 and, thus, could not be avoided.

Draft

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Should the lists of Public Resources Code sections found in rules 3.2200, 3.2221, and 8.702, which the committees propose to replace with generalized text, be retained in the rules? *If so, please explain why.*

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

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

Attachments and Links

1. Cal. Rules of Court, rules 3.2200, 3.2206, 3.2207, 3.2220, 3.2221, 3.2222, 3.2223, 3.2231, 3.2235, 3.2236, 3.2237, 3.2240, 8.700, 8.702, 8.703, and 8.705, at pages 7–17
2. Link A: Senate Bill 676 (Stats. 2025, ch. 550), *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB676*

Draft

Rules 3.2200, 3.2206, 3.2207, 3.2220, 3.2221, 3.2222, 3.2223, 3.2231, 3.2240, 8.700, 8.702, 8.703, and 8.705 of the California Rules of Court would be amended; and rules 3.2235, 3.2236, and 3.2237 would be repealed; effective January 1, 2027, to read:

Title 3. Civil Rules

Division 22. Petitions Under the California Environmental Quality Act

Chapter 1. General Provisions

Rule 3.2200. Application

Except as otherwise provided in chapter 2 of the rules in this division, which govern actions ~~under Public Resources Code sections 21168.6.6–21168.6.9, 21178–21189.3, 21189.70–21189.70.10, and 21189.80–21189.91,~~ involving streamlined CEQA (California Environmental Quality Act) projects, as defined in rule 3.2220, the rules in this chapter apply to all actions brought under ~~the California Environmental Quality Act (CEQA)~~ CEQA as stated in division 13 of the Public Resources Code.

Rule 3.2206. Lodging and service

The party preparing the administrative record must lodge it with the court and serve it on each party. A record in electronic format must comply with rule 3.2207. A record in paper format must comply with rule 3.2208. If the party preparing the administrative record ~~elects, is required by law, or is ordered to~~ will prepare an electronic version of the record, (1) a court may require the party to lodge one copy of the record in paper format, and (2) a party may request the record in paper format and pay the reasonable cost or show good cause for a court order requiring the party preparing the administrative record to serve the requesting party with one copy of the record in paper format.

Rule 3.2207. Electronic format

(a) * * *

(b) Documents not included

Unless otherwise required by law, any document that is part of the administrative record and for which it is not feasible to create an electronic version may be provided in paper format only. ~~Not feasible means that it~~ For the purpose of this rule, it is not feasible to create an electronic version if the document would be reduced in size or otherwise altered to such an extent that it would not be easily readable.

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Chapter 2. California Environmental Quality Act Proceedings Involving Streamlined CEQA Projects

Article 1. General Provisions

Rule 3.2220. Definitions and application

(a) Definitions

As used in this chapter:

(1) A "streamlined CEQA project" means any project within the definitions stated in (2) through (8).

(2) An "environmental leadership development project" or "leadership project" means a project certified by the Governor under Public Resources Code sections 21182–21184.

(3) A "wildfire recovery project" means a project that qualifies for judicial streamlining under Public Resources Code section 21168.6.2(a)(2).

(4) An "environmental leadership media campus project" means a project as defined in Public Resources Code section 21168.6.6 and certified by the lead agency under that section.

~~(4)~~ (5) An "Oakland sports and mixed-use project" or "Oakland ballpark project" means a project as defined in Public Resources Code section 21168.6.7 and certified by the Governor under that section.

~~(5)~~ (6) An "Inglewood arena project" means a project as defined in Public Resources Code section 21168.6.8 ~~and~~ , certified by the Governor under that section, and for which the lead agency certified an environmental impact report before January 1, 2025.

~~(6)~~ (7) An "Old Town Center transit and transportation facilities project" or "Old Town Center project" means a project for transit and transportation facilities as defined in Public Resources Code section 21189.70 and for which the lead agency certified an environmental impact report before January 1, 2025.

~~(7) An "environmental leadership transit project" means a project as defined in Public Resources Code section 21168.6.9.~~

(8) An "infrastructure project" means an "energy infrastructure project," a "semiconductor or microelectronic project," a "transportation-related project," or a "water-related project." ~~as defined in Public Resources Code~~

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~~section 21189.81 and certified by the Governor under Public Resources Code sections 21189.82 and 21189.83.~~ An "energy infrastructure project," "semiconductor or microelectronic project," "transportation-related project," or "water-related project" means the respective project type as defined in Public Resources Code section 21189.81 and certified by the Governor under Public Resources Code section 21189.82 and, as applicable, 21189.83.

(b) Proceedings governed

The rules in this chapter govern actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report or the grant of any project approvals for a streamlined CEQA project. Except as otherwise provided in Public Resources Code sections 21168.6.2–21168.6.8 ~~21168.6.6–21168.6.9~~, 21178–21189.3, 21189.70–21189.70.10, and 21189.80–21189.91 and these rules, the provisions of the Public Resources Code and the CEQA Guidelines adopted by the Natural Resources Agency (Cal. Code Regs., tit. 14, § 15000 et seq.) governing judicial actions or proceedings to attack, review, set aside, void, or annul acts or decisions of a public agency on the grounds of noncompliance with the California Environmental Quality Act and the rules of court generally apply in proceedings governed by this rule.

(c) * * *

Rule 3.2221. Time

(a) * * *

(b) Extensions of time by parties

If the parties stipulate to extend the time for performing any acts in actions governed by these rules, they are deemed to have agreed that the statutorily prescribed time for resolving the action may be extended by the stipulated number of days of the extension, and to that extent to have waived any objection to noncompliance with the deadlines for completing review stated in the applicable Public Resources Code ~~sections 21168.6.6–21168.6.9, 21185, 21189.70.3, and 21189.85.~~ section. Any such stipulation must be approved by the court.

(c) Sanctions for failure to comply with rules

If a party fails to comply with any time requirements provided in these rules or ordered by the court, the court may issue an order to show cause as to why one of the following sanctions should not be imposed:

(1) Reduction of time otherwise permitted under these rules for the performance of other acts by that party;

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(2) If the failure to comply is by petitioner or plaintiff, dismissal of the petition;

(3) If the failure to comply is by respondent or a real party in interest, removal of the action from the expedited procedures provided under the applicable Public Resources Code sections ~~21168.6.6–21168.6.9, 21185, 21189.70.3, and 21189.85,~~ and these rules; or

(4) Any other sanction that the court finds appropriate.

Rule 3.2222. Filing and service

(a)–(b) * * *

(c) ~~Service of petition in action regarding Sacramento arena project~~

~~Service of the petition or complaint in an action governed by these rules and relating to a Sacramento arena project must be made according to the rules in article 2.~~

~~(d)~~ Service of petition in action regarding streamlined CEQA project ~~other than the Sacramento arena project~~

If the petition or complaint in an action governed by these rules ~~and relating to a streamlined CEQA project other than the Sacramento arena project~~ is not personally served on any respondent public agency, any real party in interest, and the Attorney General within three court days following filing of the petition, the time for filing petitioner's briefs on the merits provided in rule 3.2227(a) and rule 8.702(f) will be decreased by one day for every additional two court days in which service is not completed, unless otherwise ordered by the court for good cause shown.

~~(e)~~ (d) Exemption from extension of time

The extension of time provided in Code of Civil Procedure section 1010.6 for service completed by electronic means does not apply to any service in actions governed by these rules.

Rule 3.2223. Petition

In addition to any other applicable requirements, the petition must:

(1) On the first page, directly below the case number, indicate that the matter is a "Streamlined CEQA Project";

(2) State one of the following:

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(A) The proponent of the project at issue provided notice to the lead agency that it was proceeding under Public Resources Code section 21168.6.2, 21168.6.6, 21168.6.7, or 21168.6.8~~, or 21168.6.9~~ (whichever is applicable) and is subject to this rule; or

(B) The proponent of the project at issue provided notice to the lead agency that it was proceeding under Public Resources Code sections 21189.80–21189.91 and is subject to this rule; or

(C) The project at issue was certified by the Governor as an environmental leadership development project under Public Resources Code sections 21182–21184 and is subject to this rule; or

(D) The project at issue is an Old Town Center project as defined by Public Resources Code section 21189.70 and is subject to this rule;

(3) If an environmental leadership media campus project, environmental leadership development project, Oakland ballpark project, Inglewood arena project, energy infrastructure project, semiconductor or microelectronic project, or water-related project, provide notice that the person or entity that applied for certification of the project as such a project must make the payments required by rule 3.2240 and, if the matter goes to the Court of Appeal, the payments required by rule 8.705;

(4) If ~~an environmental leadership transit~~ a wildfire recovery project, provide notice that the project applicant must make the payments required by rule 3.2240 and, if the matter goes to the Court of Appeal, the payments required by rule 8.705; and

(5) Be verified.

Rule 3.2231. Postjudgment motions

(a) Exemption from statutory provisions

In any actions governed by the rules in this article, any postjudgment motion except for a motion for attorney's fees and costs is governed by this rule. Such motions are exempt from the timing requirements otherwise applicable to postjudgment motions under Code of Civil Procedure section 1005. ~~Motions in Sacramento arena project cases are also exempt from the timing and procedural requirements of Code of Civil Procedure sections 659 and 663.~~

(b) Time for ~~postjudgment~~ motions under Code of Civil Procedure section 473

~~(1) *Time for motions under Code of Civil Procedure section 473*~~

Draft

Moving party must serve and file any motion under Code of Civil Procedure section 473 before the earlier of:

~~(A)~~(1) Five days after the court clerk mails to the moving party a document entitled "Notice of Entry" of judgment or a file-stamped copy of the judgment, showing the date either was served; or

~~(B)~~(2) Five days after the moving party is served by any party with a written notice of judgment or a file-stamped copy of the judgment, accompanied by a proof of service.

~~(2) *Time for motions for new trial or motions to vacate judgment*~~

~~Moving party in Sacramento arena project cases must serve and file motion before the earlier of:~~

~~(A) Five days after the court clerk mails to the moving party a document entitled "Notice of Entry" of judgment or a file-stamped copy of the judgment, showing the date either was served; or~~

~~(B) Five days after the moving party is served by any party with a written notice of judgment or a file-stamped copy of the judgment, accompanied by a proof of service.~~

(c)–(f) * * *

~~**Article 2. CEQA Challenges to Approval of Sacramento Arena Project**~~

~~**Rule 3.2235. Application**~~

~~This article governs any action or proceeding brought to attack, review, set aside, void, or annul the certification of the environmental impact report or any project approvals for the Sacramento arena project.~~

~~**Rule 3.2236. Service of Petition**~~

~~**(a) Respondent**~~

~~Unless the respondent public agency has agreed to accept service of summons electronically, the petitioner or plaintiff must personally serve the petition or complaint on the respondent public agency within three court days after the date of filing.~~

~~**(b) Real parties in interest**~~

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~~The petitioner or plaintiff must serve the petition or complaint on any real party in interest named in the pleading within three court days after the date of filing.~~

~~**(c) Attorney General**~~

~~The petitioner or plaintiff must serve the petition or complaint on the Attorney General within three court days after the date of filing~~

~~**(d) Responsible agencies**~~

~~The petitioner or plaintiff must serve the petition or complaint on any responsible agencies or public agencies with jurisdiction over a natural resource affected by the project within two court days of receipt of a list of such agencies from respondent public agency.~~

~~**(e) Proof of service**~~

~~The petitioner or plaintiff must file proof of service on each respondent, real party in interest, or agency within one court day of completion of service.~~

~~**Rule 3.2237. List of responsible parties**~~

~~Respondent public agency must provide the petitioner or plaintiff, not later than three court days following service of the petition or complaint on the public agency, with a list of responsible agencies and any public agency having jurisdiction over a natural resource affected by the project.~~

Article ~~3.~~ 2. Trial Court Costs

Rule 3.2240. Trial court costs in certain streamlined CEQA projects

In fulfillment of the provisions in Public Resources Code sections 21168.6.2, 21168.6.6, 21168.6.7, 21168.6.8, ~~21168.6.9,~~ 21183, and 21189.82 regarding payment of trial court costs with respect to cases concerning wildfire recovery, environmental leadership media campus, environmental leadership development, ~~environmental leadership transit,~~ Oakland ballpark, Inglewood arena, energy infrastructure, semiconductor or microelectronic, or water-related projects:

(1)–(2) * * *

(3) Within 10 days after service of the petition or complaint in a case concerning ~~an environmental leadership transit~~ a wildfire recovery project, the project applicant must pay a fee of $180,000 to the court.

(4)–(8) * * *

Draft

Title 8. Appellate Rules

Division 3. Rules Relating to Miscellaneous Appeals and Writ Proceedings

Chapter 1. Review of California Environmental Quality Act Proceedings Involving Streamlined CEQA Projects

Rule 8.700. Definitions and application

(a) Definitions

As used in this chapter:

(1) A "streamlined CEQA project" means any project within the definitions stated in (2) through (8).

(2) An "environmental leadership development project" or "leadership project" means a project certified by the Governor under Public Resources Code sections 21182–21184.

(3) A "wildfire recovery project" means a project that qualifies for judicial streamlining under Public Resources Code section 21168.6.2(a)(2).

~~(3)~~ (4) An "environmental leadership media campus project" means a project as defined in Public Resources Code section 21168.6.6 and certified by the lead agency under that section.

~~(4)~~ (5) An "Oakland sports and mixed-use project" or "Oakland ballpark project" means a project as defined in Public Resources Code section 21168.6.7 and certified by the Governor under that section.

~~(5)~~ (6) An "Inglewood arena project" means a project as defined in Public Resources Code section 21168.6.8 and certified by the Governor under that section, and for which the lead agency certified an environmental impact report before January 1, 2025.

~~(6)~~ (7) An "Old Town Center transit and transportation facilities project" or "Old Town Center project" means a project for transit and transportation facilities as defined in Public Resources Code section 21189.70 and for which the lead agency certified an environmental impact report before January 1, 2025.

~~(7) An "environmental leadership transit project" means a project as defined in Public Resources Code section 21168.6.9.~~

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(8) An "infrastructure project" means an "energy infrastructure project," a "semiconductor or microelectronic project," a "transportation-related project," or a "water-related project." ~~as defined in Public Resources Code section 21189.81 and certified by the Governor under Public Resources Code sections 21189.82 and 21189.83.~~ An "energy infrastructure project," "semiconductor or microelectronic project," "transportation-related project," or "water-related project" means the respective project type as defined in Public Resources Code section 21189.81 and certified by the Governor under Public Resources Code section 21189.82 and, as applicable, 21189.83.

(b) * * *

Rule 8.702. Appeals

(a) * * *

(b) Notice of appeal

(1) * * *

(2) *Contents of notice of appeal*

The notice of appeal must:

(A)–(C) * * *

(D) If the judgment or order being appealed pertains to ~~an environmental leadership transit~~ a wildfire recovery project, provide notice that the project applicant must make the payments required by rule 8.705.

(c) Extending the time to appeal

(1) *Motion for new trial*

If any party serves and files a valid notice of intention to move for a new trial ~~or, under rule 3.2237, a valid motion for a new trial~~ and ~~that~~ the motion for a new trial is denied, the time to appeal from the judgment is extended for all parties until the earlier of:

(A) Five court days after the superior court clerk or a party serves an order denying the motion or a notice of entry of that order; or

(B) Five court days after denial of the motion by operation of law.

(2)–(4) * * *

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(d)–(e) * * *

(f) Briefing

(1)–(3) * * *

(4) *Extensions of time to file briefs*

If the parties stipulate to extend the time to file a brief under rule 8.212(b), they are deemed to have agreed that the statutorily prescribed time for resolving the action may be extended by the stipulated number of days of the extension for filing the brief and, to that extent, to have waived any objection to noncompliance with the deadlines for completing review stated in the applicable Public Resources Code ~~sections 21168.6.6–21168.6.9, 21185, 21189.51, 21189.70.3, and 21189.85~~ section for the duration of the stipulated extension.

(5) * * *

(g) * * *

Advisory Committee Comment

Subdivision (b). It is very important to note ~~that the time period to file a notice of appeal under this rule is the same time period for filing most postjudgment motions in a case regarding the Sacramento arena project, and~~ that, in a case regarding ~~any other~~ a streamlined CEQA project, the deadline for filing a notice of appeal may be earlier than the deadline for filing a motion for a new trial, a motion for reconsideration, or a motion to vacate the judgment.

Rule 8.703. Writ proceedings

(a) * * *

(b) Petition

(1) * * *

(2) *Contents of petition*

In addition to any other applicable requirements, the petition must:

(A)–(C) * * *

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(D) If the judgment or order pertains to ~~an environmental leadership transit~~ a wildfire recovery project, provide notice that the project applicant must make the payments required by rule 8.705.

Rule 8.705. Court of Appeal costs in certain streamlined CEQA projects

In fulfillment of the provisions in Public Resources Code sections 21168.6.2, 21168.6.6, 21168.6.7, 21168.6.8, ~~21168.6.9,~~ 21183, and 21189.82 regarding payment of the Court of Appeal's costs with respect to cases concerning wildfire recovery, environmental leadership media campus, environmental leadership development, ~~environmental leadership transit,~~ Oakland ballpark, Inglewood arena, energy infrastructure, semiconductor or microelectronic, or water-related projects:

(1)–(2) * * *

(3) Within 10 days after service of the notice of appeal or petition in a case concerning ~~an environmental leadership transit~~ a wildfire recovery project, the project applicant must pay a fee of $215,000 to the Court of Appeal.

(4)–(8) * * *

Draft

Item number: 07

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Unlawful Detainer: Form Revisions to Implement Assembly Bills 246, 747, and 863

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Revise forms SUM-130, UD-100, UD-105, and UD-116

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: 11. Unlawful Detainer Forms: Implementation of AB 246 and AB 863. Develop form recommendations as appropriate. AB 246 (Stats. 2025, ch. 337) creates a defense to unlawful detainer based on interruptions to federal social security benefit payments. AB 863 (Stats. 2025, ch. 344) requires the Judicial Council to create a single form that contains all five existing translations of form SUM-130. The committee will also consider revising the unlawful detainer complaint and answer forms to use plain language, in a continuation of a two-year project approved on the committee's 2024–2025 annual agenda.

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

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):* March 6, 2026

☒ Office director (or designee) reviewed on *(date):* March 17, 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-07

Title
Unlawful Detainer: Form Revisions to Implement Assembly Bills 246, 747, and 863

Proposed Rules, Forms, Standards, or Statutes
Revise forms SUM-130, UD-100, UD-105, and UD-116

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

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

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

Executive Summary and Origin

Assembly Bills 246 (Stats. 2025, ch. 337), 747 (Stats. 2025, ch. 563) and 863 (Stats. 2025, ch. 344) make changes to laws regarding summons, complaints, and defenses in unlawful detainer proceedings. The Civil and Small Claims Advisory Committee proposes revising four forms to implement these changes in law, correct misstatements of law, remove inapplicable items, and improve readability and clarity. The committee also proposes significant plain-language revisions to *Unlawful Detainer—Complaint* (form UD-100) and the conversion of *Unlawful Detainer—Answer* (form UD-105) to a plain-language form.

The Proposal

The Civil and Small Claims Advisory Committee proposes revising forms SUM-130, UD-100, UD-105, and UD-116 to implement new law, and make other improvements.

Form SUM-130

Summons—Unlawful Detainer (form SUM-130) is the summons form used in unlawful detainer actions and implements Code of Civil Procedure section 412.20(a). Currently, form SUM-130 provides the statutorily required information in English and Spanish. Chinese, Korean, and Vietnamese translations are provided by the Judicial Council as separate documents.

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

AB 863 (see Link A) requires the Judicial Council to create a "single use summons form" by January 1, 2027, that provides the information required by section 412.20(a) in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

To implement AB 863, the committee propose revising page 1 of form SUM-130 to provide the content in English only, rather than English and Spanish. This revision will allow all of the English content to fit on one page and will make it easier to create translated pages that mirror the formatting of the English version, allowing readers to more easily determine which portions of the translations correspond to each part of the English version. Spanish, Chinese, Korean, Tagalog, and Vietnamese translations will be provided on subsequent pages.[1] Only the English version of the form will have fillable fields. The translated pages will refer the reader to the English version for the information provided by the plaintiff. To aid users in navigating the form, the committee proposes adding a cover page that provides the page number of each translation and the statutorily required notice regarding the deadline to respond to the summons.

In addition to the revisions to implement AB 863, the committee proposes several substantive revisions on page 1 of the form. First, the committee proposes revising the notice to more clearly explain that if the tenant does not file a written response, they may lose the right to live in their home and may be removed from the home without further warning from the court. Second, the committee proposes revising the notice to fee waiver recipients to conform with the revisions the committee has proposed to fee waiver forms in a separate proposal.[2] Third, the committee proposes revising item 3 to more clearly ask whether an unlawful detainer assistant received compensation to assist with the form and to explain that "unlawful detainer assistant" does not include lawyers or people supervised by lawyers.

Form UD-100

The committee proposes revising *Complaint—Unlawful Detainer* (form UD-100) to implement AB 747, correct a misstatement of law, and remove an inapplicable item. The committee also proposes making the form easier to read and complete by reorganizing the form and revising many items to use plain language.

Assembly Bill 747

Code of Civil Procedure section 1166(a)(5) requires the complaint in an unlawful detainer action to state the method used to serve the defendant with the notice of termination upon which the complaint is based. Effective January 1, 2027, AB 747 (see Link B) requires this statement to also include the date, time, and location of effective service of the notice. To implement this

[1] This proposal seeks comment on the English-language content and proposed reformatting of form SUM-130 only. Translated content will be added to the form after the English-language content is approved by the Judicial Council.

[2] *Rules and Forms: Revisions to Fee Waiver Forms* (SPR26-10), *courts.ca.gov/policy-administration/invitations-comment*.

change in law, the committee proposes revising what is now item 7 on form UD-100 to add date, time, and address fields where necessary.[3]

Correction of item regarding service by posting and mailing

Code of Civil Procedure section 1162(a) describes the methods by which a landlord may serve a tenant with a notice under section 1161 or 1161a (e.g., a notice to pay rent or quit). Under section 1162(a)(3), if the tenant is absent from their place of residence and usual place of business and a "person of suitable age or discretion" cannot be found at those locations, or the tenant's place of residence and usual place of business cannot be determined, the landlord may "affix[] a copy in a conspicuous place on the property, and also deliver[] a copy to a person there residing, if such person can be found; and also send[] a copy through the mail addressed to the tenant at the place where the property is situated."

On the current version of form UD-100, this service method is incorrectly described (in item 10). The committee proposes revising this item (now numbered 7b(4)) to reflect that mailing a copy of the notice and giving a copy to a person residing at the premises are separate steps, deleting the checkbox for "mailing a copy" to reflect that mailing is not optional, and adding a checkbox for giving a copy to a person residing at the premises to reflect that this step is not mandatory.

Removal of item regarding rental assistance

On the current version of form UD-100, item 11 implements Health and Safety Code section 50897.3(e)(2), which is part of the statutory scheme implementing the State Rental Assistance Program created to address the COVID-19 pandemic. The committee proposes deleting item 11 from the form because it is no longer applicable.

Section 50897.3(e)(2) states that the court cannot enter a judgment in favor of the landlord in certain unlawful detainer actions unless the landlord verifies that they have not received or applied for "rental assistance or financial compensation from any other source" for either (1) the amount demanded in the notice underlying the complaint or (2) rent accruing after the date of the notice.

Unlike other eviction protections created to address the pandemic, section 50897.3(e)(2) does not explicitly state that it applies only to unlawful detainer actions filed within a particular time period, nor does the statute contain a repeal provision. For this reason, when the committee recommended revoking *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) effective January 1, 2026, to reflect the repeal of a different

[3] The committee is proposing rule amendments and form revisions to implement the remainder of AB 747 in a separate invitation to comment. (*Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons* (SPR26-08), courts.ca.gov/policy-administration/invitations-comment.)

COVID-19 statute, the committee recommended moving the questions regarding section 50897.3(e)(2) from form UD-101 to form UD-100.[4]

However, section 50897.3(g)(2) implies that the requirements of subdivision (e)(2) are time-limited because it refers to federal funding that state rental assistance programs could use to cover rent, rental arrears and eviction prevention activities that arose before September 30, 2025.[5] However, there is some statutory ambiguity because subdivision (e)(2) "appl[ies] to the administration of" these funds but is otherwise not linked to the funds. Additionally, the landlord's verifications must address rental assistance or financial compensation from "any other source,"[6] not just the state rental assistance program.

Despite the statutory ambiguity, the committee determined that, given the context of section 50897.3's enactment—as part of a COVID-19 rental assistance program—and the implicit time limit applied by subdivision (g)(2), the Legislature likely intended for the requirements of subdivision (e)(2) to expire once the rental assistance program's underlying funding ceased.

The committee therefore proposes deleting item 11 from form UD-100 because it is no longer applicable. The funding referred to by section 50897.3 could be provided to landlords for rent or rental arrears arising on or before September 30, 2025. A notice to quit based on nonpayment of rent must be served within one year after rent becomes due.[7] September 30, 2026, is therefore the last day on which a landlord could serve a notice to quit based on unpaid rent for which the landlord could potentially receive financial assistance based on the funding referred to by section 50897.3. Thus, any unlawful detainer complaint filed on or after January 1, 2027, when

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[4] Judicial Council of Cal., Advisory Com. Rep., *Unlawful Detainer: Form Revisions to Reflect Repeal of COVID-19 Legislation* (Sept. 29, 2025), p. 5, *jcc.legistar.com/LegislationDetail.aspx?ID=7648706&GUID=BCCACD43-F581-4722-B98C-FA7A5D45827E*.

[5] Health and Safety Code section 50897(o) defines "Round 1" and "Round 2" funding as funds provided to the states by federal funding programs. Round 2 funding "remained available" through September 30, 2025. (Pub. L. No. 117-2 (Mar. 11, 2021) 135 Stat. 4, 58*, www.congress.gov/117/plaws/publ2/PLAW-117publ2.pdf* (codified as 15 U.S.C. § 9058c(g).) Round 1 funds were originally available through December 31, 2021, with a possible 90-day extension, but that deadline was later extended to September 30, 2022. (Pub. L. No. 116-260 (Dec. 27, 2020) 134 Stat. 1182, 2074–2075, *www.congress.gov/116/plaws/publ260/PLAW-116publ260.pdf* (codified as 15 U.S.C. § 9058a(e)); 135 Stat. 4, 58.) The September 30, 2025, deadline means that states receiving Round 2 funding "may not provide prospective assistance for rent, utility and home energy expenses, other expenses related to housing, expenses for housing stability services, or affordable rental housing projects, and eviction prevention activities for a period beyond September 30, 2025." (U.S. Dept. of the Treasury, *Emergency Rental Assistance (ERA2): Closeout Resource*, p. 2, *home.treasury.gov/system/files/136/ERA2_Closeout_Resource.pdf*.)

[6] It is unclear why the statute says "any other source" and not "any source." Reading subdivision (e) in context, it does not appear that "other" is meant to distinguish between the federal funding programs identified in section 50897 and other sources of financial assistance. The legislative history documents do not explain this word choice.

[7] Code Civ. Proc., § 1161(2).

revised form UD-100 would become effective, would not include unpaid rent for which the landlord could have received assistance under the state rental assistance program.[8]

Plain-language revisions

The committee proposes revising form UD-100 to make it easier to read and complete by reorganizing the form to combine similar items and present each item more clearly, rewriting items in plain language where possible, and defining legal terms that cannot be replaced by plain-language terms. For example, the proposed revisions use "plaintiff" instead of "landlord" in most places because the plaintiff may not be the landlord. Similarly, terms that are likely to appear on other forms or documents filed in the case, such as "the premises" and "possession," are defined rather than replaced with plain-language terms.

The committee considered reformatting the form in the Judicial Council's plain-language format (the format proposed for form UD-105) but determined that form's existing format is preferable because the caption of the plain-language format did not effectively accommodate items such as the designation of the case as a limited or unlimited civil case.

The committee requests specific comments on these revisions, and in particular whether the form will be easier for landlords and tenants to understand and whether any of the necessary legal terms or concepts are missing, incomplete, or inadequately described.

Form UD-105

The committee proposes revising *Answer—Unlawful Detainer* (form UD-105) to convert the form into the plain-language format, implement AB 246, and delete several items that are no longer applicable.

Plain-language revisions

The committee proposes revising form UD-105 by reformatting it using the Judicial Council's plain-language template and rewriting the entire form in plain language. Because the revisions to the form are so extensive, the only changes highlighted in the attached draft are the additions of new content that is not on the existing version of the form in any way (items 7b, 12c, and 13e).

The committee requests specific comments on these revisions, and in particular whether the form will be easier for landlords and tenants to understand and whether any of the necessary legal terms or concepts are missing, incomplete, or inadequately described.

As part of these revisions, the committee proposes moving the item regarding denials so that it appears after the items regarding defenses, as well as revising the instructions for the denials to clarify that tenants do not need to repeat information they have given in response to other answers on the form. Tenants often provide the same information in their answer regarding

[8] The committee will consider whether to revoke the other form implementing Health and Safety Code section 50897.3, *Verification by Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120), in a future proposal.

denials and in other areas of the form, and moving the denials to the end of the form and adding a clarifying instruction might reduce the amount of duplication in tenants' answers. However, the committee is concerned that placing the denials near the end of the form might make tenants more likely to give incorrect or incomplete answers due to fatigue, inadvertently waiving important defenses. The committee requests specific comments on whether the tenant's denials should appear before or after the tenant's defenses.

Assembly Bill 246

AB 246 (see Link C) creates a new affirmative defense that may be asserted by a residential tenant in an unlawful detainer proceeding based on nonpayment of rent.[9] The tenant may assert that Social Security benefits typically received by the tenant's household have been terminated, delayed, or reduced at no fault of the tenant, and that this hardship prevented the tenant from paying the unpaid rent alleged in the unlawful detainer action. If the tenant provides sufficient evidence that these criteria are met, the court must stay the unlawful detainer action until either 14 days after the tenant's Social Security benefits are restored or six months after the stay was issued, whichever is earlier. By January 1, 2027, the Judicial Council must adopt or modify forms, as needed, to implement AB 246.

To implement AB 246, the committee proposes revising form UD-105 to add items 12c and 13e. Item 12c, in the "Other statements" section, can be checked if the defense created by AB 246 applies. Item 13, in the "My requests" section, asks the court to stay the case until 14 days after the tenant's Social Security benefits are restored, or six months after the stay began, whichever is earlier.

Removal of inapplicable items

The committee proposes deleting several items from form UD-105 because they are no longer applicable. The item numbers below refer to the current version of the form.

Item 3m. On the current version of form UD-105, item 3m implements Health and Safety Code sections 50897.1(d)(2) and 50897.3(e)(2). As discussed above, the committee determined that section 50897.3(e)(2) may no longer be applicable. Section 50897.1(d)(2) appears to be inapplicable for similar reasons because it also applies to landlords who have accepted funding from the State Rental Assistance Program. The committee therefore proposes removing item 3m from form UD-105.

Item 3n. On the current version of form UD-105, item 3n asks whether the plaintiff violated a local COVID-19 ordinance regarding evictions. The committee proposes removing item 3n because most local COVID-19 ordinances have sunset, and those that have not can be addressed in the item that asks whether the landlord is breaking city or county rent control or eviction control laws (item 7a on the version of form UD-105 included in this proposal).

[9] Civ. Code, § 1946.3.

Item 3p. On the current version of form UD-105, item 3p implements Code of Civil Procedure section 1179.04.5 and asks whether the plaintiff applied a security deposit or monthly rental payment to any COVID-19 rental debt (i.e., obligations due between March 1, 2020, and September 30, 2021) without the tenant's written agreement. Section 1179.04.5 was repealed on October 1, 2025. The committee proposes deleting item 3p because section 1179.04.5 will not apply in unlawful detainer actions filed on or after January 1, 2027, the date that the revised version of form UD-105 will become effective. September 30, 2025, is the last day that section 1179.04.5 would prohibit a landlord from applying a payment for the prospective month's rent to COVID-19 rental debt, and September 30, 2026, is therefore the last day that a landlord could serve a notice to quit based on an improperly applied rent payment.

Form UD-116

Declaration of Default Judgment by Court (form UD-116) is used to request a default or default judgment under section 585 in an unlawful detainer case. When reviewing the form to determine whether it was affected by recent changes in law, the committee determined that although revisions are not required, it could be helpful to reformat the form to make it easier to use and to conform with revisions proposed on form UD-100.

The committee therefore proposes expanding form UD-116 to four pages so that each item on the form can be properly numbered and formatted, revising several items on the form to use plain language, and revising items 3c, 5a, and 6a to include all the options given in the equivalent items on form UD-100.

Alternatives Considered

The committee did not consider the alternative of taking no action because form revisions are needed to comply with AB 246, 747, and 863. To the extent the proposed revisions are not required by the terms of AB 246, 747, and 863, the committee considered taking no action but ultimately determined the changes are warranted in light of the benefits they will provide to courts and court users. Additionally, as discussed in the body of the proposal, the committee considered several alternatives when drafting the proposal, such as a different placement of the tenant's denials on form UD-105.

Fiscal and Operational Impacts

The statutory changes will require training of court staff and judicial officers. The revised forms are intended to facilitate courts' and parties' implementation of the changes in statute and will require education and possibly some changes to computerized case management systems.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Do the plain-language revisions and reformatting of form UD-100 make the form easier for landlords and tenants to understand, and if not, why not? Are any of the necessary legal terms or concepts missing, incomplete, or inadequately described? If so, please explain.
- Do the plain-language revisions and reformatting of form UD-105 make the form easier for landlords and tenants to understand, and if not, why not? Are any of the necessary legal terms or concepts missing, incomplete, or inadequately described? If so, please explain.
- On form UD-105, should the tenant's denials appear before or after the tenant's defenses?

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

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

Attachments and Links

1. Forms SUM-130, UD-100, UD-105, and UD-116, at pages 9–26
2. Link A: Assembly Bill 863, *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB863*
3. Link B: Assembly Bill 747, *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB747*
4. Link C: Assembly Bill 246, *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB246*

SUMMONS—EVICTION

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY

Notice!
You have been sued. The court may decide against you without your being heard unless you respond within 10 days. Read the information on page 1 of this form. Translations (for information only) of page 1 are shown on pages 2–6.

Notice! [in Spanish]
You have been sued. The court may decide against you without your being heard unless you respond within 10 days. Read the information on page 1 of this form. A translation (for information only) of page 1 is shown on page 2.

Notice! [in Chinese]
You have been sued. The court may decide against you without your being heard unless you respond within 10 days. Read the information on page 1 of this form. A translation (for information only) of page 1 is shown on page 3.

Notice! [in Korean]
You have been sued. The court may decide against you without your being heard unless you respond within 10 days. Read the information on page 1 of this form. A translation (for information only) of page 1 is shown on page 4.

Notice! [in Tagalog]
You have been sued. The court may decide against you without your being heard unless you respond within 10 days. Read the information on page 1 of this form. A translation (for information only) of page 1 is shown on page 5.

Notice! [in Vietnamese]
You have been sued. The court may decide against you without your being heard unless you respond within 10 days. Read the information on page 1 of this form. A translation (for information only) of page 1 is shown on page 6.

SUMMONS—EVICTION

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY

Notice to Defendant:

You Are Being Sued by Plaintiff:

FOR COURT USE ONLY

DRAFT
Not approved by
the Judicial Council
2026-03-06

Case Number:

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 10 days. You have 10 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 15 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), your county law library, or the courthouse nearest you. If you do not file your written response on time, the court may decide the case without hearing from you. You may lose the right to live in your rental unit, and the landlord might have you removed without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (lawhelpca.org), the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), or by contacting your local court or county bar association.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** If you receive a fee waiver and you recover **$10,000** or more by settling the case or otherwise, the court will have a lien on the recovery in the amount of the waived fees. The trial court may decide not to dismiss the case until the lien is paid.

1. The name and address of the court is:

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

3. Did you give compensation (money, property, or anything else of value) to a registered unlawful detainer assistant (does not include lawyers or people supervised by lawyers) for their advice or assistance with this form? *(Bus. & Prof. Code, §§ 6400–6415.)*
   ☐ No ☐ Yes *(If yes, complete items 3a–f):*
   a. Assistant's name:
   b. Phone:
   c. Street address, city, and zip:
   d. County of registration:
   e. Registration no.:
   f. Registration expires on *(date)*:

Date: Clerk, by , Deputy

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*

[SEAL]

4. **NOTICE TO THE PERSON SERVED:** You are served
   a. ☐ as an individual defendant.
   b. ☐ as the person sued under the fictitious name of *(specify):*
   c. ☐ as an occupant.
   d. ☐ on behalf of *(specify):*
   under ☐ CCP 416.10 (corporation). ☐ CCP 416.60 (minor).
   ☐ CCP 416.20 (defunct corporation). ☐ CCP 416.70 (conservatee).
   ☐ CCP 416.40 (association or partnership). ☐ CCP 416.90 (authorized person).
   ☐ CCP 415.46 (occupant). ☐ other *(specify):*
   e. ☐ by personal delivery on *(date):*

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (*name*):		DRAFT 03/18/2026 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT: ☐ DOE DEFENDANTS 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.**

NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

1. **Plaintiff** is *(list the name of each plaintiff):*

Defendant is *(list the names of all tenants and residents, even if they are not on the lease; if you do not know the name of a resident, describe them (for example, "adult male child of the named defendant"):*

☐ *If more space is needed to list plaintiffs or defendants, check here and attach a page labeled "Attachment 1."*

The true names and capacities of defendants sued as Doe defendants are unknown to plaintiff.

2. a. Plaintiff is (1) ☐ an individual over the age of 18 years. (2) ☐ a partnership.
(3) ☐ a public agency. (4) ☐ a corporation.
(5) ☐ other *(specify):*

b. ☐ Plaintiff is doing business under a fictitious name *(specify):*
and has complied with the fictitious business name laws.

3. **The premises.**
a. Defendant named in item 1 is in possession of (occupying) the premises (the house, apartment, other residence, or other location that was leased or rented) located at *(give the street address, apartment number, city, zip code, and county):*

b. The court named above is the correct venue for this action because 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 *(check one):* ☐ is the owner of the premises. ☐ has an interest in the premises as *(specify):*

PLAINTIFF: DEFENDANT:	CASE NUMBER:

5. **The lease or rental agreement.**

a. The lease or rental agreement was made on *(date):*
and was made *(check one):*
(1) ☐ in writing.
(2) ☐ orally.

b. The lease or rental agreement was made with *(list all defendants who made the agreement):*

c. ☐ There are defendants who are not named in item 5b. These defendants are *(check all that apply):*
(1) ☐ subtenants (tenant rented them part of the premises, or the entire premises for part of the remaining time on the lease).
(2) ☐ assignees (tenant rented them the entire premises for the entire remaining time on the lease).
(3) ☐ other *(specify):*

d. The defendants named in item 5b made the agreement with *(check one):*
(1) ☐ plaintiff.
(2) ☐ plaintiff's agent.
(3) ☐ plaintiff's predecessor in interest (a previous landlord).
(4) ☐ other *(specify):*

e. The defendants named in item 5b
(1) Agreed to rent the premises as a *(check one):*
(a) ☐ month-to-month tenancy *(check this box if the tenancy was initially for a fixed period but became month-to-month)*.
(b) ☐ tenancy for a fixed period of time *(specify length):*
which expires on *(date):*
(c) ☐ other type of tenancy *(specify):*
(2) Agreed to pay rent of $ payable *(check one):*
(a) ☐ monthly.
(b) ☐ other *(specify frequency):*
(3) Agreed to pay rent on *(check one):*
(a) ☐ the first of the month.
(b) ☐ other day *(specify):*

f. ☐ The agreement was later changed as follows *(specify):*

☐ *If more space is needed, check here and attach a page labeled "Attachment 5f."*

g. ☐ A copy of the written agreement *(check (1) or (2)):*
(1) ☐ Is attached and labeled Exhibit 1. I have included all addenda and agreements that form the basis of this complaint.
(2) ☐ Is not attached because *(check one):*
(a) ☐ the landlord and the landlord's employees and agents do not have a copy of the written agreement.
(b) ☐ this action is only for nonpayment of rent (Code Civ. Proc., § 1162(2)).
(c) ☐ the premises are not a residential property (Code Civ. Proc., § 1166(d)).
(d) ☐ the agreement was oral only, and a written agreement never existed.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

6. **Notice given to defendant.**

a. Defendant was served with the following notice:

(1) ☐ 3-day notice to pay rent or quit

(2) ☐ 3-day notice to quit

(3) ☐ 30-day notice to quit

(4) ☐ 60-day notice to quit

(5) ☐ 30-day notice to vacate under the federal CARES Act (15 U.S.C. § 9058(c))

(6) ☐ 3-day notice to perform covenants or quit *(for tenancies not subject to the Tenant Protection Act)*

(7) ☐ Final 3-day notice to quit under Civil Code section 1946.2(c) for tenancies subject to the Tenant Protection Act. First notice to perform covenants was served on *(date):*

(8) ☐ Other *(specify):*

b. The time period stated in the notice checked in 6a expired at the end of the day on *(date):*

Defendants did not 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. *(You must attach a copy of the notice if the premises are a residential property. (See Code Civ. Proc., § 1166.) When Civil Code section 1946.2(c) applies and two notices are required, attach copies of both.)*

7. **Service of the notice.**

a. The notice in item 6 was served on *(name each defendant who was served with the notice):*

☐ At least one of the defendants listed above was served (1) with a different notice, (2) on a different date, (3) using a different method of service, or (4) with a prior notice required by Civil Code section 1946.2(c). *(If you check this box, use a separate sheet of paper labeled "Attachment 7" to give the information asked for in items 6 and 7 about each defendant who was served differently.)*

☐ The defendant listed above was served on behalf of all defendants who signed a joint rental agreement.

b. ☐ The notice in item 6 was served on the defendant in item 7a by *(check (1), (2), (3), (4), or (5))*:

(1) ☐ personally handing a copy to defendant on *(date):* at *(time):*
at *(address):*

(2) ☐ leaving a copy with another adult (18 or older) *(give the person's name or description):*

on *(date):* at *(time):* at defendant's ☐ home ☐ workplace
at *(address):*
AND mailing a copy to defendant at defendant's home on *(date):*
at *(address):*
because defendant cannot be found at their home or usual workplace.

(3) ☐ sending a copy by certified or registered mail addressed to defendant on *(date):*
at *(address):*
(If the notice is a 3-day notice, you cannot choose this option. See Civil Code section 1946.)

PLAINTIFF: DEFENDANT:	CASE NUMBER:

7. b. (4) ☐ posting a copy on the premises on *(date):* at *(time):*
AND mailing a copy to defendant at the premises on *(date):*
☐ A copy of the notice was also given to a person who lives at the premises on *(date):* at *(time):*
This service method was used because *(check one):*
(a) ☐ The plaintiff doesn't know, and can't find out, where defendant lives and usually works.
(b) ☐ A person who is at least 18 years old could not be found at the premises.
(5) ☐ Using the method described in the parties' written commercial lease. *(If the tenancy is residential, you cannot choose this option. Read Civil Code section 1953.)*

c. ☐ Proof of service of the notice in item 6a is attached and labeled Exhibit 3.

8. **Tenant Protection Act of 2019.** The lease or rental agreement described in item 5 *(check a or b):*

a. ☐ is not covered by the Tenant Protection Act of 2019 (Civ. Code, § 1946.2) because *(check one):*
(1) ☐ The premises are not residential property.
(2) ☐ At least one of the tenants has not continuously and lawfully occupied the premises for the length of time required by Civil Code section 1946.2(a).
(3) ☐ One of the exceptions in Civil Code section 1946.2(e) applies *(list the exception from section 1946.2(e) that applies):*

b. ☐ is covered by the Tenant Protection Act of 2019 and:
(1) ☐ the owner waived (did not require) the payment of rent for the final month of the tenancy, before the rent was due, under section 1946.2(d)(2). The waived amount was $
(2) ☐ the owner gave a direct payment of one month's rent to *(name each defendant and the amount given to each):*

The amount given was $
(3) ☐ the eviction was for at-fault just cause, so payment or waiver of rent under section 1946.2(d)(1) is not required.

9. **Other information.** *(Complete all items in this section that apply to your case. If an item does not apply, leave it blank.)*

a. ☐ Plaintiff demands possession from each defendant (asks for defendants to be evicted) because the lease was for a fixed term (a specific amount of time) and that time has expired (ended).
b. ☐ At the time the 3-day notice to pay rent or quit was served, the amount of rent due was $
c. ☐ The parties have a written agreement that allows plaintiff to ask defendant to pay plaintiff's attorney fees.
d. ☐ Plaintiff's complaint includes other facts, claims, or statements, which are written on a separate sheet of paper labeled Attachment 9.
e. Plaintiff accepts the jurisdictional limit, if any, of the court.

10. **Rent control or eviction control.** Is there a local rent control or eviction control law that applies to defendant's lease or rental?

a. ☐ No.
b. ☐ Yes *(give the city or county, the title of the law, and the date the law was passed):*

Plaintiff has met all the applicable requirements of the law listed above.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

11. **Plaintiff's requests.** Plaintiff asks the court to decide that *(check all that apply):*

a. Plaintiff is entitled to possession of the premises (defendants are evicted and must leave the premises).

b. Defendant must pay plaintiff:

(1) Plaintiff's costs (such as filing fees) for this case.

(2) ☐ Past due rent as stated in item 9b.

(3) ☐ Reasonable attorney fees.

(4) ☐ The amount of waived rent or relocation assistance stated in item 8b because defendant did not vacate (leave) the premises.

(5) ☐ The fair rental value of the premises of $ per day, paid for each day that defendant remains in possession of (continues to occupy) the premises between *(date the notice in item 6a expired):* and the date that the court enters judgment against defendants (decides against defendants).

(6) ☐ Statutory damages of up to $600 because defendant's continued possession is malicious. (Code Civ. Proc., § 1174(b)). *(If you check this box, you must explain the facts that support your claim. Write your explanation of a separate sheet of paper with the title "Attachment 11b(6).")*

c. The agreement is forfeited (the rental or lease agreement ends).

d. ☐ Other *(specify):*

12. **Unlawful detainer assistant.** Did you give compensation (money, property, or anything else of value) to a registered unlawful detainer assistant in exchange for their advice or assistance with this form? *("Unlawful detainer assistant" does not include lawyers or people supervised by lawyers. (Bus. & Prof. Code, §§ 6400–6415.))*

☐ No ☐ Yes *(If yes, complete items 12a–f):*

a. Assistant's name:

b. Phone:

c. Street address, city, and zip:

d. County of registration:

e. Registration no.:

f. Registration expires on *(date)*:

13. Number of pages attached to this form:

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

UD-105 Answer—Unlawful Detainer

Clerk stamps date here when form is filed.

DRAFT

03/18/2026

NOT APPROVED BY COUNCIL

For more information about how to complete this form, visit selfhelp.courts.ca.gov/eviction-tenant/respond.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

(1) Your Information

If there is more than one defendant (tenants or other residents), you can file one Answer together only if your answers to (3) through (13) are the same. If you have different answers for any of those items, each person should file their own Answer.

a. Your Name:

Your Lawyer *(if you have one for this case):*
Name: _____ State Bar No.: _____
Firm Name:

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)*

Address: _____
City: _____ State: ____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

c. **If more than one defendant, list second defendant here:**

Name: _____
Address *(if different):* _____
City: _____ State: ____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

d. **If more than two defendants, list third defendant here:**

Name: _____
Address *(if different):* _____
City: _____ State: ____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

☐ *Check here if there are more than three defendants. List the other defendants, including their addresses and contact information, on an attached sheet of paper, and write "Attachment 1" for a title.*

(2) The plaintiff

The plaintiff is the person who started this eviction case by filing the complaint. Usually, the plaintiff is your landlord. The plaintiff's name will be written on the first page of the complaint.

Plaintiff's Name: _____

Defenses

Defenses are reasons why you should not be evicted. (3) through (8) list the most common defenses in eviction cases. You can have more than one defense. Check each box in (3) through (8) that applies to you. In (9), give the facts that explain why you checked each box. If you have defenses that are not listed, write them in (10).

For more information about defenses and the laws they are based on (the sections of the Civil Code, Code of Civil Procedure, and other codes listed on this form), visit selfhelp.courts.ca.gov/eviction-tenant/respond-defenses.

(3) My landlord hasn't taken care of the home I rent *(check any that apply)*

a. ☐ The landlord is trying to evict me because they claim that rent is unpaid. My home isn't safe or livable (the landlord "breached the warranty to provide habitable premises") because the landlord hasn't fixed serious problems in the home. These problems were not caused by me or my guests. (Civ. Code, §§ 1941–1941.4; Code Civ. Proc., § 1174.2.)

b. ☐ The landlord is trying to evict me because they claim that rent is unpaid. I paid for repairs the landlord should have made, subtracted the cost of the repairs from my rent, and the landlord didn't give me proper credit. I followed the legally required steps before I withheld rent. (Civ. Code, § 1942.)

(4) I did what my landlord asked in the eviction notice, or the notice was changed or canceled *(check any that apply)*

a. ☐ The landlord is trying to evict me because they claim that rent is unpaid. On *(date):* _____ I tried to pay all the rent listed on the Notice to Pay Rent or Quit before the deadline on the notice, but the landlord wouldn't accept my payment.

b. ☐ The landlord changed or canceled the Notice to Quit. (For example, you were told that you had more time to pay or that you didn't actually have to move out.)

c. ☐ The landlord took money for rent that was due after the eviction notice expired. (Civ. Code, § 1945.)

(5) The eviction notice doesn't follow the law *(check any that apply)*

a. ☐ The landlord is trying to evict me because they claim that rent is unpaid. The rent they claim is unpaid was due more than one year ago. (Code Civ. Proc., § 1161.)

b. ☐ The eviction notice is missing information or doesn't follow the law in another way. (Code Civ. Proc., § 1161.)

c. ☐ My home is covered by the federal CARES Act and the landlord didn't provide 30 days' notice to vacate. (15 U.S.C. § 9058(c).)

(Property covered by the CARES Act means property where the landlord is participating in a covered housing program as defined by the Violence Against Women Act (34 U.S.C. § 12491(a)); is participating in the rural housing voucher program under section 542 of the Housing Act of 1949 (34 U.S.C. § 12491); or has a federally backed mortgage loan or a federally backed multifamily mortgage loan.)

6 I am protected by the Tenant Protection Act *(check any that apply)*

The Tenant Protection Act (TPA) protects many renters in California, but not all. If the TPA does not apply to you, do not check any of the boxes in 6. The TPA might **not** apply to you if:

- You're being evicted for a reason that's your fault (like not paying rent, damaging the home, or committing a crime).
- You've lived in the home for less than 12 months, unless there are other tenants living there with you, and all of you have lived there for 12 months or longer, or at least one tenant has lived there for 24 months or more.
- You live in the same home as the owner.
- You live in certain types of housing, like (1) a duplex where the owner lives in the other unit, (2) a home built in the last 15 years, (3) nonprofit or government housing, (4) a dorm or hospital, or (5) temporary housing.
- Your landlord plans to move in, remodel, or take the home off the rental market.
- The government ordered people to leave the home.

(Civ. Code, §§ 1946.2, 1947.12.)

a. ☐ The landlord raised my rent more than the law allows and is trying to evict me based on that increase.

b. ☐ The landlord didn't give me a chance to fix a lease violation before giving me a final 3-day notice to quit.

c. ☐ The landlord wants me to move for a reason covered by the TPA and didn't give me money to help me move.

d. ☐ The landlord didn't give me enough notice before raising the rent and then tried to evict me for not paying the higher amount.

e. ☐ The landlord doesn't have a legal reason to evict me under the TPA.

7 My home is protected by rent control or eviction control laws *(check any that apply)*

a. ☐ The landlord is breaking city or county rent control or eviction control laws. *(In 9, when explaining why you checked this box, include the title of the law, the city or county, and the date the law was passed.)*

b. ☐ The landlord is breaking rent control or eviction control laws that apply because my home is part of a federal housing program or was rented using Section 8. *(In 9, when explaining why you checked this box, identify the housing program your home is part of and the laws the landlord is breaking.)*

8 The landlord is treating me unfairly *(check any that apply)*

a. ☐ The landlord is trying to evict me because I reported a problem (such as a code violation, health and safety issue, or other serious problem). (Civ. Code, § 1942.5.)

b. ☐ The landlord is trying to evict me because I called police or emergency services (like an ambulance) to keep someone safe. (Civ. Code, § 1946.8.)

c. ☐ The landlord is trying to evict me because of my race, sex, religion, national origin, marital status, sexual orientation, number of children, job, physical or mental disability, or because I get public help (like benefits). (Unruh Act (Civ. Code, § 51), Fair Employment and Housing Act (Gov. Code, §§ 12955–12956).)

d. ☐ I have a disability and asked the landlord for a change to help me stay in my home (called a "reasonable accommodation"). The landlord refused and is trying to evict me because of my request. (Cal. Code Regs., tit. 2, § 12176(c).)

8 e. ☐ Another person or agency offered to pay my rent and my landlord refused to accept the offer. (Civ. Code, § 1947.3.)

f. ☐ The landlord is trying to evict me because I, my immediate family member, or someone in my home experienced violence or abuse (domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or a crime that caused bodily injury, involved a deadly weapon, or used force or threat of force). (Code Civ. Proc., §§ 1161.3, 1174.27.)

(1) The abuse or violence was committed by *(check one):*

(a) ☐ A person who does not live in my home.

(b) ☐ A person who lives in my home.

(2) I have attached *(check at least one):*

(a) ☐ A temporary restraining order, protective order, or police report that is not more than 180 days old.

(b) ☐ A signed statement from a qualified person (such as a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, psychologist, or a victim of violent crime advocate) about the injuries or abuse.

(c) ☐ Another document or other evidence showing that the abuse or violence happened.

9 Facts supporting my defenses and objections

For each box checked in 3 through 8, you must give the facts that explain why you checked the box. If you checked more than one box, label each answer with the item number it applies to (such as "Item 4a").
Visit selfhelp.courts.ca.gov/eviction-tenant/respond-defenses for more information about the facts you should give to support your answers.

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 9" for a title.*

10 I have other defenses or objections

☐ I have other defenses or objections to the eviction notice or the complaint. These defenses and objections are *(explain each defense or objection and give facts explaining why it applies to you):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 10" for a title.*

11 Denials

When you read the complaint, you will see a list of numbered statements. If you disagree with a statement or aren't sure if it's true, you can deny it. If you don't deny a statement in the complaint, you are admitting that it is true. If the complaint is asking for more than $1,000, you cannot check the box for "general denial."

a. ☐ **General denial.** I disagree with everything in the complaint. *(Do not check this box if the complaint is asking for more than $1,000.)*

b. ☐ **Specific denial.** There are specific statements in the complaint that I don't agree with or don't know if they are true. I have listed these statements below. I admit that the other statements in the complaint are true. *(Identify the statements you disagree with or aren't sure are true (include the item number from form UD-100 for each statement) and explain why. You don't need to repeat information you have given in your answers to other questions. Instead, you can say that the reason you disagree with a statement or aren't sure it's true is given in another answer (for example, "Explained in my answer to question 9.")):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 11" for a title.*

12 Other statements *(check any that apply):*

a. ☐ I vacated (moved out of) the premises on *(date):* _____

b. ☐ The "fair rental value" listed in the plaintiff's complaint is too high because *(explain):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 12b" for a title.*

12 c. ☐ This case should be stayed (paused) because Social Security benefits that I or someone in my household typically receives have been ended, delayed, or reduced for reasons that were not my fault. The landlord is trying to evict me for nonpayment of rent but I was prevented from paying the unpaid rent asked for in the eviction notice because of this problem with Social Security benefits. (Civ. Code, § 1946.3.) *(Explain how and when the benefits were ended, delayed, or reduced, and why it is not your fault):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 12c" for a title.*

d. ☐ Other *(explain):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 12d" for a title.*

13 My requests

I want the court to make an order that *(check all that apply):*

a. The plaintiff does not get anything they asked for in their complaint.

b. The plaintiff must pay for my costs (such as filing fees) in this case.

c. ☐ The plaintiff must pay my reasonable attorney's fees.

d. ☐ The plaintiff must (1) make repairs and correct the conditions that make my home unsafe or unlivable, and (2) reduce the monthly rent to a reasonable amount until the repairs and corrections are made.

e. ☐ *(Check this box if you checked* 12c*)* This case should be stayed (paused) until 14 days after my Social Security benefits are restored or six months after the stay began, whichever is earlier.

f. ☐ Other *(explain):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 13f" for a title.*

Case Number:

(14) Unlawful detainer assistant

Did you give compensation (money, property, or anything else of value) to a registered unlawful detainer assistant in exchange for their advice or assistance with this form? *("Unlawful detainer assistant" does not include lawyers or people supervised by lawyers. (Bus. & Prof. Code, §§ 6400–6415.))*

☐ No ☐ Yes *(If you checked "yes," you must complete (14)a–f):*

a. Assistant's name: _____

b. Telephone: _____

c. Address: _____

City: _____ State: _____ Zip: _____

d. County of registration: _____

e. Registration no.: _____

f. Registration expires on *(date)*: _____

(15) Number of pages attached to this form, if any: _____

(Each defendant participating in this Answer must be named in (1) and must sign below, unless defendant's lawyer signs.)

Date: _____

_____ ▶ _____

Defendant types or prints name here — Defendant or defendant's lawyer signs here

Date: _____

_____ ▶ _____

Second defendant types or prints name here — Second defendant or defendant's lawyer signs here

Date: _____

_____ ▶ _____

Third defendant types or prints name here — Third defendant or defendant's lawyer signs here

Verification

(Each defendant participating in this Answer must sign the verification below. Use a different verification form if the verification is by a lawyer or is for a corporation or partnership.

I am the defendant in this proceeding and have read this Answer. I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

_____ ▶ _____

Defendant types or prints name here — Defendant signs here

Date: _____

_____ ▶ _____

Second defendant types or prints name here — Second defendant signs here

Date: _____

_____ ▶ _____

Third defendant types or prints name here — Third defendant signs here

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 03/18/2026 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF *(Name):* DEFENDANT *(Name):*	
DECLARATION FOR DEFAULT JUDGMENT BY COURT **(Unlawful Detainer—Code Civ. Proc., § 585(d))**	CASE NUMBER:

1. My name is *(specify):*
   a. ☐ I am the plaintiff in this action.
   b. I am
      (1) ☐ an owner of the property
      (2) ☐ a manager of the property
      (3) ☐ an agent of the owner
      (4) ☐ other *(specify):*
   c. I personally know the facts stated in this declaration and, if sworn as a witness, could testify competently about those facts. I am personally familiar with the rental or lease agreement, defendant's payment record, the condition of the property, and defendant's conduct.
2. The property concerning this action is located at *(street address, apartment number, city, and county):*

3. **Lease or rental agreement.**
   a. The agreement was *(check one):*
      (1) ☐ written
      (2) ☐ oral
   b. The agreement was made
      (1) on or about *(date):*
      (2) with defendant *(name each):*
   c. The defendant named in 3b agreed to
      (1) rent the property as a *(check one):*
         (a) ☐ month-to-month tenancy *(check this box if the tenancy was initially for a fixed period but became month-to-month)*.
         (b) ☐ tenancy for a fixed period of time *(specify length):* which expires on *(date):*
         (c) ☐ other type of tenancy *(specify):*
      (2) pay rent of $
      (3) pay rent *(check one)*
         (a) ☐ monthly
         (b) ☐ other *(specify frequency):*
      (4) pay rent on *(check one)*
         (a) ☐ the first of the month
         (b) ☐ other day *(specify):*

PLAINTIFF *(Name):* DEFENDANT *(Name):*	CASE NUMBER:

3. d. ☐ The original agreement is attached *(check one):*
   (1) ☐ to the original complaint.
   (2) ☐ to the *Application for Immediate Writ of Possession.*
   (3) ☐ to this declaration, labeled Exhibit 3d.
   e. ☐ A copy of the agreement, with a declaration and order to admit the copy, is attached *(check one):*
   (1) ☐ to the *Application for Immediate Writ of Possession.*
   (2) ☐ to this declaration, labeled Exhibit 3e.

4. ☐ **Agreement changed.**
   a. ☐ The rent amount changed after the original lease or rental agreement was made. *(If the rent amount changed more than once, explain the most recent rent change in items a(1) to a(3), and check item a(4).)*
   (1) The rent amount was changed from $ to $
   (2) This change became effective on *(date):*
   (3) This change was made *(check one):*
   (a) ☐ by agreement of the parties and subsequent payment of such rent.
   (b) ☐ by service on defendant of a notice of change in terms pursuant to Civil Code section 827. *(If you check this box, you must complete item 4d).*
   (c) ☐ under to a written agreement of the parties for change in terms. *(If you check this box, you must complete item 4d or item 4e).*
   (4) ☐ There was more than one change in rent amount. *(If you check this box, you must list **all** rent changes and their effective dates on a separate page labeled "Attachment 4a(4)." You can use form MC-025 for this purpose.)*
   b. ☐ The due date for rent changed to *(specify day):*
   c. ☐ A copy of the notice of change in terms is attached to this declaration, labeled Exhibit 4c.
   d. ☐ The original agreement for change in terms is attached *(check one):*
   (1) ☐ to the original complaint.
   (2) ☐ to the *Application for Immediate Writ of Possession.*
   (3) ☐ to this declaration, labeled Exhibit 4d.
   e. ☐ A copy of the agreement for change in terms, with a declaration and order to admit the copy, is attached *(check one):*
   (1) ☐ to the *Application for Immediate Writ of Possession.*
   (2) ☐ to this declaration, labeled Exhibit 4e.

5. **Notice to quit.**
   a. Defendant was served with the following notice:
   (1) ☐ 3-day notice to pay rent or quit
   (2) ☐ 3-day notice to quit
   (3) ☐ 30-day notice to quit
   (4) ☐ 60-day notice to quit
   (5) ☐ 30-day notice to vacate under the federal CARES Act (15 U.S.C. § 9058(c))
   (6) ☐ 3-day notice to perform covenants or quit *(for tenancies not subject to the Tenant Protection Act)*
   (7) ☐ Final 3-day notice to quit under Civil Code section 1946.2(c) for tenancies subject to the Tenant Protection Act. First notice to perform covenants was served on *(date):*
   (8) ☐ Other *(specify):*

PLAINTIFF *(Name)*: DEFENDANT *(Name)*:	CASE NUMBER:

5. b. ☐ The 3-day notice to pay rent or quit demanded rent due in the amount of *(specify)*: $
for the rental period beginning on *(date)* and ending on *(date)*

c. ☐ The total rent demanded in the 3-day notice specified in item 5b is different from the agreed rent in item 3c(2).
(If you check this box, you must give the history of dates covered by the 3-day notice and any partial payments received to arrive at the balance demanded in the notice. Give this information on a separate page labeled "Attachment 5c." You can use form MC-025 for this purpose.)

d. ☐ The original notice specified in item 5a, or a copy of the notice, is attached *(check one)*:

(1) ☐ to the original complaint

(2) ☐ this declaration, labeled Exhibit 5d. *(The original or a copy of the notice MUST be attached to this declaration if not attached to the original complaint.)*

6. **Service of notice.**

a. The notice in item 5a was served on defendant *(name each)*:

(1) ☐ personally *on (date)*:

(2) ☐ by substituted service, including a copy mailed to defendant, *on (date)*:

(3) ☐ by sending a copy by certified or registered mail to defendant on *(date mailed)*:

(4) ☐ by posting on *(date posted)*: and mailing on *(date mailed)*:

(5) ☐ using the method described in the parties' written commercial lease.

b. ☐ A prejudgment claim of right to possession was served on the occupants under Code of Civil Procedure section 415.46.

7. **Proof of service of notice.** The original proof of service of the notice in item 5a, or a copy of the proof of service, is attached to *(check one)*:

a. ☐ the original complaint.

b. ☐ this declaration, labeled Exhibit 7b. *(The original proof of service, or a copy of the proof of service, MUST be attached to this declaration if it is not attached to the original complaint.)*

8. **Notice expired.** On *(date)*: , the notice in item 5a expired at the end of the day. Defendant failed to comply with the requirements of the notice by that date. No money has been received and accepted after the notice expired.

9. The fair rental value of the property is $ per day, calculated as follows *(check a, b, or c)*:

a. ☐ (rent per month) x (0.03288) *(12 months divided by 365 days)*

b. ☐ rent per month divided by 30

c. ☐ other valuation *(specify)*:

10. **Possession.** The defendant *(check one)*:

a. ☐ vacated the premises *on (date)*:

b. ☐ continues to occupy the property on *(date of this declaration)*:

11. ☐ Declarant has calculated the holdover damages as follows:

a. Damages demanded in the complaint began on *(date)*:

b. Damages accrued through *(date specified in item 10)*:

c. Number of days that damages accrued *(count days using the dates in items 11a and 11b)*:

d. Total holdover damages *((daily rental value in item 9) x (number of days in item 11c))*: $

12. ☐ Reasonable attorney's fees are authorized in the lease or rental agreement by paragraph *(specify)*:
and reasonable attorney's fees for plaintiff's attorney *(name)*: are $

13. ☐ Court costs in this case, including the filing fee, are $

PLAINTIFF *(Name)*: DEFENDANT *(Name)*:	CASE NUMBER:

14. ☐ Declarant requests a judgment on behalf of plaintiff for:

a. ☐ A money judgment as follows:

(1) ☐ Past-due rent *(item 5b)*	$
(2) ☐ Holdover damages *(item 11d)*	$
(3) ☐ Attorney's fees *(item 12)*	$
☐ Attorney's fees are to be paid only by *(name)*	
(4) ☐ Costs *(item 13)*	$
(5) ☐ Other *(specify):*	$
(6) **TOTAL JUDGMENT**	$

b. ☐ Possession of the premises identified in item 2 *(check this box only if a clerk's judgment for possession was **not** entered).*

c. ☐ Cancellation of the rental agreement. ☐ Forfeiture of the lease.

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

Summary of Exhibits

15. ☐ Exhibit 3d: Original rental agreement.

16. ☐ Exhibit 3e: Copy of rental agreement with declaration and order to admit the copy.

17. ☐ Exhibit 4c: Copy of notice of change in terms.

18. ☐ Exhibit 4d: Original agreement for change of terms.

19. ☐ Exhibit 4e: Copy of agreement for change in terms with declaration and order to admit copy.

20. ☐ Exhibit 5d: Original or copy of the notice to quit under item 5a *(MUST be attached to this declaration if it is not attached to original complaint).*

21. ☐ Exhibit 7b: Original or copy of proof of service of notice in item 5a *(MUST be attached to this declaration if it is not attached to original complaint).*

22. ☐ Other exhibits *(specify number and describe):*

Item number: 08

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rules 3.1150, 3.1160, and 3.1372; adopt forms CH-205/EA-205 and POS-060; approve form POS-012; revise forms CIV-050, CIV-100, CIV-105, EJ-110, EJ-115, NC-121, NC-221/NC-321/NC-521, POS-010, SC-104, SC-104A, and SC-104B; revise and renumber forms CH-117 and CH 205-INFO

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: 7. Proofs of Service: Implementation of AB 747 and SB 85. Develop form recommendations as appropriate. This is a joint project with the Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee. AB 747 (Stats. 2025, ch. 563) creates new requirements for proofs of service under Code of Civil Procedure sections 415.10, 415.20, and 415.30. These proofs of service must now include photos of the site of service, a time stamp, and GPS coordinates. Applications to enter default under Code of Civil Procedure section 585 also must include proofs of service containing those elements. AB 747 also adds a definition of "reasonable diligence" for purposes of substitute service under sections 415.10, 415.20, and 415.30. SB 85 (Stats. 2025, ch. 403) amends Code of Civil Procedure section 413.30, which concerns certain forms of service of summons. AB 747 and SB 85 will require form revisions.

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

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.) CSCAC's annual agenda describes this as a joint proposal with FamJuv and PMHAC. However, the committees determined that separate proposals were more appropriate, and each committee is developing its own proposal to implement AB 747.

Information for JC staff

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

☒ Office director (or designee) reviewed on *(date):* Michael Giden by *(name):* March 18, 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

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-08

Title

Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 3.1150, 3.1160, and 3.1372; adopt forms CH-205/EA-205 and POS-060; approve form POS-012; revise forms CIV-050, CIV-100, CIV-105, EJ-110, EJ-115, NC-121, NC-221/NC-321/NC-521, POS-010, SC-104, SC-104A, and SC-104B; revise and renumber forms CH-117 and CH-205-INFO

Proposed by

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

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date

January 1, 2027

Contact

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

Executive Summary and Origin

Assembly Bill 747 (Stats. 2025, ch. 563) and Senate Bill 85 (Stats. 2025, ch. 403) make numerous changes to the laws regarding service and proof of service of summons in civil actions. The Civil and Small Claims Advisory Committee proposes amending 3 rules, adopting 2 mandatory forms, approving 1 optional form, and revising 13 forms to implement AB 747 and SB 85. The committee also proposes changes to these rules and forms to improve clarity and readability.

Background

Assembly Bill 747 (see Link A) and Senate Bill 85 (see Link B) make numerous changes to the laws regarding service and proof of service of summons in civil actions. The provisions in both bills that require rule and form changes are summarized below.

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

AB 747 and SB 85 require changes to rules and forms related to civil actions, small claims cases, family and juvenile proceedings, and probate and mental health proceedings. As a result, the Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee are also proposing rule and form revisions to implement these changes in law.[1]

Assembly Bill 747

AB 747 will, starting January 1, 2027, change the legal requirements for substituted service of summons, proof of service of summons, service of unlawful detainer summons by posting and mailing, and default judgment.[2]

Substituted service

Code of Civil Procedure section 415.20 governs substituted service, which is performed by giving a copy of the summons and complaint to a person other than the party at the party's residence (if the party is not a business) or place of business and then mailing a copy of the summons and complaint to the party. Under section 415.20(a), substituted service is always allowed for corporations and certain other entities. If the party is not a corporation or other entity covered by section 415.20(a), substituted service is allowed under section 415.20(b) if personal service cannot be effected "with reasonable diligence."

AB 747 adds language to section 415.20(b) to state that a party shows reasonable diligence by "attempting personal delivery of the summons and complaint, in good faith, on at least three occasions on three different days at three different times." If the action is to collect consumer debt, at least one of these attempts must be made at the person's "dwelling place or usual place of abode," if that location is known or could be determined with reasonable effort.

Additionally, AB 747 adds language to section 415.20 to specify methods that can be used to mail a copy of the summons and complaint to the party. The statute now refers to mailing "by United States Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid" rather than "by first-class mail, postage prepaid."

Proof of service of summons

AB 747 amends Code of Civil Procedure section 417.10(a) to require proof of service by personal delivery or substituted service, or service of an unlawful detainer summons by posting and mailing, to include "one or more photographs of the site of each effected or attempted service of the summons and complaint." Each photo must contain "a readable stamp that establishes and automatically records the date, time, and global positioning system (GPS) or equivalent coordinates of the effected or attempted service" and the photos must be taken "as

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[1] *Family Law: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85* (SPR26-21); *Probate Law and Procedure: Forms to Implement Assembly Bill 747* (SPR26-34) (both proposals are available at *courts.ca.gov/policy-administration/invitations-comment*).

[2] AB 747 also requires revisions to *Unlawful Detainer—Complaint* (form UD-100). The Civil and Small Claims Advisory Committee has proposed those revisions in a separate invitation to comment regarding unlawful detainer forms. (*Unlawful Detainer: Form Revisions to Implement Assembly Bills 246, 747, and 863* (SPR26-07), *courts.ca.gov/policy-administration/invitations-comment*.)

close as reasonably practicable to the time of effecting or attempting service."[3] If a GPS, mobile, or equivalent signal is not available when service is effected or attempted, the process server must provide "a detailed statement on or with the proof of service explaining the reason for the lack of a readable GPS or equivalent stamp on the photograph."[4]

For service at residential locations and businesses, the photo must show the door of the residence or business or, if the door is not reasonably accessible, the entrance to the building (for residences) or the entrance of the specific office or other place of business of the person being served.[5] A photo is not required if "in the reasonable judgment of the process server, taking a photograph would compromise the process server's safety" and the server provides "a detailed statement explaining why taking a photograph would have compromised their safety."[6]

Service of unlawful detainer summons by posting and mailing

Under Code of Civil Procedure section 415.45, an unlawful detainer summons may be served by posting and mailing if the court is satisfied that the party to be served cannot with reasonable diligence be served in any manner other than publication. AB 747 adds section 415.45(d)(1), which states that a party shows reasonable diligence by "attempting personal delivery of the summons and complaint, in good faith, on at least three occasions on three different days at three different times." With certain exceptions, at least one of those attempts must be made at the person's "dwelling place or usual place of abode," if that location is known or could be determined with reasonable effort.

AB 747 also changes the requirements for proof of service under section 415.45. Currently, the proof of service must include the time and place of posting and the time and place that copies of the summons and complaint were mailed to the party to be served.[7] Under AB 747, proof of service under section 415.45 must provide the same information as proof of personal service, substituted service, or service by mail and acknowledgment of receipt (including photographs of the service location, described above).[8]

Default judgment

AB 747 amends section 585(b) to clarify that the clerk cannot enter default unless there is proof of service of the summons. Prior to AB 747, section 585(b) required the defendant to have been served but did not state that there must be proof of service. This amendment conforms section 585(b) to section 585(a), which also requires proof of service of the summons before entry of default.

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[3] Code Civ. Proc., § 417.10(a)(1)(A), (a)(5).

[4] *Id.* § 417.10(a)(1)(B).

[5] *Id.*, § 417.10(a)(2).

[6] *Id.*, § 417.10(a)(4).

[7] *Id.*, § 417.10(e).

[8] *Id.*, § 417.10(a).

Senate Bill 85

Effective January 1, 2026, SB 85 amended Code of Civil Procedure section 413.30 to allow a plaintiff who, despite exercising reasonable diligence, has been unable to effect service by any of the methods authorized by sections 413.10 through 417.40 to ask the court to permit service of the summons by a different method. Section 413.30 now allows the court to authorize service in any manner that is reasonably calculated to give actual notice to the party being served and identifies email and "other electronic technology" as possible service methods.[9] A plaintiff seeking to establish reasonable diligence under section 413.30 must "set forth facts detailing all attempts to serve the defendant by each of the methods prescribed by statute, including facts demonstrating why each method was unsuccessful at every address or location where the defendant is likely to be found."

The Proposal

The Civil and Small Claims Advisory Committee proposes amending 3 rules, adopting 2 mandatory forms, approving 1 optional form, and revising 13 forms to implement AB 747 and SB 85.

Rules 3.1150, 3.1160, and 3.1372

The committee proposes amending rules 3.1150, 3.1160, and 3.1372 in response to AB 747. The committee also proposes amending rule 3.1160 to implement SB 85.

Assembly Bill 747

The committee proposes amending rules 3.1150, 3.1160, and 3.1372 to state that they are not subject to the requirement to provide a photo of the location of service.

Rule 3.1150 was adopted in 1997 to "provide for an orderly procedure for obtaining a restraining order" and "ensure that due process is given before a TRO is granted."[10] Rule 3.1150(a) states that an order to show cause regarding a request for a preliminary injunction "must be served in the same manner as a summons and complaint." This requirement exists only in the rule and not in the statutes regarding preliminary injunctions.

Rule 3.1160 applies to civil harassment, elder and dependent adult abuse, postsecondary school violence, retail crime, and workplace violence protective order proceedings. Rule 3.1160(c) generally requires the request for a protective order, notice of hearing, and any temporary restraining order in these proceedings to be served "in the manner provided by law for personal

[9] Code of Civil Procedure section 413.30 does not apply to actions against governmental entities or to the entity's agents or employees if they have been sued in an official or individual capacity.

[10] Judicial Council of Cal., Advisory Com. Rep., *Rules on Form and Filing of Papers, Pleadings, Summary Judgment, Preliminary Injunctions and Bonds, and Ex Parte Applications and Orders* (May 5, 1997), pp. 19–20.

service of summons in civil actions." The applicable statutes require these documents to be "personally served" but do not set other requirements for service.[11]

Rule 3.1372 applies to petitions under Military and Veterans Code section 409.3 for temporary relief from financial obligations. Rule 3.1372(b) states that a petition under section 409.3 must be served "in the manner provided by law for service of summons in civil actions." This requirement was included because the statute does not specify how the petition must be served.[12]

As a result of rules 3.1150(a), 3.1160(c), and 3.1372(b), proof of service forms for the documents covered by those rules must comply with Code of Civil Procedure section 417.10, which sets requirements for proof of service of summons. The committee therefore considered whether the photo requirement in amended section 417.10(a) for proof of service should apply to service of the documents covered by these rules.

The committee proposes amending rules 3.1150(a), 3.1160(c)(1), and 3.1372(b) to state: "the proof of service is not required to include the photographs that are described in Code of Civil Procedure section 417.10(a)." It is unlikely that the Legislature intended the photo requirement in AB 747 to apply to these proceedings because the applicable statutes do not require proofs of service in these proceedings to comply with section 417.10. Additionally, these rule provisions were adopted to provide a uniform interpretation of undefined statutory requirements for service and did not arise from specific concerns about improper service.[13] Section 417.10(a), on the other hand, was amended to address default judgments resulting from fraudulent service, particularly in debt collection and unlawful detainer cases.[14]

The committee had additional concerns about requiring proofs of service in protective orders proceedings to include photos of the location of service. Protective order petitions and temporary restraining orders are often served either by the sheriff or by a friend or relative of the protected person. Requiring any of these servers to take a photo of the restrained person's home or workplace could create safety concerns for the server or the restrained person.

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[11] Code Civ. Proc., §§ 527.6(m)(1) (civil harassment), 527.8(n) (workplace violence), 527.85(m) (postsecondary school violence); Pen. Code, § 490.8(e)(3) (retail crime); Welf. & Inst. Code, § 15657.03(k)(1) (elder and dependent adult abuse).

[12] Judicial Council of Cal., Advisory Com. Rep., *Civil Procedure: Rules and Forms for Expedited Hearings on Petitions for Relief From Financial Obligations During Active Military Service* (Aug. 3, 2011), pp. 2–3 (referring to rule 3.1152, later renumbered rule 3.1160).

[13] See, e.g., Judicial Council of Cal., Advisory Com. Rep., *Uniform Statewide Law and Motion Rules* (Oct. 17, 1983), pp. 1–2, 34–35 (recommending adoption of uniform statewide law and motion rules to replace courts' local rules and adopting rule 363, later renumbered as rule 3.1160).

[14] Senate Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Assem. Bill No. 747 (2025–2026 Reg. Sess.), as amended Sept. 5, 2025, pp. 4–5, 7, *leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260AB747#*.

Senate Bill 85

As discussed above, in civil harassment, elder and dependent adult abuse, postsecondary school violence, retail crime, and workplace violence protective order proceedings, the law requires the request for a protective order, notice of hearing, and any temporary restraining order to be personally served and rule 3.1160 requires this service to be effected in the same manner as service of a civil summons. In civil harassment proceedings, the court may allow the protected person to use an alternative service method if, after a diligent effort, personal service could not be accomplished and "there is reason to believe that the respondent is evading service or cannot be located."[15] Assembly Bill 561 (Stats. 2025, ch. 267) creates an identical procedure for elder and dependent adult abuse proceedings starting January 1, 2027.[16]

There are no statutes allowing for service by alternative methods in postsecondary school violence, retail crime, or workplace violence protective order proceedings. However, the amendments made to Code of Civil Procedure section 413.30 by Senate Bill 85 appear to apply to all civil protective orders. The analysis of SB 85 by the Assembly Committee on Judiciary cites Code of Civil Procedure section 527.6(m)(2) as "a direct antecedent to SB 85" and states that "SB 85 generalizes the same structure and constitutional framework established in Section 527.6(m)(2), but applies it more broadly to all civil actions—not just civil harassment cases."[17]

The committee therefore proposes amending rule 3.1160(c) to state that the court may order alternative service under section 413.30 in all the protective order proceedings to which the rule applies. The committee also proposes amending the rule's existing language regarding alternative service in civil harassment proceedings to cross-reference the applicable statute rather than restating its requirements and to state that alternative service is permitted in elder and dependent adult abuse proceedings under the statute created by AB 561.

Forms CH-117/EA-117, CH-205/EA-205, CH-205-INFO/EA-205-INFO, and POS-060

To implement SB 85, the committee proposes revising and renumbering forms CH-117 and CH-205-INFO, adopting mandatory form CH-205/EA-205, and approving optional form POS-060. Additionally, the committee proposes revising form CH-205-INFO to implement AB 747's amendment to the statute regarding substituted service.

Form CH-117/EA-117

Order Granting Alternative Service (form CH-117) implements Code of Civil Procedure section 527.6(m) and is used to order alternative service in civil harassment proceedings. The committee proposes revising the form to apply to elder and dependent adult abuse proceedings to implement Welfare and Institutions Code section 15657.03(k), created by AB 561, because section 527.6(m) and section 15657.03(k) have identical requirements. Additionally, the committee proposes

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[15] Code Civ. Proc., § 527.6(m)(2).

[16] Welf. & Inst. Code, § 15657.03(k)(2). The Civil and Small Claims Advisory Committee has proposed form revisions to implement AB 561 in a separate invitation to comment. (*Protective Orders: Rules and Forms to Implement AB 561* (SPR26-37), *courts.ca.gov/policy-administration/invitations-comment*).

[17] Assem. Com. on Judiciary, Analysis of Sen. Bill 85 (2025–2026 Reg. Sess.), as amended Apr. 8, 2025, p. 5.

revising the form to allow the court to order alternative service under Code of Civil Procedure section 413.30.

Specifically, the committee proposes the following:

- Renumbering the form as CH-117/EA-117.
- Revising the form to be a standalone form rather than an attachment to form CH-116 by adding the names of the parties (items 1 and 2), moving the findings to the beginning of the form (item 3), adding options to deny the request or decide it at a hearing, and adding a signature line for the judicial officer.[18]
- Replacing existing item 1(a), which sets the deadline for service, with separate deadline fields for each type of service listed on the form. This revision reflects that the appropriate service deadline may vary depending on the type of service.
- Revising the findings (item 3) to reflect that the findings for section 413.30 are different than those for section 527.6(m) and section 15657.03(k).
- Revising the list of papers to be served (item 4) to add the applicable EA (elder and dependent abuse) forms.
- Revising the list of service methods (item 5) to include email or other electronic technology.
- Revising the list of methods for providing proof of service (item 6) to include *Proof of Alternative Service—Restraining Order* (form POS-060), which would be created as part of this proposal.

Item 5b, regarding service by email or other electronic technology, includes just two options: email or "other electronic technology." The committee considered providing options for specific forms of electronic service, such as text messages and social media, but was concerned that the form would not adequately address the information and conditions necessary to successfully serve a restraining order using these methods. The committee decided that judicial officers should have the discretion to set the specific conditions for electronic service depending on the information provided by the petitioner and the specific circumstances of the case. The committee was also concerned that including methods that are not explicitly listed in the statute might imply that they are appropriate in all circumstances. Providing an option for "other electronic technology" more broadly might help emphasize that the appropriateness of any electronic service method must be assessed on a case-by-case basis.

[18] The committee also proposes revising item 6a(4) on form CH-116 to update the cross-reference to form CH-117 by changing the form number to CH-117/EA-117 and deleting the word "attached." This revision is included in the committee's proposal to implement AB 561.

The committee requests specific comments on whether item 5b contains all the necessary information for ordering service by email or other electronic technology and whether it should include options for other forms of electronic service. The committee notes that the Family and Juvenile Law Advisory Committee has included options for specific forms of electronic service in its proposal for form DV-117, the equivalent of form CH-117/EA-117 for domestic violence restraining orders.[19]

The committee also notes that amended section 413.30 applies if a plaintiff "has been unable to effect service of the summons by *any* of the methods authorized under this chapter" (emphasis added), and it is unclear whether this phrase means that the plaintiff must have attempted service by every other potentially applicable method set forth in Code of Civil Procedure sections 413.10 through 417.40 before moving for alternative service under section 413.30. If this were the correct reading, then it would mean that a plaintiff must attempt service by publication before making a motion under section 413.30 because service by publication is one of the "methods authorized under this chapter." The committee determined that it is more likely that "any of the methods" does not include service by publication because section 413.30(a)(2) refers to "an address or location where the defendant is likely to be found" when defining what it means to establish that the plaintiff has exercised reasonable diligence, and because service by publication is not authorized unless the court has granted a motion to authorize it. Thus, for purposes of this proposal, the committee has assumed that section 413.30 allows the court to order service by email or other electronic technology even if service by publication has not been attempted.

Form CH-205/EA-205

The committee proposes adopting *Request for Alternative Service* (form CH-205/EA-205) to allow petitioners in civil harassment and elder and dependent adult abuse proceedings to ask permission to serve by alternative means under Code of Civil Procedure sections 413.30 and 527.6(m) and Welfare and Institutions Code section 15657.03(k). Although parties may currently request alternative service under section 527.6(m), there is no form for doing so. The committee determined that creating a form might help petitioners understand the statutory requirements and provide sufficient facts to support their requests. In particular, the committee determined that it would be helpful to the court to receive written information regarding proposed electronic service methods and the reasons the petitioner believes electronic service will be successful. The committee considered that creating an application form might lead to premature or inappropriate requests to serve using alternative methods, even if the forms include instructions and warnings, but determined that the benefits of creating the form outweighed the risks.

Form CH-205-INFO/EA-205-INFO

Currently, *What if the Person I Want Protection From is Avoiding (Evading) Service and Cannot Be Located?* (form CH-205-INFO) provides information about asking for alternative service of a civil harassment petition under Code of Civil Procedure section 527.6(m). The committee

[19] *Family Law: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85* (SPR26-21), *courts.ca.gov/policy-administration/invitations-comment*.

proposes revising the form to provide information for alternative service requests under Welfare and Institutions Code section 15657.03(k) in elder and dependent abuse proceedings and for alternative service under Code of Civil Procedure section 413.30.

Specifically, the committee proposes the following:

- Renumbering the form as CH-205-INFO/EA-205-INFO and adding information about elder and dependent adult abuse restraining orders where applicable.
- Changing the form name from *What if the Person I Want Protection From is Evading (Avoiding) Service or Cannot Be Located?* to *What if I Am Unable to Have the Person I Want Protection From Personally Served?* to reflect that alternative service can now be sought under broader circumstances under section 413.30.
- Adding information about free service by a peace officer (on page 1) to align with similar revisions recently approved by the Judicial Council on other forms.[20]
- Adding information about form CH-205/EA-205 where appropriate.
- Revising the section regarding email service (on page 2) to reflect that service by email or other electronic technology is now possible.
- Revising item 3 in the section on substituted service (on page 2) to reflect amendments made by AB 747 to Code of Civil Procedure section 415.20.

The committee requests specific comments on whether and how to provide further guidance on email or electronic service. For example, to address concerns that recipients might believe service emails are scams, should the Judicial Council recommend or require servers to use specific language in the subject line or body of a service email?

Form POS-060

The committee proposes adopting *Proof of Alternative Service—Restraining Order* (form POS-060) for proof of service as ordered by form CH-117/EA-117. Form POS-060 contains options for substituted service and service by email or other electronic technology. The substituted service option (item 5a) is modeled on the small claims proof of service form (form SC-104),[21] and the electronic service option is modeled on *Proof of Electronic Service* (form POS-050).

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[20] The proposed language on form CH-205-INFO regarding free service by a peace officer is identical to the language the Judicial Council approved on form CH-200-INFO to implement Senate Bill 899 (Stats. 2024, ch. 554). (Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899* (Oct. 15, 2025), *jcc.legistar.com/LegislationDetail.aspx?ID=7660498&GUID=6115116B-8E06-4FB1-89E0-2EA69D1045C1*.)

[21] Because rule 3.1160 requires service "in the manner provided by law for personal service of a summons in civil actions," the substituted service option on form POS-060 complies with the requirements in Code of Civil Procedure section 417.10 for proof of service of a summons (with the exception of the new photo requirement).

The committee considered using existing forms, such as *Proof of Service of Summons* (form POS-010) for proof of alternative service in civil harassment and elder and dependent adult abuse proceedings but determined that those forms would not be suitable for several reasons. First, as explained below, form POS-010 must be revised to include items regarding photos of the location of service, but the photo requirement will not apply to protective orders if the Judicial Council approves the committee's recommendation to amend rule 3.1160. Second, form POS-010 contains options that are not addressed on form CH-117/EA-117, such as service by mail and acknowledgment of receipt, which could be confusing. Third, existing proof of service forms do not indicate that they should be entered into the California Law Enforcement Telecommunications System (CLETS), which could cause the proof of service to be omitted from CLETS, making the restraining order more difficult to enforce.

Forms CIV-050, EJ-110, EJ-115, NC-121, and NC-221/NC-321/NC-521

The committee proposes revising forms CIV-050, EJ-110, EJ-115, NC-121, and NC-221/NC-321/NC-521 to implement AB 747's amendment to Code of Civil Procedure section 417.10(a) requiring proof of service of a summons to include a photo of the location of service.

Forms CIV-050, EJ-110, and EJ-115

Statement of Damages (form CIV-050) must be served "in the same manner as a summons" if it is being served on a party who has not appeared in the action.[22] *Notice of Entry of Judgment on Sister-State Judgment* (form EJ-110) and *Notice of Application for Recognition and Entry of Tribal Court Money Judgment* (form EJ-115) must be served on the judgment debtor under Code of Civil Procedure sections 415.10 through 415.95 (i.e., in the same manner as a summons).[23] Amended section 417.10(a) therefore applies to service of these forms.

Currently, all three forms include a proof of service that essentially mirrors *Proof of Service of Summons* (form POS-010). Rather than amending the proofs of service on these forms to add an item regarding photos, the committee proposes deleting the proof of service page and adding an instruction stating that proof of service should be provided on form POS-010. On form CIV-050, the committee proposes placing this instruction at the top of the page. On forms EJ-110 and EJ-115, this instruction will appear at the bottom of the page in place of the current statement that "proof of service [is] on reverse."

In addition to the revisions to implement AB 747, the committee proposes revising the notice on page 1 of form EJ-110 and several items in the instructions on form EJ-115 to use plain language.

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[22] Form CIV-050 provides a statement of the nature and amount of damages under Code of Civil Procedure section 425.11 and a statement reserving the right to seek punitive damages under Code of Civil Procedure section 425.115. Section 425.11(d)(1) requires service "in the same manner as a summons." Section 425.115(g)(1) requires service "in the same manner as a summons pursuant to Article 3 (commencing with Section 415.10)."

[23] Code Civ. Proc., §§ 1710.30(a) (notice of entry of sister-state judgment), 1735(b) (application for recognition and entry of tribal court judgment).

Forms NC-121 and NC-221/NC-321/NC-521

In proceedings to change the name of a minor under Code of Civil Procedure sections 1277 and 1277.5, if the petition does not include the signatures of all the minor's living parents, the petitioner must serve an order to show cause on the other parent. The order to show cause must be served by personal delivery under Code of Civil Procedure section 415.10, or by mail under section 415.40 if the person being served is outside the state of California.[24] Amended section 417.10(a) therefore applies to service of these orders to show cause.

The committee proposes revising *Proof of Service of Order to Show Cause (Change of Name)* (form NC-121) and *Proof of Service of Order to Show Cause (Change of Name Related to Gender Identity)* (form NC-221/NC-321/NC-521) to add an item regarding photographs, which must be completed if the order to show cause is served by personal delivery. The text of this proposed item is the same as proposed new item 8 on form POS-010, discussed below.

The committee considered removing the proof of service page from these forms and requiring use of form POS-010 for proof of service but decided not to because many of the service methods listed on form POS-010 do not apply to service of an order to show cause under sections 1277 and 1277.5.

Separately, the committee proposes revising item 3b on both forms to replace "I am a resident of or employed in the county where the mailing occurred" with "I mailed a copy to the person served, who is outside the state of California" to correctly reflect the requirements of proof of service by mail under Code of Civil Procedure section 415.40.[25]

Forms CIV-100 and CIV-105

The committee proposes revising *Request for Entry of Default* (form CIV-100) and *Request for Entry of Default (Fair Debt Buying Practices Act)* (form CIV-105) to implement AB 747's amendments to Code of Civil Procedure section 585, correct the declaration of nonmilitary status, and improve readability and clarity.

The committee proposes adding item 4 to form CIV-100 and item 5c to form CIV-105 to indicate that proof of service of summons is attached. The instructions for these items explain that they must be checked if requesting entry of default under section 585(a) or (b). Although section 585(a) and (b) do not explicitly require the proof of service of summons to be attached to the request for default, the committee proposes adding this item to put court users on notice that proof of service of the summons must be provided to the court before default can be entered, and to aid the clerk in ensuring this requirement is met.

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[24] Code Civ. Proc., §§ 1277(a)(4), 1277.5(a)(2)(C).

[25] The statement about residence or employment in the county is taken from Code of Civil Procedure section 1013a(1), which creates requirements for proof of service by mail under section 1013. However, service by mail of forms NC-121 and NC-221/NC-321/NC-521 is governed by Code of Civil Procedure section 415.40, rather than section 1013, and proof of service under section 415.40 is governed by section 417.20, which does not require the papers to be mailed by someone who resides in or is employed by the county where the mailing occurred.

The committee also proposes revising the declaration of nonmilitary status to correctly cross-reference the items that identify defendants against whom a judgment is sought, as the declaration is required only if seeking a judgment.[26] On form CIV-100, item 9 would be revised to refer to the "defendant/respondent named in item 1d or 1e," rather than item 1c, because item 1c is used to ask for entry of default and items 1d and 1e are used to ask for a judgment. The committee also proposes revising item 1d to add a text box for entry of the defendant's name. On form CIV-105, item 10 would refer to the "defendant/respondent named in item 1d."

Finally, the committee proposes revising the instructions for several items on both forms (such as items 1d, 2b, and 5 on form CIV-100) to make them easier to understand by using complete sentences and plain language.

Form POS-010

The committee proposes revising *Proof of Service of Summons* (form POS-010) to implement several provisions in AB 747 and to improve readability and clarity.

To implement AB 747's amendment to Code of Civil Procedure section 417.10(a) requiring proof of service of a summons to include a photo of the location of service, the committee proposes adding item 8, "photo of the location of service." In this item, the committee considered asking for photos of every service attempt because the statute states: "The proof of service shall include one or more photographs of the site of each effected or attempted service of the summons and complaint." However, this requirement applies to several service methods, including methods that can be used only after other methods have been unsuccessful. The committee therefore determined that the requirement to provide photos of "attempted service" applies only when showing that a service method was unsuccessful.

To implement AB 747's amendments to Code of Civil Procedure section 415.20, the committee proposes revising item 5b(4) to replace "first-class mail, postage prepaid" with "USPS first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid." The committee also proposes revising item 5b to more clearly address the requirements for substituted service and to indicate that a declaration of diligence can be provided on *Declaration of Diligence—Service of Summons* (form POS-012), which would be created as part of this proposal.

To implement AB 747's amendments to Code of Civil Procedure section 417.10 regarding proof of service of an unlawful detainer summons by posting and mailing, the committee proposes adding item 5e. The committee considered continuing to use item 5f, "by other means," for proof

[26] Mil. & Vet. Code, § 402.

of service using this method, but determined that creating item 5e would help ensure that courts and court users are aware of all the requirements in amended section 417.10.

In addition to the revisions to implement AB 747, the committee proposes the following revisions to improve the form:

- Revising item 2f, which is used to indicate that "other" documents have been served, to add a parenthetical that says, "e.g., form CIV-050, EJ-110, EJ-115." As discussed above, the committee proposes using form POS-010 for proof of service of forms CIV-050, EJ-110, and EJ-115.

- Creating a separate item for service by mail to an address outside of California by changing item 5c(4) to item 5d.

- In item 7e, which describes the server, adding item 7e(1) for "a California sheriff or marshal" and reordering items (2) through (4) so that "a registered California process server" comes before "not a registered California process server."

- Revising other items to use plain language, provide more detailed information, or add statutory citations.

Form POS-012

The committee proposes creating *Declaration of Diligence—Service of Summons* (form POS-012) for use either when (1) showing that substituted service under Code of Civil Procedure section 415.20 is proper because the server has tried to personally serve the summons and complaint and has not succeeded despite exercising reasonable diligence, or (2) asking the court to allow service by posting and mailing in an unlawful detainer case because the defendant cannot with reasonable diligence be served in another manner. Under AB 747, "reasonable diligence" for both purposes means that the server attempted personal service in good faith "on at least three occasions on three different days at three different times."[27] The committee determined that it would be helpful to create form POS-012 to provide court users with a specific outline of what is required to show reasonable diligence under the law and ensure they are aware of the new requirement to provide photos of the location of unsuccessful service attempts, as well as to aid courts in ensuring the statutory requirements have been met.

Forms SC-104, SC-104A, and SC-104B

The committee proposes revising *Proof of Service* (form SC-104), *Proof of Mailing (Substituted Service)* (form SC-104A), and *What is "Proof of Service"?* (form SC-104B) to implement AB 747's amendments to Code of Civil Procedure section 415.20 and improve readability and clarity. The committee also proposes revising form SC-104 to implement the photo requirement in amended section 417.10(a).

[27] Code Civ. Proc., §§ 415.20(b)(2), 415.45(d).

To implement amended section 415.20, the committee proposes revising item 4b on form SC-104, item 3 on form SC-104A, and the second-to-last bullet point in item 7 on form SC-104B to replace "first-class mail" or "first-class postage prepaid" with "U.S. Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid."

To implement the photo requirement, the committee proposes revising form SC-104 to add item 6. The photo requirement in section 417.10 does not apply to personal service of the claim and order in small claims cases because that service method is governed by Code of Civil Procedure section 116.340(a)(2). The committee determined that the photo requirement *does* apply to substituted service of the claim and order because section 116.340(a)(3) states: "The plaintiff may cause service of a copy of the claim and order to be made by substituted service as provided in subdivision (a) or (b) of Section 415.20 without the need to attempt personal service on the defendant." Additionally, although orders for examination must be served "in the manner specified in Section 415.10,"[28] the photo requirement does not apply because proof of service of an order for examination may be made by an affidavit as set forth in Code of Civil Procedure section 684.220(b), rather than as set forth in section 417.10.

Accordingly, item 6a on form SC-104 provides information about photographs of the location of service and must be completed if the claim and order are served by substituted service. The proposed text of this item is the same as proposed new item 8 on form POS-010.[29] Item 6b states, "I am not required to provide photographs," and should be selected if substituted service was not used.

In addition to the revisions to implement AB 747, the committee proposes revising item 3c on form SC-104, regarding orders for examination, to combine the two checkboxes for forms SC-134 and EJ-125 into a single checkbox and adding forms SC-136 and EJ-141 to the list of orders for examination, to reflect the recent adoption of those forms. The committee also proposes revising items 2 and 4 to make them easier to understand and to more clearly address the requirements for substituted service.

The committee proposes revising form SC-104B to add item 12, which answers the question, "For substituted service, how does the server take a photo of the location?" The committee also proposes revising item 7, "How is substituted service done?" to add a bullet point stating that the server must take a photo and that item 12 on the form provides more information about that requirement. The committee also proposes adding item numbers to each section on the form, revising several items to make them easier to understand, and to use gender-neutral language to be consistent with current Judicial Council terminology standards.

[28] *Id.*, § 708.110(d).

[29] For the reasons provided in the discussion of form POS-010, item 6a on form SC-104 requires a photo of the location of successful service only, and not of unsuccessful service attempts.

Alternatives Considered

The committee did not consider the alternative of taking no action because new and revised forms are needed to reflect the law, as amended by AB 747 and SB 85. To the extent the proposed rule amendments, new forms, and form revisions are not required by the terms of AB 747 and SB 85, the committee considered taking no action but ultimately determined the changes are warranted in light of the benefits they will provide to the courts and court users.

As discussed in the explanation of the proposal, the committee considered several alternatives when drafting the proposal and concluded that the current proposal best satisfies the statutory mandates.

Additionally, the committee considered creating forms for ordering and requesting alternative service under Code of Civil Procedure section 413.30 in postsecondary school violence, retail crime, and workplace violence proceedings but decided not to propose forms at this time because there are relatively few such proceedings and most petitioners in those proceedings are represented by attorneys, who are less likely to need forms.

The committee also considered whether amended Code of Civil Procedure section 417.10(a), which requires proof of service of a summons to include a photo of the location of service, applies to forms CIV-050, EJ-110, EJ-115, NC-121, NC-221/NC-321/NC-521, and SC-104. Section 417.10(a) states that it applies to "proof that a summons was served," and forms CIV-050, EJ-110, EJ-115, NC-121, NC-221/NC-321/NC-521, and SC-104 are not summons. However, the applicable statutes require these forms to be served under statutes regarding service of summons, such as Code of Civil Procedure sections 415.10 and 415.20. The Judicial Council has historically interpreted statutory requirements to serve documents under sections 415.10 and 415.20 to include the corresponding statutory requirements for proof of service. For this reason, the committee proposes revising these forms to incorporate the photo requirement but requests specific comments on whether these revisions are required by the statute.

Fiscal and Operational Impacts

The statutory changes will require training of court staff and judicial officers. The new and revised forms are intended to facilitate courts' and parties' implementation of the changes in statute and will require education and possibly some changes to computerized case management systems.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Does item 5b on form CH-117/EA-117 contain all the necessary information for ordering service by email or other electronic technology?
- Should item 5b on form CH-117/EA-117 include options for specific types of electronic service such as text messages?
- As a supplement to the proposed revisions to form CH-205-INFO/EA-205-INFO, should the Judicial Council provide guidance on email or electronic service? If so, how should that guidance be provided and what should it include?
- Does the photo requirement in Code of Civil Procedure section 417.10(a) apply to forms CIV-050, EJ-110, EJ-115, NC-121, NC-221, and SC-104?

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

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

Attachments and Links

1. Cal. Rules of Court, rules 3.1150, 3.1160, and 3.1372, at pages 17–18
2. Forms CH-117/EA-117, CH-205/EA-205, CH-205-INFO/EA-205-INFO, CIV-050, CIV-100, CIV-105, EJ-110, EJ-115, NC-121, NC-221/NC-321/NC-521, POS-010, POS-012, POS-060, SC-104, SC-104A, and SC-104B, at pages 19–55
3. Link A: Assem. Bill 747 (Stats. 2025, ch. 563), *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB747*
4. Link B: Sen. Bill 85 (Stats. 2025, ch. 403), *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB85*

Rules 3.1150, 3.1160, and 3.1372 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 3.1150. Preliminary injunctions and bonds

(a) Manner of application and service

A party requesting a preliminary injunction may give notice of the request to the opposing or responding party either by serving a noticed motion under Code of Civil Procedure section 1005 or by obtaining and serving an order to show cause (OSC). An OSC must be used when a temporary restraining order (TRO) is sought, or if the party against whom the preliminary injunction is sought has not appeared in the action. If the responding party has not appeared, the OSC must be served in the same manner as a summons and complaint, except that the proof of service is not required to include the photographs that are described in Code of Civil Procedure section 417.10(a).

(b)–(g) *** * ***

Rule 3.1160. Requests for protective orders to prevent civil harassment, workplace violence, ~~private~~ postsecondary school violence, retail crime, and elder or dependent adult abuse

(a) Application

This rule applies to requests for protective orders under Code of Civil Procedure sections 527.6, 527.8, and ~~527.85.~~ 527.85; Penal Code section 490.8; and Welfare and Institutions Code section 15657.03.

(b) *** * ***

(c) Service of requests, notices, and orders

(1) Except as provided in (2) and (3), the request for a protective order, notice of hearing, and any temporary restraining order, must be personally served on the respondent at least five days before the hearing, unless the court for good cause orders a shorter time. Service must be made in the manner provided by law for personal service of summons in civil actions, except that the proof of service is not required to include the photographs that are described in Code of Civil Procedure section 417.10(a).

(2) The court may specify another method of service ~~for a request for a civil harassment protective order brought under Code of Civil Procedure section 527.6 if the court determines that the petitioner has been unable to~~

~~accomplish personal service, and that there is reason to believe that the respondent is evading service or cannot be located~~ under Code of Civil Procedure section 413.30 if the petitioner has been unable to effect personal service despite exercising reasonable diligence, as that term is defined in section 413.30(b).

(3) In a civil harassment proceeding, the court may order alternative service under Code of Civil Procedure section 527.6. In an elder or dependent adult abuse proceeding, the court may order alternative service under Welfare and Institutions Code section 15657.03.

(d)–(e) * * *

Rule 3.1372. Petitions for relief from financial obligations during military service

(a) Application

This rule applies to petitions for relief from financial obligations made by a servicemember under Military and Veterans Code section 409.3.

(b) Service of petition

Service of the petition for relief and all supporting papers must be made in the manner provided by law for service of summons in civil actions, except that the proof of service is not required to include the photographs that are described in Code of Civil Procedure section 417.10(a).

(c) * * *

CH-117/EA-117 Order Granting Alternative Service

Clerk stamps date here when form is filed.

DRAFT
03/18/2026
NOT APPROVED
BY 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 Protected Party/Petitioner: _____

2 Restrained Party: _____

3 After reviewing your request, the court makes the following orders:

a. (1) ☐ Your request is granted. *(Follow the orders in 4 to 6.)*

(2) ☐ Your request is denied.

(3) ☐ The court needs more information and will decide your request at the hearing scheduled on:

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

_____

_____

_____

b. Reasons for granting the request *(check one):*

(1) ☐ The court finds that the person in 1, despite exercising reasonable diligence, has been unable to have the person in 2 personally served. The person in 1 has demonstrated why personal service was unsuccessful at every address or location where the person in 2 is likely to be found. (Code Civ. Proc., § 413.30.)

(2) ☐ The person in 1 has made diligent efforts to have the person in 2 personally served but has been unsuccessful, and there is reason to believe that the person in 2 is avoiding (evading) service or cannot be located. (Code Civ. Proc., § 527.6(m)(2); Welf. & Inst. Code, § 15657.03(k)(2).)

c. Reasons for denying the request *(check one):*

(1) ☐ The court finds that the person in 1 has not shown that they exercised reasonable diligence to have the person in 2 personally served. (Code Civ. Proc., §§ 413.30, 527.6(m)(2); Welf. & Inst. Code, § 15657.03(k)(2).)

(2) ☐ The court finds that the person in 1 has not demonstrated why personal service was unsuccessful at every address or location where the person in 2 is likely to be found. (Code Civ. Proc., § 413.30.)

(3) ☐ The court finds that the person in 1 has not shown that there is reason to believe that the person in 2 is avoiding (evading) service or cannot be located. (Code Civ. Proc., § 527.6(m)(2); Welf. & Inst. Code, § 15657.03(k)(2).)

(4) ☐ Other reason or additional explanation provided on Attachment 3.

This is a Court Order.

4 Papers to serve *(check all that apply):*

a. ☐ A copy of this form.
b. ☐ Order setting new hearing date (form CH-116, form EA-116, or other order)
c. ☐ Summons (form CH-210 or EA-210)
d. ☐ All the documents indicated on form CH-109, *Notice of Court Hearing*, item 6
e. ☐ All the documents indicated on form EA-109, *Notice of Court Hearing*, item 5
f. ☐ Other: _____

5 How to serve the papers in 4 *(check all that apply):*

(For more information on these service methods, read form CH-205-INFO/EA-205-INFO, What if I Am Unable to Have the Person I Want Protection From Personally Served?)

a. ☐ **Substituted Service**

(1) ☐ **Home**: You must have your server (not you) (1) leave a copy of all the papers listed in 4 at the home or usual mailing address of the person in 2 with an adult that lives there, and (2) mail a copy to the person in 2 at the same address.

(2) ☐ **Workplace**: You must have your server (not you) (1) leave a copy of all the papers listed in 4 at the workplace or usual mailing address of the person in 2 with someone who seems to be in charge, and (2) mail a copy to the person in 2 at the same workplace.

(3) You must have the the person in 2 served by *(date):* _____

b. ☐ **Email or Other Electronic Technology**

You must have your server (not you) must send a copy of all the papers listed in 4 to the person in 2.

(1) Service must be made using *(check all that apply):*

(a) ☐ Email, to the following address *(specify):*

(b) ☐ Other electronic technology *(specify method, including the account name, username, or other contact information for the restrained party):*

_____
_____
_____

(2) ☐ You must also have your server mail a copy of the papers to the
☐ home ☐ workplace ☐ usual mailing address of the person in 2.

(3) You must have the the person in 2 served by *(date):* _____

This is a Court Order.

5 c. ☐ **Publish in a newspaper**

(1) You must have *Summons* (form CH-210 or EA-210, depending on your case) published at least once a week for 4 weeks in a row in the following newspaper:

(newspaper name): _____

(2) If you find an address for the person in 2 while the summons is published in the newspaper, you must have someone mail all the papers listed in 4 to that address.

(3) Publication must begin by *(date):* _____

d. ☐ Other:

_____

_____

_____

_____

6 **How to provide proof of service of the papers in 4** *(check all that apply):*

a. ☐ Fill out form POS-060, *Proof of Alternative Service—Restraining Order*

b. ☐ Other:

_____

_____

_____

7 Number of pages attached to this order, if any: _____

Date: _____

_____
Judicial Officer

CH-117/EA-117 Order Granting Alternative Service

Clerk stamps date here when form is filed.

DRAFT
04/03/2026
NOT APPROVED
BY 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 Protected Party/Petitioner: _____

2 Restrained Party: _____

3 After reviewing your request, the court makes the following orders:

a. (1) ☐ Your request is granted. *(Follow the orders in 4 to 6.)*

(2) ☐ Your request is denied.

(3) ☐ The court needs more information and will decide your request at the hearing scheduled on:

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

_____

_____

_____

b. Reasons for granting the request *(check one):*

(1) ☐ The court finds that the person in 1, despite exercising reasonable diligence, has been unable to have the person in 2 personally served. The person in 1 has demonstrated why personal service was unsuccessful at every address or location where the person in 2 is likely to be found. (Code Civ. Proc., § 413.30.)

(2) ☐ The person in 1 has made diligent efforts to have the person in 2 personally served but has been unsuccessful, and there is reason to believe that the person in 2 is avoiding (evading) service or cannot be located. (Code Civ. Proc., § 527.6(m)(2); Welf. & Inst. Code, § 15657.03(k)(2).)

c. Reasons for denying the request *(check one):*

(1) ☐ The court finds that the person in 1 has not shown that they exercised reasonable diligence to have the person in 2 personally served. (Code Civ. Proc., §§ 413.30, 527.6(m)(2); Welf. & Inst. Code, § 15657.03(k)(2).)

(2) ☐ The court finds that the person in 1 has not demonstrated why personal service was unsuccessful at every address or location where the person in 2 is likely to be found. (Code Civ. Proc., § 413.30.)

(3) ☐ The court finds that the person in 1 has not shown that there is reason to believe that the person in 2 is avoiding (evading) service or cannot be located. (Code Civ. Proc., § 527.6(m)(2); Welf. & Inst. Code, § 15657.03(k)(2).)

(4) ☐ Other reason or additional explanation provided on Attachment 3.

This is a Court Order.

4 Papers to serve *(check all that apply):*

a. ☐ A copy of this form.
b. ☐ Order setting new hearing date (form CH-116, form EA-116, or other order)
c. ☐ Summons (form CH-210 or EA-210)
d. ☐ All the documents indicated on form CH-109, *Notice of Court Hearing*, item 6
e. ☐ All the documents indicated on form EA-109, *Notice of Court Hearing*, item 5
f. ☐ Other: _____

5 How to serve the papers in 4 *(check all that apply):*

(For more information on these service methods, read form CH-205-INFO/EA-205-INFO, What if I Am Unable to Have the Person I Want Protection From Personally Served?)

a. ☐ **Substituted Service**

(1) ☐ **Home**: You must have your server (not you) (1) leave a copy of all the papers listed in 4 at the home or usual mailing address of the person in 2 with an adult that lives there, and (2) mail a copy to the person in 2 at the same address.

(2) ☐ **Workplace**: You must have your server (not you) (1) leave a copy of all the papers listed in 4 at the workplace or usual mailing address of the person in 2 with someone who seems to be in charge, and (2) mail a copy to the person in 2 at the same workplace.

(3) You must have the person in 2 served by *(date):* _____

b. ☐ **Email or Other Electronic Technology**

You must have your server (not you) send a copy of all the papers listed in 4 to the person in 2.

(1) Service must be made using *(check all that apply):*

(a) ☐ Email, to the following address *(specify):*

(b) ☐ Other electronic technology *(specify method, including the account name, username, or other contact information for the restrained party):*

_____
_____
_____

(2) ☐ You must also have your server mail a copy of the papers to the ☐ home ☐ workplace ☐ usual mailing address of the person in 2.

(3) You must have the person in 2 served by *(date):* _____

This is a Court Order.

5 c. ☐ **Publish in a newspaper**

(1) You must have *Summons* (form CH-210 or EA-210, depending on your case) published at least once a week for 4 weeks in a row in the following newspaper:

(newspaper name): _____

(2) If you find an address for the person in 2 while the summons is published in the newspaper, you must have someone mail all the papers listed in 4 to that address.

(3) Publication must begin by *(date):* _____

d. ☐ Other:

_____

_____

_____

_____

6 **How to provide proof of service of the papers in 4** *(check all that apply):*

a. ☐ Fill out form POS-060, *Proof of Alternative Service—Restraining Order*

b. ☐ Other:

_____

_____

_____

7 Number of pages attached to this order, if any: _____

Date: _____

_____
Judicial Officer

CH-205/EA-205 Request for Alternative Service

Clerk stamps date here when form is filed.

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BY COUNCIL

If you cannot personally serve the restrained person with a copy of your request for restraining orders (form CH-100 or EA-100, depending on your case) and related papers, the court may allow you to give, or serve, the restraining order papers another way (called "alternative service").

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:

_____

Your Lawyer *(if you have one for this case):*
Name: _____ State Bar No.: _____
Firm Name:

_____

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)*

Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

2 Information about the restrained party

a. I last saw or had contact with the restrained party on *(date):* _____
(Describe): _____

b. The last home address I have for the restrained party is:

_____

c. The last work or business address I have for the restrained party is:

_____

3 Why are you asking for alternative service?

I have tried to have the restrained party personally served with a copy of the request for restraining orders (form CH-100 or EA-100) and related papers, but I have been unsuccessful because *(check all that apply):*

a. ☐ I have not been able to find the restrained party. *(Describe how you tried to find the restrained party. This search may include steps like checking with the restrained party's last known address, their friends and family, their current and past employers, and internet research. (Only take these steps if it is safe for you to do so.) List all steps, the date you took each step, and the result.)*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 3a" for a title.*

_____
_____
_____
_____
_____

3 b. ☐ I know where the restrained party is located but my server has not been able to personally serve them. *(Describe every time the server tried to serve the restrained party. List each attempt, the date, the location, and explain what happened.)*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 3b" for a title.*

c. ☐ I believe the restrained party is avoiding (evading) service *(describe how the restrained party has avoided service):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 3c" for a title.*

4 What type of alternative service are you asking for?

a. I am asking to serve the restrained party using *(check at least one):*

(1) ☐ **Substituted Service**: The server will (1) leave a copy of the papers listed at the restrained party's home, workplace, or usual mailing address with another adult, and (2) mail a copy to the restrained party to the same address.

Where do you think the restrained person lives and why do you think so? *(Include a complete address, if you know it. If there are multiple addresses, list all of them and explain each.)*

Where do you think the restrained person works and why do you think so? *(Include a complete address, if you know it. If there are multiple addresses, list all of them and explain each.)*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 4a(1)" for a title.*

4 a. (2) ☐ **Email or Other Electronic Technology**: The server will send a copy of the papers to the restrained party using *(check one):*

(a) ☐ Email, to the following address *(specify):*

(b) ☐ Other electronic technology *(specify method, including the account name, username, or other contact information for the restrained party):*

(c) I know the email address or electronic contact information above belongs to the restrained person because *(explain):*

(3) ☐ **Publication in a newspaper**

(4) ☐ **Other** *(describe):*

b. The service method I checked in 4 a is the best way to serve the restrained person with a copy of the request for restraining orders (form CH-100 or EA-100) and related papers. *(Explain why you think each service method you checked will be successful. If you are asking to serve by email or other electronic technology, explain how you know the restrained person will see a message sent to the email address or contact information you listed.)*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 4b" for a title.*

Date:

Lawyer's name (if any)

▶ Lawyer's 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

CH-205-INFO/EA-205-INFO What if I Am Unable to Have the Person I Want Protection From Personally Served?

This form gives information about service of forms used in cases for civil harassment (CH) and elder and dependent adult abuse (EA) prevention restraining orders. Use the forms that apply to your type of case.

Why do I have to serve the restrained person?

Before the court can grant a restraining order (which can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side. In most cases, the court will require you to have someone personally deliver the papers to the person you want restrained. This is called personal service. See form CH-200-INFO or EA-200-INFO for more information.

What if I already have a civil harassment restraining order?

If a court granted you a restraining order on an order after hearing (form CH-130 or EA-130), alternative service is not an option for you. Follow the orders for service on form CH-130 or EA-130. It is important to follow the orders for service because this is how the restrained person will find out about the restraining orders. Once you file proof that the restrained person was served, law enforcement and the court will have proof that the restrained person knows about the orders. If you have questions about what the court ordered in your case, see page 2 of this form for where to get legal help.

What if I can't have the restrained person personally served?

When you cannot have the restrained person personally served with a copy of your request for restraining orders (form CH-100 or EA-100) and related papers, the court may allow you to have the papers served another way. This is called alternative service. Different types of alternative service are explained on page 2 of this form.

Alternative service may involve other people having access to your court papers.

This will mean they can see your name, the fact that you want a restraining order against the other party, and possibly your statements regarding the abuse. You may want to talk to an advocate about your safety and privacy concerns before you ask for alternative service.

How do I ask for alternative service?

At your court date, tell the judge details about your attempts to have the restrained person served. You can also complete form CH-205/EA-205, *Request for Alternative Service.* To be allowed to use alternative service, you will be required to show the court that you are in at least one of these two situations:

❶ You have tried many times (usually 3 or more times) to have someone personally serve the restrained person.

Some examples of ways you can try to have the restrained person personally served:

- Serve the restrained person at home, their workplace, or somewhere they go a lot.
- Search online for where they may be located.
- Check with their family and friends.

(!) Make sure any attempts to find the restrained person are done safely.

If you have an address for the restrained person, you can ask the sheriff or marshal to serve your papers, which they will do it for free if:

- The court granted you a fee waiver; or
- The restraining order is based on stalking, violence, or a credible threat of violence.

Another peace officer may also serve certain orders for free. Visit selfhelp.courts.ca.gov/CH-restraining-order/sheriff-serves-request (for civil harassment) or selfhelp.courts.ca.gov/EA-restraining-order/sheriff-serves-request (for elder and dependent adult abuse) for more information about free service by a sheriff, marshal, or other peace officer.

❷ You believe the restrained person is avoiding (evading) personal service or cannot be located.

Be ready to explain why you think the restrained person is avoiding service. If you have people who will help you prove this to the court, bring them to your court hearing or have them write a statement that describes what they witnessed. Form MC-030, *Declaration*, may be used for this purpose.

Can I choose how to give alternative service?

The court will decide what type of alternative service you should use, but at your court hearing or on form CH-205/EA-205, you can explain which type of alternative service you think is the best way to tell the restrained person about your case. Types of alternative service include substituted service, email or electronic service, and service by publication. If the court grants your request, the service method will be described in the court's order (usually form CH-117/EA-117, *Order Granting Alternative Service*).

What is substituted service?

Substituted service means giving the papers to someone other than the restrained person at the restrained person's home or workplace, or, if no physical address is known, the restrained person's usual mailing address (other than a post office box; a private mailbox with a commercial business may be okay), and then mailing the papers to the restrained person at the same address.

Substituted service requires your server to:

1. Give the papers to someone 18 years or older who lives at the restrained person's home or usual mailing address (not a P.O. box), or who appears to be in charge at the restrained person's workplace. If the only address reasonably known for the restrained person is a private mailbox with a commercial mail receiving agency, give the papers to someone 18 years or older who appears to be in charge at the agency.
2. Get the name of the adult who got the papers, and tell the adult that the papers are for a request for a restraining order against the restrained person.
3. Mail the papers to the restrained person's home, workplace, or usual mailing address. The papers must be mailed by U.S. Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid. (This step is not required if the papers were given to a person in charge of the commercial mail receiving agency where the restrained person has a private mailbox.)
4. Follow the instructions in the court's order for completing and filing a proof of service.

What is service by email or other electronic technology?

Email service means sending electronic copies of the papers (such as PDF copies or pictures of the papers) to the restrained person's email address. Service by "other electronic technology" means using another form of technology, such as a messaging app, to send electronic copies of the papers to the restrained person. Like other forms of service, email and electronic service must be done by another person, **not** by you.

In addition to sending electronic copies of the papers, the court might also order you to serve the restrained person in an additional way, such as substituted service or publication.

If the court orders you to serve the restrained person by email or electronically, follow all the instructions in the court's order, including the instructions for completing and filing a proof of service. These instructions will usually be found on form CH-117/EA-117.

What is service by publication?

Service by publication means that you must pay a newspaper to publish a copy of whatever papers the court orders you to have published. The papers must be published at least once a week, for at least four weeks in a row, in the newspaper that would have the best chances of the restrained person seeing it. Follow the orders made by the court, which will usually be found on form CH-117/EA-117.

After the newspaper publishes your court papers, make sure you get a signed statement from the newspaper that includes a copy of what was published in the newspaper and when it was published. This statement is usually called "Proof of Publication." After you receive this statement, file it with the court in your case.

Where can I find legal help?

Free legal information is available in every county at a court self-help center. Staff can provide you with your legal options but will not tell you what you should do in your case and will not provide you with legal representation. To find your local self-help center, go to selfhelp.courts.ca.gov.

Do not file with the court **CIV-050**

unless you are applying for a default judgment under Code of Civil Procedure section 585.

PARTY WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	DRAFT 03/16/2026 NOT APPROVED BY COUNCIL
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:		
PLAINTIFF:		
DEFENDANT:		
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER:

Note: If you serve this form on a party who has not appeared in the action, you must use form POS-010 (*Proof of Service of Summons*).

To *(name of one defendant only):*

Plaintiff *(name of one plaintiff only):*

seeks damages in the above-entitled action, as follows:

AMOUNT

1. **General damages**
   - a. ☐ Pain, suffering, and inconvenience ..... $ _____
   - b. ☐ Emotional distress ..... $ _____
   - c. ☐ Loss of consortium ..... $ _____
   - d. ☐ Loss of society and companionship *(wrongful death actions only)* ..... $ _____
   - e. ☐ Other *(specify)* $ _____
   - f. ☐ Other *(specify)* $ _____
   - g. ☐ Continued on Attachment 1.g.
2. **Special damages**
   - a. ☐ Medical expenses *(to date)* ..... $ _____
   - b. ☐ Future medical expenses *(present value)* ..... $ _____
   - c. ☐ Loss of earnings *(to date)* ..... $ _____
   - d. ☐ Loss of future earning capacity *(present value)* ..... $ _____
   - e. ☐ Property damage ..... $ _____
   - f. ☐ Funeral expenses *(wrongful death actions only)* ..... $ _____
   - g. ☐ Future contributions *(present value) (wrongful death actions only)* ..... $ _____
   - h. ☐ Value of personal service, advice, or training *(wrongful death actions only)* ..... $ _____
   - i. ☐ Other *(specify)* $ _____
   - j. ☐ Other *(specify)* $ _____
   - k. ☐ Continued on Attachment 2.k.
3. ☐ **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of *(specify)* $ _____ when pursuing a judgment in the suit filed against you.

Date:

_____ ▶ _____

Type or Print Name — Signature of Plaintiff or Attorney for Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:	FOR COURT USE ONLY
NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR *(name):*	DRAFT 03/16/2026 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Plaintiff/Petitioner: Defendant/Respondent:	
REQUEST FOR (Application) ☐ **Entry of Default** ☐ **Clerk's Judgment** ☐ **Court Judgment**	CASE NUMBER:

Do not use for actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.). Instead, use form CIV-105.

1. TO THE CLERK: On the complaint or cross-complaint filed
   a. on *(date):*
   b. by *(name):*
   c. ☐ Enter default of defendant *(names):*

   d. ☐ I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant *(names):*

   (If you check item 1d, testimony is required. You must apply to the clerk for a hearing date, unless you are asking the court to enter a judgment on an affidavit under Code of Civil Procedure section 585(d).)
   e. ☐ Enter clerk's judgment against defendant *(names):*

   (1) ☐ for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
   ☐ Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. A prejudgment claim of right to possession was served in compliance with Code of Civil Procedure section 415.46.
   (2) ☐ under Code of Civil Procedure section 585(a). *(If you check this box, you must make a declaration under Code of Civil Procedure section 585.5 by completing item 6.)*
   (3) ☐ for default previously entered on *(date):*

2. ☐ **Judgment to be entered.**

	Amount	Credits acknowledged	Balance
a. Demand of complaint	$	$	$
b. Statement of damages *(for personal injury or wrongful death actions; see Code Civ. Proc., § 425.11)*			
(1) Special	$	$	$
(2) General	$	$	$
c. Interest	$	$	$
d. Costs *(see item 8)*	$	$	$
e. Attorney fees	$	$	$
f. **TOTALS**	$	$	$

g. **Daily damages** were demanded in complaint at the rate of: $ per day beginning *(date):*

Date:

Type or Print Name

Signature of Plaintiff or Attorney for Plaintiff

FOR COURT USE ONLY

(1) ☐ Default entered as requested on *(date):*
(2) ☐ Default NOT entered as requested *(state reason):*

Clerk, by _____, Deputy

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:

4. ☐ **Proof of service of summons. (Code Civ. Proc., § 585(a), (b)).** *(You must complete this item if you are asking for entry of default under Code of Civil Procedure section 585(a) or (b)).* Proof of service of the summons is attached to this form.

5. ☐ **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).**
(You must complete this item if you are filing this form in an unlawful detainer case.)

Did a registered legal document assistant or an unlawful detainer assistant give you advice or assistance with this form in exchange for compensation (money, property, or anything else of value)? *("Legal document assistant" and "unlawful detainer assistant" do not include lawyers and people supervised by lawyers. (Bus. & Prof. Code, §§ 6400–6415.))*

☐ No ☐ Yes *(If yes, complete items 5a–f):*

a. Assistant's name:

b. Street address, city, and zip code:

c. Phone:

d. County of registration:

e. Registration no.:

f. Expires on *(date):*

6. ☐ **Declaration under Code of Civil Procedure section 585.5.** *(You must complete this item if you are asking for entry of default under Code of Civil Procedure section 585(a).)* This action

a. ☐ is ☐ is not on a contract or installment sale for goods or services subject to the Unruh Act (Civ. Code, § 1801 et seq.).

b. ☐ is ☐ is not on a conditional sales contract subject to the Rees-Levering Motor Vehicle Sales and Finance Act (Civ. Code, § 2981 et seq.).

c. ☐ is ☐ is not on an obligation for goods, services, loans, or extensions of credit subject to Code of Civil Procedure section 395(b).

7. ☐ **Declaration of mailing (Code Civ. Proc., § 587).** *(You must complete this item if you are asking for entry of default.)*
A copy of this *Request for Entry of Default* was

a. ☐ **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney *(names):*

b. ☐ **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:

(1) Mailed on *(date):*

(2) To *(specify names and addresses shown on the envelopes):*

DECLARATION

(This declaration must be completed if any of items 5 through 7 are completed.)

I declare under penalty of perjury under the laws of the State of California that items 5, 6, and 7, if completed, are true and correct.

Date:

Type or Print Name

Signature of Declarant

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:

8. ☐ **Memorandum of costs.** *(You must complete this item if you are seeking costs.)*
Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

a. Clerk's filing fees . . . . . $
b. Process server's fees . . . . . $
c. Other *(specify):* $
d. $
e. **TOTAL** . . . . . $ _____
f. ☐ Costs and disbursements are waived.
g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

DECLARATION

(This declaration must be completed if item 8 is completed.)

I declare under penalty of perjury under the laws of the State of California that item 8, if completed, is true and correct.
Date:

_____ ▶ _____
Type or Print Name Signature of Declarant

9. ☐ **Declaration of nonmilitary status.** *(You must complete this item if you are asking for a judgment).*
No defendant/respondent named in item 1d or 1e is in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).
I know that no defendant/respondent named in item 1d or 1e is in the U.S. military service because *(check all that apply):*

a. ☐ the search results that I received from https://scra.dmdc.osd.mil/ say the defendant/respondent is not in the U.S. military service.
b. ☐ I am in regular communication with the defendant/respondent and know that they are not in the U.S. military service.
c. ☐ I recently contacted the defendant/respondent, and they told me that they are not in the U.S. military service.
d. ☐ I know that the defendant/respondent was discharged from U.S. military service on or about *(date):*
e. ☐ the defendant/respondent is not eligible to serve in the U.S. military because they are:
☐ incarcerated ☐ a business entity
f. ☐ other *(specify):*

Note

- U.S. military status can be checked online at https://scra.dmdc.osd.mil/.
- If the defendant/respondent is in the military service, or their military status is unknown, the defendant/respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see selfhelp.courts.ca.gov/military-defaults.

DECLARATION

(This declaration must be completed if item 9 is completed.)

I declare under penalty of perjury under the laws of the State of California that item 9, if completed, is true and correct.
Date:

_____ ▶ _____
Type or Print Name Signature of Declarant

PARTY WITHOUT ATTORNEY OR ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR *(name):*	*FOR COURT USE ONLY* DRAFT 03/16/2026 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Plaintiff/Petitioner: Defendant/Respondent:	
REQUEST FOR (Application) ☐ **Entry of Default** ☐ **Judgment**	CASE NUMBER:

For use only in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.)

1. On the complaint or cross-complaint filed
   a. on *(date):*
   b. by *(name):*
   c. ☐ Enter default of defendant *(names):*

   d. ☐ I request a judgment under Civil Code section 1788.60 and Code of Civil Procedure section 585 against defendant *(names):*

   (If you check item 1d, testimony may be required. Check with the clerk regarding whether a hearing date is needed.)
   e. ☐ Default was previously entered on *(date):*

2. ☐ **Judgment to be entered.**

	Amount	Credits acknowledged	Balance
a. Demand of complaint*	$	$	$
b. Interest	$	$	$
c. Costs *(see item 9)*	$	$	$
d. Attorney fees	$	$	$
e. **TOTALS**	$	$	$

(Must be established by business records, authenticated through a sworn declaration, submitted with this application. (Civ. Code, §§ 1788.58(a)(4), 1788.60(a).))*

3. This action is not barred by the applicable statute of limitations (Civ. Code, § 1788.56).

4. **Requirements for the complaint**.
   a. The complaint alleges ALL of the following (Civ. Code, §§ 1788.58, 1788.60):
      (1) That the plaintiff is a debt buyer;
      (2) A short, plain statement regarding the nature of the underlying debt and the consumer transaction from which it is derived;
      (3) That the plaintiff is EITHER the sole owner of the debt OR has the authority to assert the rights of all owners of the debt;
      (4) The debt balance at charge off and an explanation of the amount and nature of, and reason for, all post-charge-off interest and fees, if any, imposed by the charge-off creditor or any subsequent purchasers of the debt;
      (5) The date of the default OR the date of the last payment;
      (6) The name and address of the charge-off creditor at the time of charge off in sufficient form so as to reasonably identify the charge-off creditor, and the charge-off creditor's account number associated with the debt;

(List continues on next page.)

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:

4. a. (7) The name and last known address of the debtor as they appeared in the charge-off creditor's records prior to the sale of the debt;
   (8) The names and addresses of all persons or entities that purchased the debt after charge off, including the plaintiff debt buyer, in sufficient form so as to reasonably identify each such purchaser; and
   (9) That the plaintiff has complied with Civil Code section 1788.52.
   b. A copy of the contract or other document described in Civil Code section 1788.52(b) is attached to the complaint.

5. ☐ **Documentation requirements for default judgment**. *(You must complete this item if you are asking for entry of default.)* The following documents are submitted with this request for default judgment (Civ. Code, § 1788.60(a)–(c), Code Civ. Proc., § 585):
   a. A copy of the contract or other document evidencing the debtor's agreement to the debt, authenticated through a sworn declaration. See Civil Code section 1788.52(b) regarding documentation, including for revolving credit accounts.
   b. Business records, authenticated through a sworn declaration, to establish:
      (1) That the plaintiff is EITHER the sole owner of the debt OR has the authority to assert the rights of all owners of the debt;
      (2) The debt balance at charge off, and an explanation of the amount and nature of, and reason for, all post-charge-off interest and fees, if any, imposed by the charge-off creditor or any subsequent purchasers of the debt;
      (3) The date of the default OR the date of the last payment;
      (4) The name and address of the charge-off creditor at the time of charge off in sufficient form so as to reasonably identify the charge-off creditor, and the charge-off creditor's account number associated with the debt;
      (5) The name and last known address of the debtor as they appeared in the charge-off creditor's records prior to the sale of the debt; and
      (6) The names and addresses of all persons or entities that purchased the debt after charge off, including the plaintiff debt buyer, in sufficient form so as to reasonably identify each such purchaser.
   c. ☐ Proof of service of the summons *(required if you are asking for entry of default under Code of Civil Procedure section 585(a) or (b)).*

Date:

Type or Print Name

▶ Signature of Plaintiff or Attorney for Plaintiff

FOR COURT USE ONLY

(1) ☐ Default entered as requested on *(date):*
(2) ☐ Default NOT entered as requested *(state reason):*
Clerk, by _____, Deputy

6. ☐ **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** *(You must complete this item if you are filing this form in an unlawful detainer case.)*
   Did a registered legal document assistant or an unlawful detainer assistant give you advice or assistance with this form in exchange for compensation (money, property, or anything else of value)? *("Legal document assistant" and "unlawful detainer assistant" do not include lawyers and people supervised by lawyers. (Bus. & Prof. Code, §§ 6400–6415.))*
   ☐ No ☐ Yes *(If yes, complete items 6a–f):*
   a. Assistant's name:
   b. Street address, city, and zip code:
   c. Phone:
   d. County of registration:
   e. Registration no.:
   f. Expires on *(date):*

7. ☐ **Declaration under Code of Civil Procedure section 585.5.** *(You must complete this item if you are asking for entry of default under Code of Civil Procedure section 585(a).)* This action
   a. ☐ is ☐ is not on a contract or installment sale for goods or services subject to the Unruh Act (Civ. Code, § 1801 et seq.).
   b. ☐ is ☐ is not on a conditional sales contract subject to the Rees-Levering Motor Vehicle Sales and Finance Act (Civ. Code, § 2981 et seq.).
   c. ☐ is ☐ is not on an obligation for goods, services, loans, or extensions of credit subject to Code of Civil Procedure section 395(b).

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:

8. ☐ **Declaration of mailing (Code Civ. Proc., § 587).** *(You must complete this item if you are asking for entry of default.)*
A copy of this *Request for Entry of Default* was
   a. ☐ **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney *(names):*
   b. ☐ **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
      (1) Mailed on *(date):*
      (2) To *(specify names and addresses shown on the envelopes):*

DECLARATION

(This declaration must be completed if item 6, 7, or 8 is completed.)

I declare under penalty of perjury under the laws of the State of California that items 6, 7, and 8, if completed, are true and correct.
Date:

Type or Print Name ▶ Signature of Declarant

9. ☐ **Memorandum of costs.** *(You must complete this item if you are seeking costs.)*
Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):
   a. Clerk's filing fees ..... $
   b. Process server's fees ..... $
   c. Other *(specify):* $
   d. $
   e. **TOTAL** ..... $
   f. ☐ Costs and disbursements are waived.
   g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

10. ☐ **Declaration of nonmilitary status.** *(You must complete this item if you are asking for a judgment).*
No defendant/respondent named in item 1d is in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).
I know that no defendant/respondent named in item 1d is in the U.S. military service because *(check all that apply):*
   a. ☐ the search results I received from https://scra.dmdc.osd.mil/ say the defendant/respondent is not in theU.S. military service.
   b. ☐ I am in regular communication with the defendant/respondent and know that they are not in the U.S. military service.
   c. ☐ I recently contacted the defendant/respondent, and they told me that they are not in the U.S. military service.
   d. ☐ I know that the defendant/respondent was discharged from U.S. military service on or about *(date):*
   e. ☐ the defendant/respondent is not eligible to serve in the U.S. military because they are:
      ☐ incarcerated ☐ a business entity
   f. ☐ other *(specify):*

Note: If the defendant/respondent is in the military service, or their military status is unknown, the defendant/respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered. U.S. military status can be checked online at https://scra.dmdc.osd.mil/. For more information, see selfhelp.courts.ca.gov/military-defaults.

DECLARATION

(This declaration must be completed if item 9 or 10 is completed.)

I declare under penalty of perjury under the laws of the State of California that items 9 and 10, if completed, are true and correct.
Date:

Type or Print Name ▶ Signature of Declarant

PARTY WITHOUT ATTORNEY OR ATTORNEY: STATE BAR NUMBER:	FOR COURT USE ONLY
NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR *(name):*	DRAFT 04/03/2026 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Plaintiff/Petitioner: Defendant/Respondent:	
REQUEST FOR (Application) ☐ **Entry of Default** ☐ **Judgment**	CASE NUMBER:

For use only in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.)

1. On the complaint or cross-complaint filed
   a. on *(date):*
   b. by *(name):*
   c. ☐ Enter default of defendant *(names):*

   d. ☐ I request a judgment under Civil Code section 1788.60 and Code of Civil Procedure section 585 against defendant *(names):*

   (If you check item 1d, testimony may be required. Check with the clerk regarding whether a hearing date is needed.)
   e. ☐ Default was previously entered on *(date):*

2. ☐ **Judgment to be entered.**

	Amount	Credits acknowledged	Balance
a. Demand of complaint*	$	$	$
b. Interest	$	$	$
c. Costs *(see item 9)*	$	$	$
d. Attorney fees	$	$	$
e. **TOTALS**	$	$	$

(Must be established by business records, authenticated through a sworn declaration, submitted with this application. (Civ. Code, §§ 1788.58(a)(4), 1788.60(a).))*

3. This action is not barred by the applicable statute of limitations (Civ. Code, § 1788.56).

4. **Requirements for the complaint**.
   a. The complaint alleges ALL of the following (Civ. Code, §§ 1788.58, 1788.60):
      (1) That the plaintiff is a debt buyer;
      (2) A short, plain statement regarding the nature of the underlying debt and the consumer transaction from which it is derived;
      (3) That the plaintiff is EITHER the sole owner of the debt OR has the authority to assert the rights of all owners of the debt;
      (4) The debt balance at charge off and an explanation of the amount and nature of, and reason for, all post-charge-off interest and fees, if any, imposed by the charge-off creditor or any subsequent purchasers of the debt;
      (5) The date of the default OR the date of the last payment;
      (6) The name and address of the charge-off creditor at the time of charge off in sufficient form so as to reasonably identify the charge-off creditor, and the charge-off creditor's account number associated with the debt;

(List continues on next page.)

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:

4. a. (7) The name and last known address of the debtor as they appeared in the charge-off creditor's records prior to the sale of the debt;
   (8) The names and addresses of all persons or entities that purchased the debt after charge off, including the plaintiff debt buyer, in sufficient form so as to reasonably identify each such purchaser; and
   (9) That the plaintiff has complied with Civil Code section 1788.52.
   b. A copy of the contract or other document described in Civil Code section 1788.52(b) is attached to the complaint.

5. ☐ **Documentation requirements for default judgment**. *(You must complete this item if you are asking for entry of default.)* The following documents are submitted with this request for default judgment (Civ. Code, § 1788.60(a)–(c), Code Civ. Proc., § 585):
   a. A copy of the contract or other document evidencing the debtor's agreement to the debt, authenticated through a sworn declaration. See Civil Code section 1788.52(b) regarding documentation, including for revolving credit accounts.
   b. Business records, authenticated through a sworn declaration, to establish:
      (1) That the plaintiff is EITHER the sole owner of the debt OR has the authority to assert the rights of all owners of the debt;
      (2) The debt balance at charge off, and an explanation of the amount and nature of, and reason for, all post-charge-off interest and fees, if any, imposed by the charge-off creditor or any subsequent purchasers of the debt;
      (3) The date of the default OR the date of the last payment;
      (4) The name and address of the charge-off creditor at the time of charge off in sufficient form so as to reasonably identify the charge-off creditor, and the charge-off creditor's account number associated with the debt;
      (5) The name and last known address of the debtor as they appeared in the charge-off creditor's records prior to the sale of the debt; and
      (6) The names and addresses of all persons or entities that purchased the debt after charge off, including the plaintiff debt buyer, in sufficient form so as to reasonably identify each such purchaser.
   c. ☐ Proof of service of the summons *(required if you are asking for entry of default under Code of Civil Procedure section 585(a) or (b)).*

Date:

Type or Print Name

▶ Signature of Plaintiff or Attorney for Plaintiff

FOR COURT USE ONLY	(1) ☐ Default entered as requested on *(date):* (2) ☐ Default NOT entered as requested *(state reason):* Clerk, by _____, Deputy

6. ☐ **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** *(You must complete this item if you are filing this form in an unlawful detainer case.)*
   Did a registered legal document assistant or an unlawful detainer assistant give you advice or assistance with this form in exchange for compensation (money, property, or anything else of value)? *("Legal document assistant" and "unlawful detainer assistant" do not include lawyers and people supervised by lawyers. (Bus. & Prof. Code, §§ 6400–6415.))*
   ☐ No ☐ Yes *(If yes, complete items 6a–f):*
   a. Assistant's name:
   b. Street address, city, and zip code:
   c. Phone:
   d. County of registration:
   e. Registration no.:
   f. Expires on *(date):*

7. ☐ **Declaration under Code of Civil Procedure section 585.5.** *(You must complete this item if you are asking for entry of default under Code of Civil Procedure section 585(a).)* This action
   a. ☐ is ☐ is not on a contract or installment sale for goods or services subject to the Unruh Act (Civ. Code, § 1801 et seq.).
   b. ☐ is ☐ is not on a conditional sales contract subject to the Rees-Levering Motor Vehicle Sales and Finance Act (Civ. Code, § 2981 et seq.).
   c. ☐ is ☐ is not on an obligation for goods, services, loans, or extensions of credit subject to Code of Civil Procedure section 395(b).

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:

8. ☐ **Declaration of mailing (Code Civ. Proc., § 587).** *(You must complete this item if you are asking for entry of default.)*
A copy of this *Request for Entry of Default* was
   a. ☐ **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney *(names):*
   b. ☐ **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
      (1) Mailed on *(date):*
      (2) To *(specify names and addresses shown on the envelopes):*

DECLARATION

(This declaration must be completed if item 6, 7, or 8 is completed.)

I declare under penalty of perjury under the laws of the State of California that items 6, 7, and 8, if completed, are true and correct.
Date:

Type or Print Name ▶ Signature of Declarant

9. ☐ **Memorandum of costs.** *(You must complete this item if you are seeking costs.)*
Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):
   a. Clerk's filing fees ..... $
   b. Process server's fees ..... $
   c. Other *(specify):* $
   d. $
   e. **TOTAL** ..... $
   f. ☐ Costs and disbursements are waived.
   g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

10. ☐ **Declaration of nonmilitary status.** *(You must complete this item if you are asking for a judgment).*
No defendant/respondent named in item 1d is in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).
I know that no defendant/respondent named in item 1d is in the U.S. military service because *(check all that apply):*
   a. ☐ the search results I received from https://scra.dmdc.osd.mil/ say the defendant/respondent is not in the U.S. military service.
   b. ☐ I am in regular communication with the defendant/respondent and know that they are not in the U.S. military service.
   c. ☐ I recently contacted the defendant/respondent, and they told me that they are not in the U.S. military service.
   d. ☐ I know that the defendant/respondent was discharged from U.S. military service on or about *(date):*
   e. ☐ the defendant/respondent is not eligible to serve in the U.S. military because they are:
      ☐ incarcerated ☐ a business entity
   f. ☐ other *(specify):*

Note: If the defendant/respondent is in the military service, or their military status is unknown, the defendant/respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered. U.S. military status can be checked online at https://scra.dmdc.osd.mil/. For more information, see selfhelp.courts.ca.gov/military-defaults.

DECLARATION

(This declaration must be completed if item 9 or 10 is completed.)

I declare under penalty of perjury under the laws of the State of California that items 9 and 10, if completed, are true and correct.
Date:

Type or Print Name ▶ Signature of Declarant

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		DRAFT 03/06/2026 NOT APPROVED BY COUNCIL
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:		
PLAINTIFF:		
DEFENDANT:		
NOTICE OF ENTRY OF JUDGMENT ON SISTER-STATE JUDGMENT		CASE NUMBER:

1. To judgment debtor *(name):*
2. **You are notified**
   a. Upon application of the judgment creditor, a judgment against you has been entered in this court as follows:
      (1) Judgment creditor *(name):*
      (2) Amount of judgment entered in this court: $
   b. This judgment was entered based upon a sister-state judgment previously entered against you as follows:
      (1) Sister state *(name):*
      (2) Sister state court *(name and location):*
      (3) Judgment entered in sister state on *(date):*
      (4) Title of case and case number *(specify):*

A sister-state judgment has been entered against you in a California court. Unless you file a motion to vacate the judgment in this court within **30 days** after service of this notice, this judgment will be final.

The judgment could be enforced against you in this court, and your wages, money, and property could be taken **without further warning** from the court.

If the judgment creditor has already begun enforcing the judgment against you in this court, any property that has been taken will not be given to the judgment creditor until 30 days after you are served with this notice.

Date: _____ Clerk, by _____, Deputy

3. ☐ NOTICE TO THE PERSON SERVED: You are served
   a. ☐ as an individual judgment debtor.
   b. ☐ under the fictitious name of *(specify):*
   c. ☐ on behalf of *(specify):*

Under the following section of the Code of Civil Procedure:

- ☐ 416.10 (corporation)
- ☐ 416.20 (defunct corporation)
- ☐ 416.40 (association or partnership)
- ☐ other:
- ☐ 416.60 (minor)
- ☐ 416.70 (conservatee)
- ☐ 416.90 (individual)

(For proof of service of this notice, use Proof of Service of Summons *(form POS-010.)*

[SEAL]

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:	FOR COURT USE ONLY
NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (*name/address*):	DRAFT 03/06/2026 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
APPLICANT: RESPONDENT:	
NOTICE OF APPLICATION FOR RECOGNITION AND ENTRY OF TRIBAL COURT MONEY JUDGMENT	CASE NUMBER:

NOTICE: An application has been filed for this court to recognize and enter a tribal court money judgment against you. A copy of the application, **including a copy of the tribal court money judgment**, is being served with this notice. **Unless you file objections with the superior court named above within 30 days after service of this notice, the court will enter that judgment against you.** The judgment will be based on and contain the provisions and terms of the tribal court money judgment. The judgment will be enforceable in the same manner as any civil judgment, order, or decree of a court of this state.

How to Object (Code Civ. Proc., § 1737):

- You must file and serve your objection **within 30 days of service of the notice of filing**. If you file an objection within this time period, the court will set a time period for replies and set a hearing date. The hearing will be held within 45 days of the date the objection is filed unless good cause exists for a later hearing.
- You can object by explaining to the court that at least one of the following occurred: (1) The tribal court did not have personal jurisdiction over the respondent. (2) The tribal court did not have jurisdiction over the subject matter. (3) The judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law.
- You can also object by explaining that any of the following apply: (1) The defendant in the proceeding in the tribal court did not receive notice of the proceeding in sufficient time to enable the defendant to defend. (2) The judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case. (3) The judgment or the cause of action or claim for relief on which the judgment is based is repugnant to the public policy of the state or of the United States. (4) The proceeding in the tribal court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in that tribal court. (5) In the case of jurisdiction based on personal service only, the tribal court was a seriously inconvenient forum for the trial of the action. (6) The judgment was rendered under circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment. (7) The specific proceeding in the tribal court leading to the judgment was not compatible with the requirements of due process of law. (8) The judgment includes recovery for a claim of defamation, unless the court determines that the defamation law applied by the tribal court provided at least as much protection for freedom of speech and the press as provided by both the United States and California Constitutions. (9) The judgment conflicts with another final and conclusive judgment.
- If you file an objection by the deadline, the applicant will have to show the court that the tribal court money judgment should be recognized. If the applicant does so, you will have to show the court that the judgment should not be recognized for one of the reasons listed above.

[SEAL]

Date: Clerk, by _____, Deputy

1. ☐ NOTICE TO THE PERSON SERVED: You are served
   a. ☐ as an individual.
   b. ☐ under the fictitious name of *(specify):*
   c. ☐ on behalf of *(specify):*

   Under the following section of the Code of Civil Procedure:

   ☐ 416.10 (corporation)
   ☐ 416.20 (defunct corporation)
   ☐ 416.40 (association or partnership)
   ☐ other:
   ☐ 416.60 (minor)
   ☐ 416.70 (conservatee)
   ☐ 416.90 (individual)

(For proof of service of this notice, use Proof of Service of Summons *(form POS-010.)*

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NO:	DRAFT 03/18/2026 NOT APPROVED BY 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		
PROOF OF SERVICE OF ORDER TO SHOW CAUSE **BY** ☐ PERSONAL DELIVERY ☐ MAILING (OUTSIDE CALIFORNIA ONLY)		CASE NUMBER:

Note: *You must complete a separate proof of service for each person served.*

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:

      (If you check item 3a, you must complete item 4.)

   b. ☐ **Mail.** I mailed a copy to the person served, who is outside the state of California.
      (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)*:

SHORT TITLE:	CASE NUMBER:

4. ☐ **Photo of the location of service.** *(If you checked item 3a, you **must** check the box for item 4 and complete item 4a or 4b. (Code Civ. Proc., § 417.10(a).))*

   a. ☐ I have attached a photo of where I served the papers. The time I took the photo was close as possible to the time I served the papers.

      (1) Stamp requirements. *(Check (a) or (b)):*

         (a) ☐ The photo contains a readable stamp that shows the date, time, and global positioning system (GPS) or equivalent coordinates of when and where the photo was taken. The information in the stamp was automatically recorded when the photo was taken.

         (b) ☐ The photo does **not** contain a stamp showing the GPS or equivalent coordinates because I did not have a signal when the photo was taken *(explain why you didn't have a GPS, mobile, or other signal when taking the photo):*

      (2) Was the location a home or a business? *(Check (a), (b), or (c)):*

         (a) ☐ No.

         (b) ☐ Yes, and the photo shows the door of the home or business.

         (c) ☐ Yes, and the photo shows the entrance of the home or specific office or place of business because the door was not accessible *(explain why the door was not accessible):*

   b. ☐ I have not attached a photo of where I served the papers because taking a photo would have risked my safety *(explain):*

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

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):*	DRAFT 03/18/2026 NOT APPROVED BY 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:

Note: *You must complete a separate proof of service for each person served.*

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:

      (If you check item 3a, you must complete item 4.)

   b. ☐ **Mail.** I mailed a copy to the person served, who is outside the state of California.
      (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)*:

SHORT TITLE:	CASE NUMBER:

4. ☐ **Photo of the location of service.** *(If you checked item 3a, you **must** check the box for item 4 and complete item 4a or 4b. (Code Civ. Proc., § 417.10(a).))*

   a. ☐ I have attached a photo of where I served the papers. The time I took the photo was as close as possible to the time I served the papers.

      (1) Stamp requirements. *(Check (a) or (b)):*

         (a) ☐ The photo contains a readable stamp that shows the date, time, and global positioning system (GPS) or equivalent coordinates of when and where the photo was taken. The information in the stamp was automatically recorded when the photo was taken.

         (b) ☐ The photo does **not** contain a stamp showing the GPS or equivalent coordinates because I did not have a signal when the photo was taken *(explain why you didn't have a GPS, mobile, or other signal when taking the photo):*

      (2) Was the location a home or a business? *(Check (a), (b), or (c)):*

         (a) ☐ No.

         (b) ☐ Yes, and the photo shows the door of the home or business.

         (c) ☐ Yes, and the photo shows the entrance of the home or specific office or place of business because the door was not accessible *(explain why the door was not accessible):*

   b. ☐ I have not attached a photo of where I served the papers because taking a photo would have risked my safety *(explain):*

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

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		DRAFT 03/18/2026 NOT APPROVED BY COUNCIL
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:		
PLAINTIFF/PETITIONER:		CASE NUMBER:
DEFENDANT/RESPONDENT:		
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:

Note: *You must complete a separate proof of service for each party served.*

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
   a. ☐ Summons
   b. ☐ Complaint
   c. ☐ Alternative Dispute Resolution (ADR) package
   d. ☐ Civil Case Cover Sheet *(must be served in cases that are complex under California Rules of Court, rule 3.400 et seq.)*
   e. ☐ Cross-complaint
   f. ☐ Other (e.g., form CIV-050, EJ-110, EJ-115) *(specify documents):*
3. a. Party served *(specify name of party as shown on documents served):*

   b. ☐ I served a person who is not the party in item 3a because they are an authorized agent of the party or the party is an entity: *(Specify name and relationship to the party. Do not check item 3b for substituted service; instead, check item 5b.)*
4. Address where the party was served:
5. I served the party *(complete a, b, c, or d)*
   a. ☐ **by personal service** (Code Civ. Proc., § 415.10). I personally delivered the documents checked in item 2 to the party or a person authorized to receive service of process for the party on *(date):* at *(time):*
   b. ☐ **by substituted service.** (Code Civ. Proc., § 415.20.) *(Complete both (1) and (2), as well as (3) if applicable. If different people personally deliver and mail the documents, each person should complete a separate form POS-010.)*
      (1) ☐ I personally delivered the documents checked in item 2 to the address in item 4 to *(check one):*
         (a) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the party in item 3a. I informed them of the general nature of the papers.
         (b) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party in item 3a. I informed them of the general nature of the papers.
         (c) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the party in item 3a (not a USPS post office box). I informed them of the general nature of the papers.

         I did this on *(date):* at *(time):*

         Name and title, relationship to person in item 3, or description of the person I delivered the documents to:

      (2) ☐ I mailed (by USPS first-class mail, Priority Mail with tracking, or certified mail with return receipt requested, with postage prepaid) copies of the documents to the party in item 3a to the address in item 4:

         on *(date):* from *(city):* **or** ☐ a declaration of mailing is attached.

      (3) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service. *(You may use* Declaration of Diligence—Service of Summons *(form POS-012) for this purpose.)*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

5. c. ☐ **by mail and acknowledgment of receipt of service** (Code Civ. Proc., § 415.30). I mailed to the party the documents listed in item 2, to the address shown in item 4, by first-class mail, postage prepaid,
   (1) on *(date):*
   (2) from *(city):*
   (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. I have attached the completed *Notice and Acknowledgment of Receipt*.
   d. ☐ **by certified or registered mail service** (Code Civ. Proc., § 415.40). I mailed to the party the documents listed in item 2, to an address outside California, by first-class mail, postage prepaid, with return receipt requested. I have attached a copy of the completed return receipt.
   e. ☐ *(unlawful detainer only)* **by posting and mailing** (Code Civ. Proc., § 415.45). *(Both (1) and (2) must be completed. If posting and mailing are completed by two different people, each person should complete a separate form POS-010.)*
   (1) ☐ I posted the summons on the premises in the manner ordered by the court. I did this on *(date):*
   at *(address):*
   (2) ☐ I mailed a copy of the summons and complaint by certified mail to the party's last known address
   at *(address):*
   on *(date):*
   f. ☐ **by other means** *(specify means of service and authorizing code section):*

   ☐ *Check here if more space is needed for your answer and provide it on a page labeled "Attachment 5f."*

6. The "Notice to the Person Served" (on the summons) was completed as follows:
   a. ☐ as an individual defendant.
   b. ☐ as the person sued under the fictitious name of *(specify):*
   c. ☐ as occupant.
   d. ☐ On behalf of *(specify):*
   under the following Code of Civil Procedure section:

☐ 416.10 (corporation)	☐ 415.95 (business organization, form unknown)
☐ 416.20 (defunct corporation)	☐ 416.60 (minor)
☐ 416.30 (joint stock company/association)	☐ 416.70 (ward or conservatee)
☐ 416.40 (association or partnership)	☐ 416.90 (authorized person)
☐ 416.50 (public entity)	☐ 415.46 (occupant)
	☐ other:

7. **Person who served papers**
   a. Name:
   b. Address:
   c. Telephone number:
   d. The fee for service was: $
   e. I am *(check one):*
   (1) ☐ a California sheriff or marshal.
   (2) ☐ a registered California process server:
   (a) ☐ owner ☐ employee ☐ independent contractor.
   (b) Registration No.:
   (c) County:
   (3) ☐ not a registered California process server.
   (4) ☐ exempt from registration under Business and Professions Code section 22350(b).

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

8. ☐ **Photo of the location of service.** *(If you checked item 5a, 5b, or 5e, you **must** check the box for item 8 and complete item 8a or 8b. (Code Civ. Proc., § 417.10(a).))*

   a. ☐ I have attached a photo of where I served the papers. The time I took the photo was as close as possible to the time I served the papers. *(If you checked item 5b, the photo should show the location where you left the papers with the person identified in item 5b. If you checked item 5e, the photo should show the location where you posted the papers.)*

      (1) Stamp requirements. *(Check (a) or (b)):*

         (a) ☐ The photo contains a readable stamp that shows the date, time, and global positioning system (GPS) or equivalent coordinates of when and where the photo was taken. The information in the stamp was automatically recorded when the photo was taken.

         (b) ☐ The photo does **not** contain a stamp showing the GPS or equivalent coordinates because I did not have a signal when the photo was taken *(explain why you didn't have a GPS, mobile, or other signal when taking the photo):*

      (2) Was the location a residence or a place of business? *(Check (a), (b), or (c)):*

         (a) ☐ No.

         (b) ☐ Yes, and the photo shows the door of the home or business.

         (c) ☐ Yes, and the photo shows the entrance of the home or specific office or place of business because the door was not accessible *(explain why the door was not accessible):*

   b. ☐ I have not attached a photo of where I served the papers because taking a photo would have risked my safety *(explain):*

9. **Verification** *(check one):*

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

   b. ☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date:

Name of Person Who Served Papers/Sheriff or Marshal

▶ Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		DRAFT 03/18/2026 NOT APPROVED BY COUNCIL
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:		
PLAINTIFF/PETITIONER:		CASE NUMBER:
DEFENDANT/RESPONDENT:		
DECLARATION OF DILIGENCE—SERVICE OF SUMMONS		Ref. No. or File No.:

Use this form:

- To show that the summons and complaint may be served under Code of Civil Procedure section 415.20 (substitute service) because the server has used reasonable diligence (good faith attempts on three different days at three different times) to try to personally serve the summons and complaint and has not succeeded.
- As part of a request to the court to allow service of an unlawful detainer summons under Code of Civil Procedure section 415.45 (service by posting and mailing) because the summons cannot be served with reasonable diligence (see definition above) in any other way.

This form should be completed by the server who tried to serve the summons. If more than one server tried to serve the summons, each server should complete a separate *Declaration of Diligence—Service of Summons*.

1. **Person who tried to serve the papers**
   a. Name:
   b. I am at least 18 years old and am not a party to this case.
   c. Address:
   d. Telephone number:
   e. I am *(check one)*:
      (1) ☐ a California sheriff or marshal.
      (2) ☐ a registered California process server:
         (a) ☐ owner ☐ employee ☐ independent contractor
         (b) Registration No.: County:
      (3) ☐ not a registered California process server.
      (4) ☐ exempt from registration under Business and Professions Code section 22350(b).
2. a. Party I tried to serve *(specify name of party as shown on documents served)*:

   b. ☐ I tried to serve a person who is not the party in item 2a because they are an authorized agent of the party or the party is an entity *(specify name and relationship to the party named in item 2a)*:

3. **Attempts to personally serve.** I tried in good faith to personally deliver the summons and complaint to the party in 2 on:
   a. *(date)*: at *(time)*:
      at *(address)*:
   b. *(date)*: at *(time)*:
      at *(address)*:
   c. *(date)*: at *(time)*:
      at *(address)*:

   ☐ *Check here if you tried to personally serve the summons and complaint on additional dates and times and write the date, time, and address of those attempts on a separate page labeled "Attachment 3." You may use form MC-025.*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

4. **Photo of the location of service.** *(For each attempt to serve you listed in item 3, you must attach a photo of where you tried to serve the papers or explain why it was not safe for you to take a photo.)*

a. For the attempt listed in 3a *(check (1) or (2)):*

(1) ☐ I have attached a photo of where I tried to serve the papers. The time I took the photo was as close as possible to the time I served the papers.

(a) Stamp requirements. *(Check (i) or (ii)):*

(i) ☐ The photo contains a readable stamp that shows the date, time, and global positioning system (GPS) or equivalent coordinates of when and where the photo was taken. The information in the stamp was automatically recorded when the photo was taken.

(ii) ☐ The photo does **not** contain a stamp showing the GPS or equivalent coordinates because I did not have a signal when the photo was taken *(explain why you didn't have a GPS, mobile, or other signal):*

(b) Was the location a residence or a place of business? *(Check (i), (ii), or (iii)):*

(i) ☐ No.

(ii) ☐ Yes, and the photo shows the front door of the home or business.

(iii) ☐ Yes, and the photo shows the entrance of the home or specific office or place of business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I have not attached a photo because taking a photo would have risked my (the server's) safety *(explain):*

b. For the attempt listed in 3b *(check (1) or (2)):*

(1) ☐ I have attached a photo of where I tried to serve the papers. The time I took the photo was as close as possible to the time I served the papers.

(a) Stamp requirements. *(Check (i) or (ii)):*

(i) ☐ The photo contains a readable stamp that shows the date, time, and global positioning system (GPS) or equivalent coordinates of when and where the photo was taken. The information in the stamp was automatically recorded when the photo was taken.

(ii) ☐ The photo does **not** contain a stamp showing the GPS or equivalent coordinates because I did not have a signal when the photo was taken *(explain why you didn't have a GPS, mobile, or other signal):*

(b) Was the location a residence or a place of business? *(Check (i), (ii), or (iii)):*

(i) ☐ No.

(ii) ☐ Yes, and the photo shows the front door of the home or business.

(iii) ☐ Yes, and the photo shows the entrance of the home or specific office or place of business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I have not attached a photo because taking a photo would have risked my (the server's) safety *(explain):*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

4. c. For the attempt listed in 3c *(check (1) or (2)):*

(1) ☐ I have attached a photo of where I tried to serve the papers. The time I took the photo was as close as possible to the time I served the papers.

(a) Stamp requirements. *(Check (i) or (ii)):*

(i) ☐ The photo contains a readable stamp that shows the date, time, and global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the photo was taken.

(ii) ☐ The photo does **not** contain a stamp showing the GPS or equivalent coordinates because I did not have a signal when the photo was taken *(explain why you didn't have a GPS, mobile, or other signal):*

(b) Was the location a residence or a place of business? *(Check (i), (ii), or (iii)):*

(i) ☐ No.

(ii) ☐ Yes, and the photo shows the front door of the home or business.

(iii) ☐ Yes, and the photo shows the entrance of the home or specific office or place of business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I have not attached a photo because taking a photo would have risked my (the server's) safety (explain):

☐ *Check here if you made more than three attempts. Attach a separate page labeled "Attachment 4" and provide the required information about the photo of the location of each service attempt. You may use form MC-025 for this purpose.*

5. ☐ I am trying to serve the summons in an unlawful detainer case and I have tried service methods other than personal service. *(For each attempt, describe the service method and give the date, time, and address of the attempt. If you tried substituted service, you must include a photo of the location where you tried to personally deliver the documents.)*

☐ *Check here if you need more space for your answer and attach a separate page labeled "Attachment 5." You may use form MC-025 for this purpose.*

6. **Verification** *(check one):*

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

b. ☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date:

Name of Person Who Served Papers/Sheriff or Marshall

▶ Signature

POS-060 Proof of Alternative Service—Restraining Order

Clerk stamps date here when form is filed.

DRAFT
03/16/2026
NOT APPROVED
BY COUNCIL

This form is used for proof of service of papers related to a civil harassment or elder or dependent adult abuse prevention restraining order. **Do not use this form unless** the court has signed *Order Granting Alternative Service* (form CH-117/EA-117).

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 Protected Party/Petitioner: _____

2 Restrained Party: _____

3 I served the person in 2 a copy of the documents checked below:

(Serve the documents listed in item 4 of Order Granting Alternative Service*. The form numbers (such as CH-100 or EA-100) on the documents you serve will depend on the type of case. For example, form numbers that start with CH are used in cases for civil harassment prevention restraining orders.)*

a. ☐ Request for restraining orders (file-stamped) (form CH-100 or EA-100)

b. ☐ Temporary restraining order (file-stamped) (form CH-110 or EA-110)

c. ☐ Response to request for restraining orders (blank copy of form CH-120 or EA-120)

d. ☐ *How Can I Respond to a Request for Restraining Orders?* (form CH-120-INFO or EA-120-INFO)

e. ☐ *Summons* (file-stamped) (form CH-210 or EA-210)

f. ☐ Form CH-170, *Notice of Order Protecting Information of Minor*, and form CH-165, *Order on Request to Keep Minor's Information Confidential* (file-stamped)

g. ☐ Order setting new hearing date (form CH-116, form EA-116, or other order)

h. ☐ *Order Granting Alternative Service* (file-stamped) (form CH-117/EA-117)

i. ☐ Other: *(specify):* _____

4 Server's Information

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Fee for service: $ _____

If you are a registered process server:

County of registration: _____ Registration number: _____

5 Service Method

(Fill out 5a or 5b):

a. ☐ **Substituted Service:**

Substituted service is not complete until the documents are given to a person at the home, workplace, or usual mailing address of the person in 2 and mailed to the person in 2. If these steps are completed by different people, each person must complete a separate *Proof of Alternative Service—Restraining Order* (form POS-060).

(1) ☐ I personally gave copies of the documents checked in 3 to *(check one):*

(a) ☐ A competent adult (at least 18) at the **home** of, and living with the person in 2.

(b) ☐ An adult who seems to be in charge where the person in 2 usually **works**.

(c) ☐ An adult who seems to be in charge where the person in 2 usually **receives mail**, or has a private post office box (not a U.S. Post Office box), because there is no known physical address for the person in 2.

I told that adult, "Please give these court papers to (name of person in 2)."

I did this on *(date):* _____ At *(time):* _____ ☐ a.m. ☐ p.m.

At this address: _____

City: _____ State: _____ Zip: _____

Name or description of the person I gave the documents to:

_____

_____

(2) ☐ I mailed copies of the documents checked in 3 by U.S. Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid. The envelope was addressed to the person in 2 and mailed to the address in 5 a(1).

I mailed the envelope on *(date):* _____ from *(city, state):* _____

by leaving it *(check one):*

(a) ☐ At a U.S. Postal Service mail drop.

(b) ☐ At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.

b. ☐ **Email or Other Electronic Technology.** I served the person in 2 with the documents checked in 3 by:

(1) ☐ **Email.** I sent copies of the documents to the following email address *(specify):*

_____

I emailed the documents on *(date):* _____

The email address I used to send the documents is *(specify):* _____

(2) ☐ **Other electronic technology** *(specify date completed and method used, including the account name, username, or other contact information for yourself and the person in 2):*

_____

_____

_____

_____

_____

_____

_____

_____

5 b. (3) ☐ I also mailed copies of the documents to the person in 2

At this address: _____

City: _____ State: _____ Zip: _____

I mailed the documents on *(date):* _____

from *(city, state):* _____

6 I declare under penalty of perjury under the laws of the state of California that I am at least 18 years old and not named in this case and that the information above is true and correct.

Date: _____

_____ ▶ _____

Type or print server's name Server signs here after serving

SC-104 Proof of Service

Clerk stamps date here when form is filed.

DRAFT
03/18/2026
NOT APPROVED
BY COUNCIL

Use this form to serve a **person,** a **business,** or a **public entity.** To learn more about proof of service, read *What Is "Proof of Service"?* (form SC-104B). To learn more about how to serve a business or entity, read *How to Serve a Business or Public Entity* (form SC-104C).

To serve a **business,** you must serve **one** of the following people:

- Owner (for a sole proprietorship)
- Partner (for a partnership) or general partner (for a limited partnership)
- Any officer or general manager (corporation or association)
- Any person authorized for service by the business (corporation, association, general partnership, limited partnership)
- Any person authorized for service with the Secretary of State (corporation, association, limited liability company [LLC], limited liability partnership [LLP], limited partnership)

To serve a **public entity,** you must first file a claim with that entity, then serve **one** of the following people:

- Clerk (of a city or county)
- Chief officer or director (of a public agency)
- Any person authorized for service by the entity

Fill in court name and street address:

Superior Court of California, County of

Fill in case number, case name, hearing date, day, time, and department below:

Case Number:

Case Name:

Hearing Date:

Time: | **Dept.:**

(1) Person, Business, or Public Entity Served

a. If you served a **person,** write the person's name below:

_____

b. If you served a **business** or **entity,** write the name of the business or entity, the person authorized for service, and that person's job title:

_____
Business or Agency Name

_____ _____
Person Authorized for Service Job Title

(2) Instructions to Server

You must be at least 18 years old and **not be named in this case.** Follow these steps:

- Give a copy of all the documents checked in (3) to the person in (1), ***or*** to one of the following people:
  - A competent adult (at least 18) living with, and at the home of the person in (1), ***or***
  - An adult (at least 18) who seems to be in charge at the usual workplace of the person in (1), ***or***
  - An adult (at least 18) who seems to be in charge where the person in (1) usually receives mail (but not a U.S. Post Office box), if there is no known physical address for the person in (1).
- If the documents were given to someone other than the person in (1), mail a copy of the documents to the person in (1).
- Complete and sign this form, and
- Give or mail your completed form to the person who asked you to serve these court papers, ***in time for the form to be filed with the court at least 5 days before the hearing.***

(3) I served the person in (1) a copy of the documents checked below:

a. ☐ SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*

b. ☐ SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*

c. ☐ Order for examination (form SC-134, SC-136, AT-138/EJ-125, or EJ-141) *(If you want to be able to ask the court to enforce the order on the judgment debtor, the order must be served on the judgment debtor in person ((4)a on this form) by a sheriff, marshal, or registered process server.)*

d. ☐ Other *(specify):* _____

Case name: _____ Case Number: _____

4 Service Method *(Fill out 4a or 4b):*

a. ☐ **Personal Service:** I personally gave copies of the documents checked in 3 to the person in 1.
On *(date)*: _____ At *(time)*: _____ ☐ a.m. ☐ p.m.
At this address: _____
City: _____ State: _____ Zip: _____

b. ☐ **Substituted Service:**

(1) I personally gave copies of the documents checked in 3 to *(check one)*:

(a) ☐ A competent adult (at least 18) at the **home** of, and living with the person in 1, or

(b) ☐ An adult who seems to be in charge where the person in 1 usually **works**, or

(c) ☐ An adult who seems to be in charge where the person in 1 usually **receives mail**, or has a private post office box (not a U.S. Post Office box), if there is no known physical address for the person in 1.

I told that adult, "Please give these court papers to (name of person in 1)."
I did this on *(date)*: _____ At *(time)*: _____ ☐ a.m. ☐ p.m.
At this address: _____
City: _____ State: _____ Zip: _____
Name or description of the person I gave the papers to:

_____

_____

(You must fill out 6 and either attach a photo of where you gave this person the papers, or explain why it was not safe for you to take a photo.)

(2) After the documents were personally delivered to the person in b(1), copies were mailed to the person in 1 *(check one)*:

(a) ☐ By me. I put copies of the documents listed in 3 in an envelope and sealed the envelope. I addressed the envelope to the person in 1 at the address where I left the copies. I mailed the envelope by U.S. Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid.

I mailed the envelope on *(date)*: _____
from *(city, state)*: _____ by leaving it *(check one)*:

(i) ☐ At a U.S. Postal Service mail drop.

(ii) ☐ At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.

(b) ☐ By someone else. I have attached that person's completed form SC-104A.

5 Server's Information

Name: _____ Phone: _____
Address: _____
City: _____ State: _____ Zip: _____
Fee for service: $ _____
If you are a registered process server:
County of registration: _____ Registration number: _____

6 Photo of the Location of Service

(Fill out 6 if you served form SC-100, Plaintiff's Claim and ORDER to Go to Small Claims Court *or form SC-120,* Defendant's Claim and ORDER to Go to Small Claims Court *by substituted service (4 b)).*

a. ☐ I served form SC-100 or form SC-120 by substituted service and I have attached a photo of the place where I personally gave the papers to the person identified in 4 b. The time I took the photo was as close as possible to the time I served the papers.

(1) Stamp requirements. *(Check (a) or (b)):*

(a) ☐ The photo contains a readable stamp that shows the date, time, and global positioning system (GPS) or equivalent coordinates of when and where the photo was taken. The information in the stamp was automatically recorded when the photo was taken.

(b) ☐ The photo does **not** contain a stamp showing the GPS or equivalent coordinates because I did not have a signal when the photo was taken *(explain why you did not have a GPS, mobile, or other signal when taking the photo):*

_____

_____

_____

(2) Was the location a residence or a place of business? *(Check (a), (b), or (c)):*

(a) ☐ No.

(b) ☐ Yes, and the photo shows the door of the home or business.

(c) ☐ Yes, and the photo shows the entrance of the home or specific office or place of business because the door was not accessible *(explain why the door was not accessible):*

_____

_____

_____

b. ☐ I served form SC-100 or form SC-120 by substituted service, but I have not attached a photo of where I served the papers because taking a photo would have risked my safety *(explain):*

_____

_____

_____

7 I declare under penalty of perjury under California state law that I am at least 18 years old and not named in this case and that the information above is true and correct.

Date: _____

_____ ▶ _____

Type or print server's name — Server signs here after serving

SC-104A Proof of Mailing (Substituted Service)

Case Number:

☑ This form is attached to form SC-104. Use this form ONLY if you mailed the documents in (1) and someone else personally gave them to the person, business, or public entity served.

DRAFT 3/16/2026 NOT APPROVED BY COUNCIL

Notice to Server

You must:

- Be at least 18 and **not listed in this lawsuit.**
- Fill out (1)–(6) of this form and attach it to form SC-104.

(1) Documents served by mail:

a. ☐ SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*

b. ☐ SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*

c. ☐ Other *(specify):*

_____

_____

(2) Name and address of the person, business, or public entity served:

a. If you served a **person,** write the person's name and address below:

Name: _____

Address: _____ _____ _____ _____
Street *City* *State* *Zip*

b. If you served a **business** or **public entity,** write the name and address of the business or public entity, the person authorized for service, and that person's job title:

_____ _____ _____
Business or Public Entity Name *Person Authorized for Service* *Job Title*

Address: _____ _____ _____ _____
Street *City* *State* *Zip*

(3) I put copies of the documents listed in (1) into an envelope and sealed the envelope. I addressed the envelope to the person, business, or public entity listed in (2). I mailed the envelope by U.S. Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid, by leaving it at *(check one):*

a. ☐ A U.S. Postal Service mail drop.

b. ☐ An office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.

(4) I mailed the envelope:

a. On *(date):* _____

b. From *(city, state):* _____

(5) My address is: _____

(6) I declare, under penalty of perjury under California state law, that the information above is true and correct.

Date: _____

_____ ▶ _____
Type or print server's name *Server signs here after mailing*

1 What is "service"?

"Service" or "serving" is when someone—*not you or anyone else listed in this case*—gives a copy of your court papers to the person, business, or public entity you are suing. Service lets the other party know:

- What you are asking for;
- When and where the trial will be; *and*
- What the party can choose to do.

There are strict rules for serving court papers. This form explains how to serve these forms:

- Form SC-100, *Plaintiff's Claim*
- Form SC-120, *Defendant's Claim*

2 How is service done?

This form tells you how to serve by *personal* service or *substituted* service.

Personal service means someone gives the papers directly to the person being sued. If you are suing a business or public entity, the papers may be given to a person (called an "agent") who is authorized to accept service.

Substituted service means someone gives the papers to an adult where the person lives, works, or receives mail (including a private post office box, but not a U.S. Postal Service P.O. Box).

3 What if the court papers do not get served?

The judge cannot hear your case unless the court papers were served correctly.

4 Can the court serve the papers for me?

Yes. You can pay the court to mail your claim to the person you are suing. But if the person you are suing or the person's agent for service doesn't sign the U.S. Postal Service mail receipt with their complete name, or if someone else signs the receipt, you will have to serve again using personal or substituted service.

5 Who can serve?

You can ask a friend, a process server, or the sheriff. The server must be at least 18 and not listed in the case.

A "process server" is someone you pay to deliver court forms. Look online for information about "process serving" in your area. The sheriff (or marshal if your county has one) can also deliver court forms. Ask the court clerk how to contact the sheriff, or look online for the contact information for your county sheriff. You must pay these servers, unless you qualify for a fee waiver.

6 How is *personal* service done?

Ask someone who is at least 18 and not listed in this case to personally "serve" (give) a copy of your court papers to the person or the agent authorized to accept court papers for the person, business, or public entity. (See form SC-104C, *How to Serve a Business or Public Entity*.)

Give the server a separate *Proof of Service* for each person, business, or public entity you are suing. Tell the server to:

- Walk up to the person to be served and say, "These are court papers."
- Give the person copies of the papers. If the person won't take the papers, just leave them near the person. It doesn't matter if the person tears the papers up.
- Fill out and sign form SC-104, *Proof of Service*.

7 How is *substituted* service done?

If you don't want to use personal service or can't find the person to be served, ask someone who is at least 18 and not listed in this case to serve the court papers.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. Tell the server to give the papers to:

- A competent adult (at least 18) at the home of and living with the person to be served *or*
- An adult who seems to be in charge where the person to be served usually works *or*
- An adult who seems to be in charge where the person receives mail (including a private mailbox, but **not** a U.S. Postal Service P.O. Box). *Note:* This option is only for cases where you don't know, and can't find out, the physical address of the person to be served.

Ask the server to do the following:

- Walk up to the person and say, "Please give these court papers to [*name of person to be served*]." On *Proof of Service*, write down that person's name. If the person does not give their name, write a description of them instead of their name.
- Give that person copies of the papers. If the person won't take the papers, just leave them near the person.
- Take a photo of the place where the server handed the documents to the person. Read 12 for more information about this step.
- Mail another copy of the papers (by U.S. Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested) to the person being sued at the same address where you left the papers.
- Fill out and sign form SC-104, *Proof of Service*.

8 What does the server do with the original *Proof of Service* form?

If a process server or sheriff served the papers, they can file form SC-104, *Proof of Service,* with the clerk. If the server used a different *Proof of Service* form, ask them to list each paper served on the form. Also make sure that the registered server files the original directly with the court and mails you a copy of the filed form. Take this copy with you when you go to court.

If a friend served the papers, tell them to give the completed form back to you. File the original completed *Proof of Service* form **5 days before** your trial. Keep a copy for your records and take the copy with you when you go to court.

9 Who do I have to serve?

If you are suing a person (or people)—not a business or public entity—serve each person you are suing. For example, if you were in a car accident and you are suing the owner and the driver of the car, you must list the names of the owner *and* the driver on your claim and serve both people.

Examples:
If the owner and driver are the same person:
Lee Smith, owner and driver

If the owner and driver are not the same person:
Lee Smith, driver
Bob Smith, owner

If you are suing a business, an association, or a public entity, read form SC-104C, *How to Serve a Business or Public Entity*.

10 When do the court forms have to be served?

- **If you are serving form SC-100, *Plaintiff's Claim,*** look at the trial date on page 1. (If there is more than one trial date, look at the first one.) Then, look at a calendar.

  For *personal* service, subtract 15 days from the trial date (or 20 days if the person, business, or public entity is located outside the county). That's the deadline for serving your small claims forms. But you can serve the forms before the deadline.

  For *substituted* service, subtract 25 days from the trial date (or 30 days if the person, business, or public entity is located outside the county). That's the deadline for the server to mail a copy of the court papers (as described in 7). But you can serve the forms before the deadline.

  If the person, business, or public entity to be served is outside California or if you are serving a different form, ask the Small Claims Advisor for more information.

- **If you are serving form SC-120, *Defendant's Claim,*** look at the hearing date on page 1. Then look at a calendar.

  For *personal* or *substituted* service, subtract 5 days from the hearing date. That's the deadline for serving your small claims forms if you were served at least 11 days before the hearing. If you were served 10 days or less before the hearing date, you must serve at least 1 day before the hearing. But you can serve the forms before the deadline.

11 What if I can't get the court papers served before the trial?

If you were not able to serve your claim (form SC-100 or SC-120) before the deadline for service, talk to your Small Claims Clerk. Each county has its own rules.

If you already served your claim on some parties but not everyone you are suing, you may need to fill out and file form SC-150, *Request to Postpone Trial,* at least 10 days before the trial date (or explain why you couldn't meet the 10-day deadline). Then give or mail a copy of this form to all other plaintiffs and defendants listed on your court papers. The court may postpone your trial for 15 days or more.

12 For substituted service, how does the server take a photo of the location?

If you served your claim (form SC-100 or SC-120) using substituted service (described in 7), the server must take a photograph of the place where they handed the papers to the person (the "location of service"). The photo must be taken as close to the time of service (or attempted service) as possible.

The photo must have a "stamp" (visible, readable lines of text) showing the date, time, and GPS or equivalent coordinates of the location of service. If the server can't get the GPS coordinates when taking the photo because their phone or camera doesn't have a GPS or mobile signal at that time, they must explain on form SC-104 why the photo does not include the date, time, or GPS information.

If the location of service is a house, apartment, or other type of residence, the photo must show the door of the residence. If there is no reasonable way for the server to access the door, they must take a photo of the entrance of the building. For example, if the location is an apartment, the photo must show the door of the apartment where the person lives, or it can show the entrance of the apartment building if the server can't access the door to the apartment.

If the location of service is a business, the photo must show the door of the business. If there is no reasonable way for the server to access the door, they must take a photo of the entrance of the specific office or place of business of the person being served.

If the server takes a photo of the entrance of the building instead of the door of the residence or business, they must explain on form SC-104 why the door was not accessible.

If it would be physically unsafe for the server to take a photo, they don't have to attach a photo to form SC-104, but they must explain on form SC-104 why it was physically unsafe.

Need help?

Your county's Small Claims Advisor can help for free.

Or go to selfhelp.courts.ca.gov/small-claims-advisor.

Item number: 09

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Civil Practice and Procedure: Revisions to Military Forms

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Revise forms MIL-010, MIL-015, MIL-020

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: 12. Military Forms: Implementation of SB 1311. Develop form recommendations as appropriate. Under SB 1311 (Stats. 2022, ch. 620), servicemembers in active duty may not be charged interest on certain financial obligations during their deployment. This project is included as it has been requested repeatedly by the California Department of Justice organizations over the past several years. In preparing the proposal, staff and the committee identified items on forms MIL-010, MIL-015, and MIL-020 that would benefit from revision and circulation for public comment in order to best reflect the law.

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

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. 24, 2026

☒ Office director (or designee) reviewed on *(date):* Mar. 4, 2026 by *(name):* Michael Giden

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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-09

Title
Civil Practice and Procedure: Revisions to Military Forms

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes
Revise forms MIL-010, MIL-015, MIL-020

Proposed Effective Date
January 1, 2027

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

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

Executive Summary and Origin

Those in active-duty military service may ask a court to temporarily relieve them from financial obligations under Military and Veterans Code section 409.3 if their active duty materially affects their ability to pay such obligations. The Civil and Small Claims Advisory Committee proposes revising forms MIL-010, MIL-015, and MIL-020 to reflect amendments to section 409.3.

Background

Military and Veterans Code section 409.3 has been amended several times since it was enacted in 2002.

Senate Bill 720 (Stats. 2013, ch. 220) (see Link A) amended the portions of section 409.3 that apply to deferral and repayment of loans to buy real estate and added conditions under which a deferred loan may become due and payable immediately. SB 720 became effective January 1, 2014.

Assembly Bill 3212 (Stats. 2018, ch. 555) (see Link B) amended the definitions of "service member" and "military service."[1] Previously, section 409.3 applied only to members of the National Guard and reservists of the United States Military Reserve. Now, section 409.3 applies to all members of the militia (as defined in Military and Veterans Code section 120) and all

[1] Mil. & Vet. Code, § 400.

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

members of active or reserve components of any branch of the U.S. military. AB 3212 became effective January 1, 2019.

Senate Bill 1311 (Stats. 2022, ch. 620) (see Link C) prohibits lenders from charging interest on a financial obligation deferred under section 409.3. SB 1311 also clarified the conditions under which a deferred loan to buy real estate may become due and payable immediately. SB 1311 became effective January 1, 2023. Form MIL-020 was revised in 2023 to implement SB 1311 by deleting language regarding the interest rate for deferred obligations.[2]

The Proposal

The Civil and Small Claims Advisory Committee proposes revising forms MIL-010, MIL-015, and MIL-020 to implement SB 720, AB 3212, and SB 1311 and improve clarity and readability. The committee also proposes revising the caption at the top of these forms. The proposed caption is in title case instead of all caps, which improves readability and allows the font size to be increased for almost all caption elements. Additionally, the first line of text reads "Party Without Attorney or Attorney" instead of "Attorney or Party Without Attorney" to emphasize that parties without attorneys must fill in the caption.

Form MIL-010

The committee proposes the following revisions to *Notice of Petition and Petition for Relief From Financial Obligations During Military Service* (form MIL-010):

- Revise the instructions at the top of the form to explain that the petitioner must complete and file form MIL-015 with their petition, more clearly explain the service deadline, and instruct petitioners to use a separate petition for each financial obligation they wish to defer.

- Revise item 3 to reflect the amendments made by AB 3212 to the definitions of "service member" and "military service."

- Clarify the meaning of item 3c by changing "is within six months of having completed" to "completed . . . no more than six months ago." Section 409.3 states that service members may file petitions "at any time during their most current period of military service or within six months thereafter." The language currently used in item 3c could be misread to mean that the service member is currently in active-duty service that will end in no more than six months, rather than that the active-duty service has already ended.

- Revise item 4 to use plain language to describe the term "financial obligation or liability" and the types of obligations to which section 409.3 applies.

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[2] Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: Order on Petition for Relief From Financial Obligations During Military Service* (June 23, 2023), *https://jcc.legistar.com/LegislationDetail.aspx?ID=6232824&GUID=7BB7B69A-6410-482A-B773-1302AE17C589*.

- Revise item 6 to state that the petitioner's military service "significantly affects" their ability to pay the obligation. Section 409.3 uses the phrase "materially affects," but some petitioners may be unfamiliar with that terminology.

- Revise item 6 to reflect amendments made by SB 720 and SB 1311 to the statutory requirements for deferral and repayment of loans to buy real estate, as well as to reflect the statutory requirements for repayment of other deferred obligations. Currently, this item discusses the deferral period for these obligations but does not mention the statute's repayment requirements.

- Add item 6d, which asks the court to defer the petitioner's obligation to pay income tax until six months after their release from active service. This item implements Military and Veterans Code section 409.6, which allows for the deferral of income tax payments if the person's military service materially impairs their ability to pay. Form MIL-020 currently has an item allowing the court to order deferral of income tax payments, but there is no corresponding item on the petition. The committee requests specific comments on whether this item should be added to form MIL-010, since the provisions in section 409.3 regarding the timing and filing of the petition do not apply to section 409.6. The committee notes that there is currently no other form that can be used to ask for deferral of income tax payments under section 409.6.

- Add a proof of service page. Under rule 3.1372 of the California Rules of Court, form MIL-010 must be served "in the manner of a summons," but due to upcoming changes in the law regarding service of summons and the rule and form changes the committee will be proposing to address those changes in law, *Proof of Service of Summons* (form POS-010) cannot be used for form MIL-010.[3]

- Revise other items to use plain language or clarify their meaning.

The committee considered revising form MIL-010 to allow petitioners to seek deferral of multiple obligations in the same petition but determined that doing so could create privacy concerns for petitioners, unnecessarily delay cases, and create confusion for courts and parties. The petitioner must attach documents regarding the obligation (e.g., mortgage statements, loan statements, or tax bills) to their declaration (form MIL-015), which must also be served on the respondent. Thus, if the petition addressed multiple obligations, the petitioner would have to serve documents associated with one obligation, including any private or confidential information in those documents, on a respondent associated with a different obligation. Proceedings could be unnecessarily delayed if petitioners do not properly serve all respondents,

[3] As of January 1, 2027, Code of Civil Procedure section 417.10 will require proof of service of a civil summons to include a photo of the location of service, and form POS-010 will be revised to implement that change in law. The committee has proposed amending rule 3.1372 to exempt form MIL-010 from this photo requirement. (*Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons* (SPR26-08), *courts.ca.gov/policy-administration/invitations-comment*.)

and it might be difficult for courts to clearly convey to the parties which obligations were subject to which orders if the ordered relief differed for several obligations.

Form MIL-015

The committee proposes the following revisions to *Declaration in Support of Petition for Relief From Financial Obligations During Military Service* (form MIL-015):

- Revise item 2 to reflect the amendments made by AB 3212 to the definitions of "service member" and "military service."
- Clarify the meaning of item 2c by changing "is within six months of having completed" to "completed . . . no more than six months ago."
- Revise other items to use plain language and provide additional instructions.

Form MIL-020

The committee proposes the following revisions to *Order on Petition for Relief From Financial Obligations During Military Service* (form MIL-020):

- Revise item 2 to reflect the amendments made by AB 3212 to the definitions of "service member" and "military service."
- Clarify the meaning of item 2c by changing "is within six months of having completed" to "completed . . . no more than six months ago."
- Revise item 6c to reflect amendments made by SB 720 and SB 1311 to the statutory requirements for deferral and repayment of loans to buy real estate.
- Revise item 6d to reflect the statutory requirements for repayment of other deferred obligations.
- Revise item 6e to clarify that it applies to deferrals ordered in 6b, 6c, and 6d only, but not to 6f. Deferrals of income tax under Military and Veterans Code section 409.6 have separate restrictions on interest and penalties, which are listed in item 6f.
- Revise other items to clarify their meaning.

Alternatives Considered

The committee did not consider the alternative of taking no action because revisions are needed to ensure the forms comply with the law. To the extent the form revisions were not required by the terms of the applicable statutes, the committee considered taking no action but ultimately determined the changes were warranted in light of the benefits they would provide to the courts and court users.

Fiscal and Operational Impacts

The revised forms may require training of court staff and judicial officers and changes to computerized case management systems.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Should item 6d, regarding deferral of income tax payments under Military and Veterans Code section 409.6, be added to form MIL-010 even though the provisions in section 409.3 regarding the timing and filing of the petition do not apply to section 409.6?

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

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

Attachments and Links

1. Forms MIL-010, MIL-015, and MIL-020, at pages 6–13
2. Link A: Senate Bill 720, *https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB720*
3. Link B: Assembly Bill 3212, *https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3212*
4. Link C: Senate Bill 1311, *https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1311*

Party Without Attorney or Attorney Name: State Bar Number: Firm Name: Street Address: City: State: Zip Code: Telephone No.: Fax No.: Email Address: Attorney for *(name):*	*FOR COURT USE ONLY* DRAFT 03/18/2026 NOT APPROVED BY COUNCIL
Superior Court of California, County of: Street Address: Mailing Address: City and Zip Code: Branch Name:	
Petitioner/Plaintiff: Respondent/Defendant:	
NOTICE OF PETITION AND PETITION FOR RELIEF FROM FINANCIAL OBLIGATIONS DURING MILITARY SERVICE	Case Number:

Instructions for completing this form:

- You must complete *Declaration in Support of Petition for Relief From Financial Obligations During Military Service* (form MIL-015) and file it with this petition. You must serve the respondent with completed copies of forms MIL-010 and MIL-015, plus all supporting documents, at least 10 days before the hearing date listed in item 2.
- If you want to ask the court to defer (postpone) more than one financial obligation, you must complete a separate petition and declaration for each financial obligation.
- The court cannot charge you filing fees or court costs for this petition. (Mil. & Vet. Code, §§ 409.3, 409.14.)

1. TO *(name of respondent):*

2. A hearing on this petition will be held as follows (*this item will be completed by the court; hearing must be set within 25 days of the filing of this petition):*

Name and address of court if different from above:

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

NOTICE TO RESPONDENT

If you want to respond to this petition, your response must be filed with the court and served on the petitioner no later than **five** days before the date of the hearing in item 2. (Mil. & Vet. Code, § 409.3(b).)

3. Petitioner is or was a member of the state militia (the National Guard, State Guard, Naval Militia, or unorganized militia) or a member of an active or reserve component of the United States military (the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard) (Mil. & Vet. Code, §§ 120, 400) and *(check one):*
   a. ☐ has been called or ordered into full-time active duty service.
   b. ☐ is currently in full-time active duty service.
   c. ☐ completed full-time active duty in the state or federal armed services no more than six months ago.

   (For members of the state militia, "full-time active duty service" means full-time active state service or full-time active federal service under Military and Veterans Code section 143 or 146. For members of the United States military, "full-time active duty service" means full-time active duty for more than 7 days in any 14-day period. (Mil. & Vet. Code, § 400.)

4. Petitioner owes a debt or must make payments (such as a mortgage; credit card bill; student loan, vehicle loan, or other loan; or a tax or assessment) to respondent. The debt is *(check one):*
   a. ☐ a loan to buy real estate that is secured by a mortgage (or similar legal document) or paid off in installments. Petitioner took out this loan before they started the military service checked in item 3.
   b. ☐ a debt or agreement to make payments that is ***not*** for buying real estate. Petitioner took on this debt or made this agreement before they started the military service checked in item 3.
   c. ☐ a tax or assessment due before or during the military service checked in item 3.

Petitioner/Plaintiff: Respondent/Defendant:	Case Number:

5. The debt in item 4 is not an obligation to pay child support. (*Any request to modify a support order must be made on* Notice of Activation of Military Service and Deployment and Request to Modify a Support Order *(form FL-398).)*

6. The military service checked in item 3 significantly affects petitioner's ability to pay the debt, make the payments, or pay the tax identified in item 4. Petitioner asks the court to *(check all that apply):*

   a. ☐ postpone petitioner's obligation to make payments until after the end of the military service checked in item 3.

   b. ☐ *(do not check this item unless you checked item 4a)* extend the time to pay the loan by adding the length of the military service checked in item 3 to the amount of time remaining on the loan. During the time remaining on the loan (including the extension), petitioner will make payments in equal installments at the same interest rate stated in the original agreement.

   c. ☐ *(do not check this item unless you checked item 4b or 4c)* postpone petitioner's obligation to make payments for the same length of time as the military service checked in item 3. This postponement will start on the date the military service checked in 3 ends (or on the date this petition is filed, if the petition is filed after the service has ended.) During this postponement period, petitioner will pay the principal that was due and any interest that accumulated before this postponement period started. These payments will be made in equal installments during the postponement period, at the agreed interest rate for payments that are made on time.

   d. ☐ postpone petitioner's obligation to pay income tax until six months after petitioner is released from active military service. (Mil & Vet. Code, § 409.6.)

7. The facts that support petitioner's responses on this form are provided in *Declaration in Support of Petition for Relief From Financial Obligations During Military Service* (form MIL-015), which petitioner has filed with this petition.

Date:

Type or Print Name

▶ Signature of Petitioner or Petitioner's Attorney

Request for Accommodations

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

PROOF OF SERVICE

MIL-010

(Use separate proof of service for each person served.)

1. I served *Notice of Petition and Petition for Relief From Financial Obligations During Military Service* (form MIL-010), *Declaration in Support of Petition for Relief From Financial Obligations During Military Service* (form MIL-015), and all attachments as follows:
   a. on respondent *(name)*:
   b. by serving *(check one):* ☐ respondent ☐ other person *(name and title or relationship to respondent):*

2. Address where the respondent was served:

3. I served the respondent *(complete a, b, c, d, or e)*
   a. ☐ **by personal service** (Code Civ. Proc., § 415.10). I personally delivered the documents to the respondent or a person authorized to receive service of process for the respondent on *(date):* at *(time):*
   b. ☐ **by substituted service.** On *(date):* at *(time):*
      I left the documents with or in the presence of *(name and title or relationship to respondent):*
      (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the respondent. I informed them of the general nature of the papers. (Code Civ. Proc., § 415.20(a).)
      (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the respondent. I informed them of the general nature of the papers. (Code Civ. Proc., § 415.20(b).)
      (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the respondent, other than a United States Postal Service post office box. I informed them of the general nature of the papers. (Code Civ. Proc., § 415.20.)
      (4) ☐ I thereafter mailed (by USPS first-class mail, Priority mail with tracking, or Certified Mail with return receipt requested, with postage prepaid) copies of the documents to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents:
      on *(date):* from *(city):* **or** ☐ a declaration of mailing is attached.
      (5) ☐ **I attach a declaration of diligence** stating actions taken first to attempt personal service.
   c. ☐ **by mail and acknowledgment of receipt of service** (Code Civ. Proc., § 415.30). I mailed the documents to the respondent at the address in item 2, by first-class mail, postage prepaid, requiring a return receipt.
      (1) on *(date):* *(Attach completed* Notice and Acknowledgment of Receipt.*)*
      (2) from *(city):*
   d. ☐ **by certified or registered mail service** (Code Civ. Proc., § 415.40). I mailed the documents to respondent at an address outside California, by first-class mail, postage prepaid, with return receipt requested. *(Attach completed return receipt.)*
   e. ☐ other means *(specify code section):*
      ☐ Additional page is attached.

4. The "Notice to the Person Served" was completed as follows:
   a. ☐ as an individual.
   b. ☐ as the person sued under the fictitious name of *(specify):*
   c. ☐ on behalf of *(specify):*
      under ☐ CCP 416.10 (corporation). ☐ CCP 416.60 (minor). ☐ other *(specify):*
      ☐ CCP 416.20 (defunct corporation). ☐ CCP 416.70 (conservatee).
      ☐ CCP 416.40 (association or partnership). ☐ CCP 416.90 (individual).

5. At the time of service, I was at least 18 years of age and not a party to this action.
6. Fee for service: $
7. Person serving:
   a. ☐ California sheriff, marshal, or constable
   b. ☐ Registered California process server
   c. ☐ Employee or independent contractor of a registered California process server
   d. ☐ Not a registered California process server
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
   f. Name, address, and telephone number and, if applicable, county of registration and number:

Check one: ☐ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date:

Type or Print Name of Person Who Served Papers

Signature of Person Who Served Papers

Party Without Attorney or Attorney Name: Firm Name: Street Address: City: State: Zip Code: Telephone No.: Fax No.: Email Address: Attorney for *(name)*:	State Bar Number:	*FOR COURT USE ONLY* DRAFT 03/18/2026 NOT APPROVED BY COUNCIL
Superior Court of California, County of: Street Address: Mailing Address: City and Zip Code: Branch Name:		
Petitioner/Plaintiff: Respondent/Defendant:		
DECLARATION IN SUPPORT OF PETITION FOR RELIEF FROM FINANCIAL OBLIGATIONS DURING MILITARY SERVICE		Case Number:

1. My name is *(name)*:

2. I am or was a member of the state militia (the National Guard, State Guard, Naval Militia, or unorganized militia) or a member of an active or reserve component of the United States military (the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard) (Mil. & Vet. Code, §§ 120, 400) and *(check one)*:
   a. ☐ I have been called or ordered into full-time active duty service.
   b. ☐ I am currently in full-time active duty service.
   c. ☐ I completed full-time active duty in the state or federal armed services no more than six months ago.

   (For members of the state militia, "full-time active duty service" means full-time active state service or full-time active federal service under Military and Veterans Code section 143 or 146. For members of the United States military, "full-time active duty service" means full-time active duty for more than 7 days in any 14-day period. (Mil. & Vet. Code, § 400.))

3. The effective date of the orders for the military service checked in item 2 is:

4. The dates and location of the military service checked in item 2 are *(give the start and release dates and location, as well as your rank, branch, and unit of service; if service has not started, give the expected dates and location)*:

5. I have attached a copy of the following document as evidence of the orders described in items 3 and 4 *(check one)*:
   (Write "Exhibit A" at the top of the first page of each document you attach for this item. If possible, bring the original documents (not copies) to your hearing.)
   a. ☐ my military orders.
   b. ☐ a certificate attesting to the information in items 3 and 4, signed by an authorized officer of my military department, branch, or unit.
   c. ☐ other documents as evidence of my military service *(list each document)*:

Petitioner/Plaintiff: Respondent/Defendant:	Case Number:

6. The financial obligation or liability from which I am seeking relief is *(identify and describe in detail the debt you owe, the agreement to make payments, or the tax or assessment that you identified in item 4 on form MIL-010, including the date you took on the debt, made the agreement, or the tax or assessment was due):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 6" for a title. You may use form MC-025 for this purpose.*

7. I have attached the following documents as evidence of the financial obligation or liability identified in item 6: *(Attach a copy of a mortgage statement, loan statement, bill, tax bill, or other evidence of the debt, agreement, or tax you described in item 6, and write "Exhibit B" at the top of the first page of each document you attach. List the attached documents below.)*

8. The following facts show why the military service checked in item 2 significantly affects my ability to pay the debt, make the payments, or pay the tax identified in item 6 *(describe):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8" for a title. You may use form MC-025 for this purpose.*

Petitioner/Plaintiff: Respondent/Defendant:	Case Number:

9. ☐ I have attached copies of documents that support the facts in my answer to item 8.
(Write "Exhibit C" at the top of the first page of each document you attach and list each document below):

10. Number of pages attached to this form:

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date:

Type or Print Name

Signature of Declarant

Party Without Attorney or Attorney Name: State Bar Number: Firm Name: Street Address: City: State: Zip Code: Telephone No.: Fax No.: Email Address: Attorney for *(name):*	*FOR COURT USE ONLY* DRAFT 03/18/2026 NOT APPROVED BY COUNCIL
Superior Court of California, County of: Street Address: Mailing Address: City and Zip Code: Branch Name:	
Petitioner/Plaintiff: Respondent/Defendant:	
ORDER ON PETITION FOR RELIEF FROM FINANCIAL OBLIGATIONS DURING MILITARY SERVICE	Case Number:

1. The petition was considered
   a. ☐ at a hearing on *(date):* in Department: of the court named above.
   b. The following people were present at the hearing:
      (1) ☐ Petitioner/Plaintiff
      (2) ☐ Respondent/Defendant
      (3) ☐ Petitioner/Plaintiff's attorney *(name):*
      (4) ☐ Respondent/Defendant's attorney *(name):*
      (5) ☐ No one appeared.

THE COURT FINDS

2. a. ☐ Petitioner is or was a member of the state militia (the National Guard, State Guard, Naval Militia, or unorganized militia) or a member of an active or reserve component of the United States military (the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard) (Mil. & Vet. Code, §§ 120, 400) and *(check one):*
      (1) ☐ has been called or ordered into full-time active duty service.
      (2) ☐ is currently in full-time active duty service.
      (3) ☐ completed full-time active duty service no more than six months ago.
   b. ☐ none of the above apply to petitioner.
3. Petitioner's most current period of military service, identified in item 2, (*check one*) ☐ has ☐ has not materially impacted petitioner's ability to pay to respondent a financial obligation or liability that was incurred before the effective date of the orders for the military service.
4. ☐ Other findings *(if any):*

THE COURT ORDERS

5. ☐ The petition for relief is **denied**.
6. ☐ The petition for relief is **granted** as follows *(check all that apply):*
   a. The relief applies to the following financial obligation *(identify financial obligation by creditor, loan number, property address, or other identifying information):*

Petitioner/Plaintiff: Respondent/Defendant:	Case Number:

6. b. ☐ Petitioner's obligation to make payments on the obligation in item 6a is deferred during their current military service.

(1) Deferral begins on *(date of beginning of active military service):*

(2) Deferral ends on (*date of release from active military service):*

If petitioner is released from active military service before this end date, petitioner must **immediately notify** respondent of the date of their release and must **begin making payments** on the first day of the month after their release.

c. ☐ *(Applies only to loans to buy real estate that are secured by a mortgage (or similar instrument) or paid in installments.)* The obligations of the loan in item 6a are deferred. The maturity date of the loan is extended by

(length of petitioner's most recent military service):

Before the maturity date, petitioner will make payments in equal installments at the same interest rate stated in the original agreement. The balance of the loan will become due immediately if (1) the property is sold, (2) an event occurs that allows the lender to demand full payment under the agreement (other than deferment of payments authorized by this order), or (3) another loan secured by the property is taken out (other than a loan to maintain or protect the property) and doing so triggers full payment under the terms of the original agreement.

d. ☐ *(Does **not** apply to loans to buy real estate that are secured by a mortgage (or similar instrument) or paid in installments.)* Petitioner's obligation to make payments on the obligation in item 6a is deferred.

(1) Deferral begins on *(date):*

(date of release from active military service, or date the petition was filed, if the petition was filed after the service ended)

(2) The deferral lasts for *(length of petitioner's most recent military service):*

(3) During this deferral period, petitioner will pay the principal that was due and any interest that accumulated before this deferral period started. These payments will be made in equal installments during the deferral period at the agreed interest rate for payments that are made on time.

e. If item 6b, 6c, or 6d is checked, respondent may not do any of the following while the obligation is deferred:

(1) charge or accumulate interest on the obligation.

(2) impose fines, penalties, or late charges for failing to comply with the terms and conditions of the obligation, including penalties on the nonpayment of principal or interest, so long as petitioner is complying with the terms of the deferral.

(3) begin or continue proceedings to attach or foreclose on property securing the obligation.

(4) exercise any remedies for petitioner's failure to comply with the terms of the financial obligation.

f. ☐ Petitioner's obligation to pay income tax is deferred until six months after petitioner is released from active military service. (Mil & Vet. Code, § 409.6.)

(1) Current expected release date:

(2) Deferral ends on *(date):*

If petitioner is released from active military service before this end date, petitioner must **immediately notify** respondent of the date of their release and must **begin making payments** on the first day of the sixth month after the date of their release.

(3) Between the date of this order and the end date of the deferral, interest cannot accrue on the tax amount and penalties cannot be imposed for nonpayment of taxes.

7. ☐ Other orders *(if any):*

Date:

Judicial Officer

Item number: 10

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Rules and Forms: Revisions to Fee Waiver Forms

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend rules 3.50, 3.51, 3.52, 3.53, 3.55, 7.5, and 8.26; revise forms APP-015/FW-015-INFO, APP-016/FW-016, APP-016-GC/FW-016-GC, FW-001, FW-001-GC, FW-001-INFO, FW-002, FW-002-GC, FW-003, FW 003-GC, FW-005, FW-005-GC, FW-006-GC, FW-007-GC, FW-008, FW-008-GC, FW-010, FW-010-GC, FW-011, FW-011-GC, FW-012, and FW-012-GC

Committee or other entity submitting the proposal:
Civil and Small Claims Advisory Committee, Probate and Mental Health Advisory Committee

Staff contact (name, phone, and email)*:*
Jenny Grantz, 415-865-4394, jenny.grantz@jud.ca.gov; Corby Sturges, 415-865-4507, corby.sturges@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025
Project description from annual agenda: CSCAC: 4. Fee Waiver Forms: Implementation of SB 54. Develop form recommendations as appropriate. This is a joint project with the Probate and Mental Health Advisory Committee. SB 54 (Stats. 2025, ch. 646) excludes veterans' disability service-connected compensation from monthly income for purposes of determining whether the court must grant a fee waiver. SB 54 will likely require revising fee waiver forms to explain this exclusion. The committee will also consider whether forms FW-001 and FW-003 should be revised to address recent suggestions made by courts and members of the public, such as whether form FW-003 should include an option for courts to make an order allowing the applicant to pay their fees over time, to correspond with an existing item on form FW-001.
PMHAC: 7. New recommendation to revise forms used in the fee waiver process in civil actions and proceedings, probate guardianship proceedings, and probate conservatorship proceedings. The committee will collaborate with the Civil and Small Claims Advisory Committee to recommend revisions to forms FW-001, FW-001-GC, and FW-001-INFO to implement the exclusion, by Senate Bill 54 (Stats. 2025, ch. 646), of veterans service-connected disability compensation from income used to calculate an applicant's eligibility for a waiver of court fees under Government Code section 68632(b). The committees will consider recommending additional revisions to these and other forms used in the fee waiver process in response to concerns raised by courts and members of the public.

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

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):* March 6, 2026

☒ Office director (or designee) reviewed on *(date):* 3/9/2026, 3/24/2026 by *(name):* Audrey Fancy (CFCC), James Barolo (LSO)

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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-10

Title
Rules and Forms: Revisions to Fee Waiver Forms

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.53, 3.55, 7.5, and 8.26; revise forms APP-015/ FW-015-INFO, APP-016/FW-016, APP-016-GC/FW-016-GC, FW-001, FW-001-GC, FW-001-INFO, FW-002, FW-002-GC, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-006-GC, FW-007-GC, FW-008, FW-008-GC, FW-010, FW-010-GC, FW-011, FW-011-GC, FW-012, and FW-012-GC

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

Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

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

Corby Sturges, 415-865-4507
corby.sturges@jud.ca.gov

Executive Summary and Origin

Senate Bill 54 (Stats. 2025, ch. 646) exempts veterans disability service-connected compensation from monthly income for purposes of determining whether a fee waiver applicant's income is 200 percent or less of the current federal poverty guidelines. The Civil and Small Claims Advisory Committee and the Probate and Mental Health Advisory Committee propose amending seven rules of court and revising 22 fee waiver forms to implement SB 54, correct misapplications of existing law, and make other improvements.

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

The Proposal

The Civil and Small Claims Advisory Committee (CSCAC) and the Probate and Mental Health Advisory Committee (PMHAC) propose that the Judicial Council, effective January 1, 2027, amend seven rules of court and revise 22 fee waiver forms to implement SB 54 (see Link A), address several areas identified by courts, court users, committee members, and staff in which the fee waiver forms misapply the governing legal framework, and make other improvements.

These misapplications are found on both the standard fee waiver forms and the guardianship/conservatorship fee waiver forms (those numbered FW-XXX-GC), and the committees therefore jointly propose revisions to correct them.[1] The committees also propose revisions to simplify the language in the forms and make other improvements and, except for rule 7.5, jointly propose the amendments to the fee waiver rules. In addition, the Appellate Advisory Committee provided input on the proposed amendment to rule 8.26 and the revisions to forms APP-015/FW-015-INFO, APP-016/FW-016, and APP-016-GC/FW-016-GC but does not join the proposal.

PMHAC proposes amending rule 7.5 and revising the guardianship/conservatorship fee waiver forms to clarify that the law authorizes a court to grant a fee waiver to a guardian, conservator, or petitioner for appointment of a guardian or conservator, not to a (proposed) ward or conservatee, even though eligibility for a waiver depends on the ward's or conservatee's financial condition.[2] For example, PMHAC proposes replacing "(Ward or Conservatee)" in the titles of all forms in the guardianship/conservatorship series with "(Guardian or Conservator)" to indicate the recipient of the waiver. This invitation to comment points out where PMHAC proposes a revision independent of those proposed jointly with CSCAC.

Request forms (forms FW-001, FW-001-GC, FW-002, and FW-002-GC)

The committees propose revising *Request to Waive Court Fees* (form FW-001), *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC), *Request to Waive Additional*

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[1] With one exception, the fee waiver statutes—Government Code sections 68630–68641—apply to guardians, conservators, and petitioners for their appointment in the same manner as they apply to all litigants. The exception changes the person whose financial condition is determinative of eligibility for a fee waiver. Under ordinary circumstances, eligibility is based on the financial condition of the person who files the request and the underlying papers. Government Code section 68632(d) authorizes a court to grant a fee waiver to a person who petitions for appointment of a guardian or conservator or who files pleadings as an appointed guardian or conservator based not on the financial condition of the petitioner or guardian or conservator but rather on the financial condition of the (proposed) ward or conservatee. (Gov. Code, § 68632(d). See also *id.,* §§ 68631, 68631.5.) In 2015, the council deemed this exception sufficient to warrant adopting a separate set of fee waiver forms for use by guardians, conservators, and petitioners for their appointment. See Judicial Council of Cal., Advisory Com. Rep., *Probate: Court Fee Waivers in Decedents' Estates, Guardianships, and Conservatorships and for Wards and Conservatees Participating in Civil Actions* (Jul. 16, 2015), *courts.ca.gov/sites/default/files/courts/default/2024-10/jc-20150728-itema2.pdf*.

Each of these forms uses the same number as its standard counterpart with the addition of the suffix "-GC." For example, the standard form for requesting an initial fee waiver is form FW-001; the version for guardians, conservators, or petitioners for their appointment to use to request a waiver is form FW-001-GC.

[2] Gov. Code, § 68632(d). All further statutory references are to the Government Code unless otherwise specified.

Court Fees (Superior Court) (form FW-002), and *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC) to implement SB 54, more clearly state other legal requirements and standards, standardize language across all fee waiver forms, and make the forms easier to understand.

Senate Bill 54

Under Government Code section 68632(b)(1), persons eligible for an initial waiver of court fees include applicants whose monthly income is 200 percent or less of the current federal poverty guidelines. Effective January 1, 2026, SB 54 amended section 68632 to exempt "veterans disability service-connected compensation" from monthly income for purposes of this calculation.[3]

To implement this change in law, the committees propose revising item 5b on form FW-001 and item 8b on form FW-001-GC.[4] These items, which ask whether the applicant's monthly income is below the statutory threshold, would be revised as follows: "My gross monthly household income (before deductions for taxes), not including veterans disability compensation, is less than the amount listed below."[5] The committees also propose revising item 8a on form FW-001 and item 13a on form FW-001-GC to explain that if item 5b on the standard fee waiver form/item 8b on the GC form is checked, the applicant should not include "veterans disability service-connected compensation" in their total monthly income.

Improved financial condition

The recipient of an initial fee waiver is required to "notify the court within five days of any change in financial circumstances that affects [their] ability to pay all or a portion of the court fees and costs that were initially waived."[6] The fee waiver forms used for notices and orders contain a warning about this requirement, but the warning is phrased differently on different forms. For example, form FW-001 currently says, "your financial situation improves," while form FW-003 says, "if there is a change in your financial circumstances during this case that increases your ability to pay fees and costs." The committees propose revising all the forms that warn of the notification requirement or otherwise discuss a change in the ability to pay to use the same language, namely, "financial condition" instead of "financial situation" or "financial circumstances" and "improves" instead of "increases." With respect to the request forms, the

[3] § 68632(b)(3).

[4] The item numbers on the forms diverge because the GC forms ask for information about the ward or conservatee in addition to the guardian or conservator. Each proposed revision nevertheless addresses the same issues in each form set.

[5] The Legislature has used the term "veterans disability compensation" as a synonym for "veterans disability service-connected compensation." Assem. Com. on Military & Veterans Affairs, Analysis of Sen. Bill No. 54 (2025–2026 Reg. Sess.), as introduced Jan. 7, 2025, p. 2, *leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260SB54#*.

[6] § 68636.

committees have proposed revisions to the second bullet point at the top of page 1 of forms FW-001 and FW-001-GC the notice at the bottom of forms FW-002 and FW-002-GC.

Recovery of $10,000 or more

Litigants in civil cases who receive initial fee waivers and who recover $10,000 or more by "settlement, compromise, arbitration award, mediation settlement, or other recovery" must pay their waived fees and costs out of their recovery.[7] Many fee waiver forms explain this requirement but refer only to "settlement" without mentioning other forms of recovery.

The committees propose revising all the forms that discuss this requirement to use the term "recovery" instead of "settlement." For example, in the third bullet point at the top of page 1 of form FW-001, the committees propose replacing "You may have to pay later if you settle your civil case for $10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs" with "You may have to pay later if this is a civil case, and you recover $10,000 or more by settlement or otherwise. The court will have a lien on the recovery in the amount of the waived fees and costs." The committees propose a similar revision in the notice near the end of forms FW-002 and FW-002-GC. In that same notice, the committees also propose replacing "the court may not dismiss the case until the lien is paid" with "the court may decide not to dismiss the case until the lien is paid" to clarify that the court has discretion whether to dismiss the case.

Attorneys advancing litigation costs

If the applicant is represented by an attorney who is advancing the applicant their litigation costs, the court must set a hearing to determine whether the applicant is able to pay court fees. This requirement does not apply if the attorney is affiliated with a "qualified legal services project, as defined in Section 6213 of the Business and Professions Code."[8]

Currently, forms FW-001, FW-001-GC, FW-002, and FW-002-GC state: "If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees." This phrasing is likely intended to be plain language, but many applicants are unlikely to know what "legal-aid type services" means. Because applicants to whom this item applies will be represented by an attorney, the committees propose revising these items to use the statutory language, which uses clearly defined or understood terms: "If your lawyer is not providing legal services on behalf of a qualified legal services project (Bus. & Prof. Code, § 6213), you may have to go to a hearing to explain why you are asking the court to waive the fees."

Email addresses

CSCAC received a suggestion from a court to revise all fee waiver forms to add a field for the applicant to provide their email address. Accordingly, the committees propose adding a field for

[7] § 68637(c).

[8] § 68633(g).

an email address to every item that requests contact information. The committees also propose revising item 2 on form FW-002 and other standard fee waiver forms in this proposal to provide separate fields for each piece of contact information for the applicant's attorney, including email address, instead of one text box.

Other revisions

CSCAC received a suggestion from a court to clarify item 11a on form FW-001, which currently asks for "payroll deductions." The court explained that many filers do not understand what the term "payroll deductions" refers to, and suggested adding lines for specific types of payroll deductions, such as federal income tax and Social Security taxes. The committees propose revising item 11a on form FW-001 and item 18a (renumbered as 17a) on form FW-001-GC to ask for "Deductions from gross pay (money held by employer to make required payments) and the monthly amount of each one" and add lines for federal income tax, state income tax, Medicare and Social Security taxes, and "other." The committees also propose revising items 11d and 11k on form FW-001 and renumbered 17d and 17k on form FW-001-GC to make them easier to understand.

Finally, the committees propose minor revisions to several items on forms FW-001, FW-001-GC, FW-002, and FW-002-GC to use plain language or make them easier to understand.

Order forms (forms APP-016/FW-016, APP-016-GC/FW-016-GC, FW-003, FW-003-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

The committees propose revising *Order on Court Fee Waiver (Court of Appeal or Supreme Court)* (form APP-016/FW-016), *Order on Court Fee Waiver (Court of Appeal or Supreme Court) (Ward or Conservatee)* (form APP-016-GC/FW-016-GC), *Order on Court Fee Waiver (Superior Court)* (form FW-003), *Order on Court Fee Waiver (Superior Court) (Ward or Conservatee)* (form FW-003-GC), *Order on Court Fee Waiver After Hearing (Superior Court)* (form FW-008), *Order on Court Fee Waiver After Hearing (Superior Court) (Ward or Conservatee)* (form FW-008-GC), *Order on Court Fee Waiver After Reconsideration Hearing (Superior Court)* (form FW-012), and *Order on Court Fee Waiver After Reconsideration Hearing (Superior Court) (Ward or Conservatee)* (form FW-012-GC) to add notices about when fee waivers expire, update and clarify the lists of waived fees, clarify deadlines, and make other improvements.

In addition to the revisions described above, PMHAC proposes revising the title of each of the order forms applicable to guardianships and conservatorships to replace "(Ward or Conservatee)" with "(Guardian or Conservator)" and making other conforming changes to indicate that the court is granting the fee waiver to the guardian, conservator, or petitioner.

Fee waiver expiration

CSCAC received a suggestion from a court to add a notice on the fee waiver orders explaining when fee waivers expire. The court noted that fee waiver recipients are often uncertain how long their fee waivers last because this information is currently provided only on the fee waiver

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information sheet (FW-001-INFO). The committees therefore propose revising the items in forms APP-016/FW-016, APP-016-GC/FW-016-GC, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, and FW-008-GC that order a fee waiver to add a notice stating that the fee waiver "expires 60 days after the judgment, dismissal, or other final disposition of your case. (Gov. Code, § 68639.)"

Lists of waived fees

The fee waiver order forms contain items listing the specific fees waived by each order.[9] The committees propose revising these lists to specify more clearly that the court is waiving *fees*, not services, and identify the fees being waived. For example, the committees propose replacing "making and certifying copies" with "clerk's fees for making and certifying copies" to make it clearer that third-party fees for making copies are not included. In addition, the committees propose replacing "court fees for phone hearing" with "court fees for phone hearings and remote appearances" and adding citations to rule 3.672 to reflect that rule 3.672(k)(2) prohibits courts from charging remote appearance fees to litigants with fee waivers.

Payment deadlines

If a fee waiver application is denied in whole or in part, the applicant must pay their fees "within 10 days after the clerk gives notice of the denial."[10] Currently, the forms state this deadline inconsistently. For example, forms FW-003 and FW-003-GC state the deadline alternatively as "10 days after the clerk gives notice of this order" and "10 days." The committees propose revising the order forms to consistently state that the deadline is "10 days after the date of service of this order" and revising the clerk's certificate of service at the end of these forms to clarify that the date in the certificate is the date of service.[11] On forms APP-016/FW-016 and APP-016-GC/FW-016-GC, the committees propose adding a certificate of service that includes the date of service identified as such.

Similarly, if a fee waiver is revoked or modified after a reconsideration hearing, the court must give the applicant "a minimum of 10 court days to begin paying the full or partial fees."[12] The committees propose revising the deadlines on forms FW-012 and FW-012-GC to state that fees must be paid "within 10 court days of the date of service of this order" and revising the clerk's certificate of service to identify the date in the certificate as the date of service.

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[9] The list of fees included in an initial waiver comes from California Rules of Court, rule 3.55, and the list of additional waived fees comes from rule 3.56.

[10] § 68634(g).

[11] Some forms cross-reference a "date below" or a "date on next page." These references can be confusing if the page referred to contains two or three dates. The committees anticipate that specifying the deadline as the "date of service" and expressly identifying the date of service as such on the forms will reduce confusion.

[12] § 68636(d), (e).

Electronic service by the clerk
The committees propose revising the clerk's certificate of service on all of the order forms to add an option for electronic service. This addition reflects that under rule 2.251, the clerk may be permitted or required to electronically serve the order in some circumstances.

Form FW-003, item 4b(2), and form FW-003-GC, item 6b(2)
Currently, item 4b(2) on form FW-003 and item 6b(2) on form FW-003-GC state that the applicant has 10 days to either ask for a hearing or "pay your fees and costs in full or in the amount listed in c below." However, on neither form does item c discuss partial payment of fees. Government Code section 68634(e) does not include partial payment of fees in the list of permissible responses to an initial trial court fee waiver application decided without a hearing. Partial payment is authorized by Government Code section 68636(d) and (e) only after the court has held a hearing on the application. Thus, the reference in items 4b(2) and 6b(2) to payment "in the amount listed below" appears to be an error, and the committees propose revising these items to read, "Pay your fees and costs."

Form FW-012, item 6d, and form FW-012-GC, item 8d
Item 6d on form FW-012 and item 8d on form FW-012-GC currently state that the court has modified an initial fee waiver because "the court finds that you obtained the initial fee waiver in bad faith, for an improper purpose, or to needlessly increase the costs of litigation." However, the statute on which this item is based, section 68636(f), allows the court to consider whether "limitations should be placed on *court services* for which fees were initially waived" if the applicant "is obtaining *court services* in bad faith, or for an improper purpose such as to harass or cause unnecessary delay, or to needlessly increase the costs of litigation." (Emphasis added.) Section 68636(f) does not discuss modifying or reducing the fee waiver itself in response to this conduct. The statutory authorization for granting a partial fee waiver comes from Government Code section 68636(d) and (e), and the only required predicate finding is that the applicant's financial condition does not merit a full fee waiver.

The committees therefore propose revising items 6d and 8d on their respective forms to delete the current language and replace it with the language from item 5c on form FW-008, which implements section 68636(d) and (e). For the same reason, the committees propose deleting items 3b and 5b—which list "you may be increasing the costs of your case unnecessarily" as one basis for reconsideration of a fee waiver—from forms FW-011 and FW-011-GC, respectively.

Other revisions
For the reasons explained in the discussion of the request forms, the committees propose revising these order forms to standardize and update items 1 and 2 (applicant and attorney contact information), standardize the notice about informing the court of the applicant's improved financial condition, and correct the notice about recovering $10,000 or more.

The committees also propose revising several items on each of these forms to use plain language or improve clarity.

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Notice forms (forms FW-005, FW-005-GC, FW-010, FW-010-GC, FW-011, and FW-011-GC)
In *Notice: Waiver of Court Fees (Superior Court)* (form FW-005), *Notice to Court of Improved Financial Condition* (form FW-010), and *Notice to Appear for Reconsideration of Fee Waiver* (form FW-011), the committees propose standardizing and updating items 1 and 2 (applicant and attorney contact information) and standardizing the language used to explain the requirement to inform the court of the applicant's improved financial condition. The committees propose several other revisions to the notice forms, described below. In addition, PMHAC proposes revising the titles of forms FW-005-GC, FW-010-GC, and FW-011-GC to replace "(Ward or Conservatee)" with "(Guardian or Conservator)" and make other changes to indicate that the guardian, conservator, or petitioner is the recipient of the fee waiver.

Forms FW-005 and FW-005-GC
For the reasons explained in the discussion of the request and order forms, the committees propose revising forms FW-005 and FW-005-GC to correct the notice about recovering $10,000 or more and clarify the list of waived fees. The committees also propose revising the introductory text in item 4 to improve clarity.

Form FW-006-GC
PMHAC proposes revising form FW-006-GC to replace "(Ward or Conservatee)" with "(Guardian or Conservator)" in the form title and make other technical and stylistic corrections.

Form FW-007-GC
PMHAC proposes revising form FW-007-GC to replace "(Ward or Conservatee)" with "(Guardian or Conservator)" in the form title, conform the certificate of service to the certificates in the other fee waiver notice and order forms, and make additional technical and stylistic corrections.

Forms FW-010 and FW-010-GC
The committees propose revising the notice boxes on forms FW-010 and FW-010-GC and the text of item 5 on form FW-010 to clarify that the fee waiver recipient must report any recovery of $10,000 or more to the court. In addition, the committees propose a plain-language explanation of the term "recovery" and other revisions to improve clarity in item 5 on form FW-010and additional revisions in item 7 of FW-010-GC.

The committees request specific comments on whether to change the names of forms FW-010 and FW-010-GC from *Notice to Court of Improved Financial Situation and Settlement* to *Notice to Court of Improved Financial Condition*. This change would use the "financial condition" language proposed for all the forms and correct the misstatement that the notice is required only for "settlement" and not any recovery. However, the committees note that as proposed, the form names do not refer to recovery in any way. Although a recovery in a civil case seems almost certain to improve the financial condition of a fee waiver recipient, omitting recovery from the form title might make it less clear to a recipient when they need to complete and file the form. The committees therefore seek comments on whether to keep "settlement" in the form name, change "settlement" to "recovery," or omit both terms.

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Forms FW-011 and FW-011-GC

The committees propose deleting item 3b from form FW-011 and item 5b from form FW-011-GC to properly implement section 68636(d) and (e), as explained above in the discussion of forms FW-012 and FW-012-GC. The committees also propose revising the clerk's certificate of service on these forms to move the check box for a certificate of mailing from its existing position on the first line of the certificate to a position below the check box that describes mailing, where it is located on all the other notice and order forms, as well as revising several items in the body of the forms to improve clarity.

Information sheets (forms APP-015/FW-015-INFO and FW-001-INFO)

For the reasons explained in the discussion of the request and order forms, the committees propose revising the appellate and trial court fee waiver information sheets (forms APP-015/FW-015-INFO and FW-001-INFO) to correct the notice about recovering $10,000 or more, clarify the list of waived fees, and standardize the language used to explain the requirement to inform the court of the applicant's improved financial condition. The committees also propose revising both forms to update the references to the name of form FW-001-GC from *Request to Waive Court Fees (Ward or Conservatee)* to *Request to Waive Court Fees (Guardian or Conservator)* to align with the revisions to the name of that form proposed by PMHAC.

In addition, the committees propose revising both forms to better explain the term "Medi-Cal." CSCAC received a suggestion from a court to clarify that, for purposes of a request for a fee waiver, Medi-Cal does not include non-Medi-Cal insurance plans applied for through Covered California. The court explained that because the Covered California website can be used to apply for both Medi-Cal and other health insurance plans, applicants sometimes check the Medi-Cal box on form FW-001 when they have a non-Medi-Cal plan. This concern also applies to persons completing form FW-001-GC. The committees propose revising the Medi-Cal bullet point at the bottom of page 1 of form FW-001-INFO to add a parenthetical stating "does not include non-Medi-Cal plans from Covered California." On form APP-015/FW-015-INFO, the committees propose revising the first bullet point in item 1 to add the same language and to align the descriptions of food stamps and Cash Assistance Program for Immigrants with the descriptions used on form FW-001-INFO.

Finally, in item 3 on form APP-015/FW-015-INFO, the committees propose moving the bullet point about guardians and conservators so that it appears at the bottom of the list rather than in the middle of the list. Moving this point to the end of the list should make it clearer that form FW-001-GC should be used to apply for fee waivers in all the situations described in item 3.

California Rules of Court, rules 3.50, 3.51, 3.52, 3.53, 3.55, 7.5, and 8.26

The committees propose amending rule 3.50 to clarify which proceedings are jointly governed by the civil fee waiver rules and by rule 7.5, which imposes additional requirements in decedents' estate, guardianship, and conservatorship proceedings as well as proceedings in which a guardian or conservator represents the interest of the ward or conservatee.

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The committees propose amending rule 3.51 to distinguish more clearly the application for an initial fee waiver under rule 3.55 from the application for a waiver of additional fees under rule 3.56 and, within those categories, who must use forms FW-001-GC and FW-002-GC to apply. The proposal would also place the clerk's duty to provide the appropriate forms and the information sheet, form FW-001-INFO, in a separate subdivision (c) to clarify that the duty applies regardless of case type.

In addition, the committees propose amending rules 3.52, 3.53, and 8.26 to add or update cross-references to revised form titles in the guardianship/conservatorship series and conform to the law authorizing a court to grant a fee waiver to a guardian, conservator, or petitioner for their appointment.[13]

Finally, the committees propose amending rule 3.55 to add an assessment for a court investigation in a guardianship or conservatorship proceeding to the list of fees included in an initial fee waiver. Although section 68631 gives the council discretion to specify by rule the fees and costs included in an initial fee waiver, that statute expressly requires inclusion of assessments for guardianship and conservatorship investigations. The omission of those assessments from the fees listed in rule 3.55 could lead to the erroneous conclusion that an initial fee waiver did not include them. The committee also propose amending rule 3.55(7) to replace "telephone" with "phone or remote appearance" to reflect that rule 3.672(k)(2) prohibits courts from charging remote appearance fees to litigants with fee waivers.[14]

PMHAC also proposes amending rule 7.5 to:

- Clarify the scope of its application;
- Authorize multiple petitioners who file a joint petition for appointment of a guardian or conservator of the same ward or conservatee to file a joint request for an initial fee waiver in that proceeding;
- Clarify the factors the court will consider when determining a request for an initial fee waiver in a guardianship or conservatorship proceeding;
- More effectively distinguish fee waivers for personal representatives of decedents' estates and petitioners for their appointment from fee waivers for guardians, conservators, and petitioners for their appointment; and
- Reorganize and simplify other provisions in the rule.

[13] The committees also propose repealing paragraph (6) of rule 3.52, which provides an exception that expired on December 31, 2015.

[14] Rule 3.672 implements Code of Civil Procedure section 367.75, which sunsets on January 1, 2027. If the Legislature decides not to extend the sunset date, then depending on when that decision is known, the proposed revisions related to rule 3.672 will either be removed from the proposal or will be removed from the forms as part of a separate proposal.

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Alternatives Considered

The advisory committees did not consider the alternative of taking no action at all because some form revisions are needed to comply with SB 54. To the extent the proposed revisions are not required by the terms of SB 54 or other provisions of existing law, the committees considered not proposing them but ultimately determined the proposed changes are warranted in light of the benefits they will provide to the courts and court users.

Fiscal and Operational Impacts

The statutory changes will require training of court staff and judicial officers. The revised forms are intended to facilitate courts' and parties' implementation of both existing and amended law and will require education and possibly changes to computerized case management systems.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Should "settlement" remain in the name of forms FW-010 and FW-010-GC, be changed to "recovery," or be omitted as proposed?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

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

Attachments and Links

1. Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.53, 3.55, 7.5, and 8.26, at pages 12–24
2. Forms APP-015/FW-015-INFO, APP-016/FW-016, APP-016-GC/FW-016-GC, FW-001, FW-001-GC, FW-001-INFO, FW-002, FW-002-GC, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-006-GC, FW-007-GC, FW-008, FW-008-GC, FW-010, FW-010-GC, FW-011, FW-011-GC, FW-012, and FW-012-GC, at pages 25–73
3. Link A: Senate Bill 54, *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB54*

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Rules 3.50, 3.51, 3.52, 3.53, 3.55, 7.5, and 8.26 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 3.50. Application of rules

(a) Application

The rules in this division govern applications in the trial court for an initial waiver of court fees and costs because of the applicant's financial condition. As provided in Government Code sections 68631 and following, any waiver may later be ended, modified, or retroactively withdrawn if the court determines that the applicant is not eligible for the waiver. As provided in Government Code sections 68636 and 68637, the court may, at a later time, determine that the previously waived fees and costs must be paid.

(b) Definitions

For purpose of the rules in this division, "initial fee waiver" means the initial waiver of court fees and costs that may be granted at any stage of the proceedings and includes both the fees and costs specified in rule 3.55 and any additional fees and costs specified in rule 3.56.

(c) Probate fee waivers

Initial fee waivers in decedents' estate, ~~probate~~ conservatorship, and ~~probate~~ guardianship proceedings or ~~involving~~ in other actions or proceedings in which appointed guardians or conservators ~~as parties on behalf~~ represent the interests of their wards or conservatees are also governed by rule 7.5.

Rule 3.51. Application for initial fee waiver ~~Method of application~~

(a) Applications under rule 3.55

An application for an initial fee waiver under rule 3.55 must be made on *Request to Waive Court Fees* (form FW-001)~~. An application for initial fee waiver under rule 3.56 must be made on *Request to Waive Additional Court Fees (Superior Court)* (form FW-002). The clerk must provide the forms and the *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO) without charge to any person who requests any fee waiver application or indicates that he or she is unable to pay any court fee or cost.~~, except that *Request to Waive Court Fees (Guardian or Conservator)* (form FW-001-GC) must be used for an application for an initial fee waiver under rules 3.55 and 7.5 by a person who files a petition for appointment of a guardian or conservator in a guardianship or conservatorship

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proceeding or who files a pleading in any proceeding as an appointed guardian or conservator representing the interests of the ward or conservatee.

(b) ~~Applications involving (proposed) wards and conservatees~~ Applications under rule 3.56

~~An application for initial fee waiver under rules 3.55 and 7.5 by a probate guardian or probate conservator or a petitioner for the appointment of a probate guardian or probate conservator for the benefit of a (proposed) ward or conservatee, in the guardianship or conservatorship proceeding or in a civil action or proceeding in which the guardian or conservator is a party on behalf of the ward or conservatee, must be made on *Request to Waive Court Fees (Ward or Conservatee* (form FW-001-GC). An application for initial fee waiver under rule 3.56 by a guardian or conservator or a petitioner for the appointment of a guardian or conservator for the benefit of a (proposed) ward or conservatee must be made on *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC).~~ An application under rule 3.56 for waiver of additional fees must be made on *Request to Waive Additional Court Fees (Superior Court)* (form FW-002), except that *Request to Waive Court Fees (Guardian or Conservator)* (form FW-001-GC) must be used for an application under rule 3.56 for waiver of additional fees by a person who files a petition for appointment of a guardian or conservator in a guardianship or conservatorship proceeding or files a pleading in any proceeding as an appointed guardian or conservator representing the interests of the ward or conservatee.

(c) Availability of forms

The clerk must provide the appropriate forms and the *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO) without charge to any person who requests any fee waiver application or indicates an inability to pay any court fee or cost.

Rule 3.52. Procedure for determining application for initial fee waiver

The procedure for determining an application for an initial fee waiver is as follows:

(1) The trial court must consider and determine the application as required by Government Code sections 68634 and 68635.

(2) An order determining an application ~~for an initial fee waiver~~ without a hearing must be made on *Order on Court Fee Waiver (Superior Court)* (form FW-003) or, if the application is made ~~for the benefit of a (proposed) ward or conservatee,~~ by a

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person who files a petition for appointment of a guardian or conservator in a guardianship or conservatorship proceeding or who files a pleading in any proceeding as an appointed guardian or conservator representing the interests of the ward or conservatee, on *Order on Court Fee Waiver (Superior Court)* ~~*(Ward or Conservatee)*~~ *(Guardian or Conservator)* (form FW-003-GC)~~, except as provided in (6) below~~.

(3) An order determining an application ~~for an initial fee waiver~~ after a hearing in the trial court must be made on *Order on Court Fee Waiver After Hearing (Superior Court)* (form FW-008) or, if the application is made ~~for the benefit of a (proposed) ward or conservatee,~~ by a person who files a petition for appointment of a guardian or conservator in a guardianship or conservatorship proceeding or who files a pleading in any proceeding as an appointed guardian or conservator representing the interests of the ward or conservatee, on *Order on Court Fee Waiver After Hearing (Superior Court)* ~~*(Ward or Conservatee)*~~ *(Guardian or Conservator)* (form FW-008-GC).

(4) Any order granting a fee waiver must be accompanied by a blank *Notice to Court of Improved Financial* ~~*Situation or Settlement*~~ *Condition* (form FW-010) or, if the application is made ~~for the benefit of a (proposed) ward or conservatee,~~ by a person who files a petition for appointment of a guardian or conservator in a guardianship or conservatorship proceeding or who files a pleading in any proceeding as an appointed guardian or conservator representing the interests of the ward or conservatee, a *Notice to Court of Improved Financial* ~~*Situation or Settlement (Ward or Conservatee)*~~ *Condition (Guardian or Conservator)* (form FW-010~~(~~-GC).

(5) Any order denying an application without a hearing on the ground that the information on the application conclusively establishes that the applicant is not eligible for a waiver must be accompanied by a blank *Request for Hearing About Fee Waiver Order (Superior Court)* (form FW-006) or, if the application is made ~~for the benefit of a (proposed) ward or conservatee,~~ by a person who files a petition for appointment of a guardian or conservator in a guardianship or conservatorship proceeding or who files a pleading in any proceeding as an appointed guardian or conservator representing the interests of the ward or conservatee, a *Request for Hearing About Court Fee Waiver Order (Superior Court)* ~~*(Ward or Conservatee)*~~ *(Guardian or Conservator)* (form FW-006-GC).

~~(6) Until January 1, 2016, a court with a computerized case management system may produce electronically generated court fee waiver orders as long as:~~

~~(A) The document is substantively identical to the mandatory Judicial Council form it is replacing;~~

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~~(B) Any electronically generated form is identical in both language and legally mandated elements, including all notices and advisements, to the mandatory Judicial Council form it is replacing; and~~

~~(C) The order is an otherwise legally sufficient court order, as provided in rule 1.31(g), concerning orders not on Judicial Council mandatory forms.~~

Rule 3.53. Application granted unless acted on by the court

The application for an initial fee waiver is deemed granted unless the court gives notice of action on the application within five court days after it is filed. If the application is deemed granted under this provision, the clerk must prepare and serve a *Notice: Waiver of Court Fees (Superior Court)* (form FW-005) or, if the application is made ~~for the benefit of a (proposed) ward or conservatee,~~ by a person who files a petition for appointment of a guardian or conservator in a guardianship or conservatorship proceeding or files a pleading in any proceeding as an appointed guardian or conservator representing the interests of the ward or conservatee, a *Notice: Waiver of Court Fees (Superior Court)* ~~*(Ward or Conservatee)*~~ *(Guardian or Conservator)* (form FW-005-GC)~~,~~ five court days after the application is filed.

Rule 3.55. Court fees and costs included in all initial fee waivers

Court fees and costs that must be waived upon granting an application for an initial fee waiver include:

(1)–(6) * * *

(7) The court fee for a ~~telephone~~ phone or remote appearance;

(8) * * *

(9) The fee under rule 8.130(b) or rule 8.834(b) for the court to hold in trust the deposit for a reporter's transcript on appeal; ~~and~~

(10) The clerk's fee for preparing a transcript of an official electronic recording under rule 8.835 or a copy of such an electronic recording~~.~~ ; and

(11) The assessment for court investigations in a probate guardianship or conservatorship proceeding.

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Rule 7.5. Waivers of court fees in decedents' estates, conservatorships, and guardianships

(a) Scope of rule

~~This rule governs initial fee waivers, as defined in rule 3.50(b), that are requested by petitioners for the appointment of fiduciaries, or by fiduciaries after their appointment, in decedents' estates, conservatorships, and guardianships under the Probate Code. The rule also governs initial fee waivers in other civil actions or proceedings in which conservators or guardians are parties representing the interests of their conservatees or wards.~~

(1) This rule governs a request for an initial fee waiver by:

(A) A person who files a petition for appointment of a personal representative in a decedent's estate proceeding, a guardian in a guardianship proceeding, or a conservator in a conservatorship proceeding;

(B) An appointed personal representative who files a pleading or other paper in a decedent's estate proceeding; and

(C) An appointed guardian or conservator who files a pleading in a proceeding in which they represent the interests of the ward or conservatee.

(2) If multiple petitioners file a joint petition for appointment of a guardian or conservator of the same ward or conservatee, they may also file a joint request for an initial fee waiver in the same proceeding.

(b) ~~Court fee~~ Fee waiver requested by ~~a~~ petitioner for ~~the~~ appointment of ~~a~~ conservator or guardian ~~of the person, estate, or person and estate of a conservatee or ward~~

(1) ~~A~~ The court will base the determination of an application for an initial fee waiver by a petitioner for ~~the~~ appointment of a conservator or guardian ~~of the person, estate, or person and estate of a conservatee or ward must base an application for an initial fee waiver~~ on the ~~personal~~ financial condition of the proposed conservatee or ward.

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(2) The financial condition of the conservatee or ward for purposes of this rule includes:

(A) The financial condition—to the extent known to or reasonably ascertainable by the conservator or guardian or petitioner for a conservator's or guardian's appointment—of any person who has a legal duty to support the conservatee or ward, including a spouse, registered domestic partner, or parent, subject to the following limits.

(i) A divorced spouse's or divorced registered domestic partner's legal duty to support a conservatee under this subparagraph is limited to the amount of support ordered by a court.

(ii) If a court has ordered one or both parents to pay for the ward's support, the legal duty of the parent or parents subject to the order is limited to the amount ordered.

(iii) Consideration of the effect of a support order on a conservatee's or ward's financial condition is subject to Government Code section 68637(d)–(e).

(B) A conservatee's interest in community property that is outside the conservatorship estate and under the management or control of the conservatee's spouse or registered domestic partner.

(C) The right to receive support, income, or other distributions from a trust or under a contract.

(3) Following appointment of a conservator or guardian and the grant of an initial fee waiver, the conservator or guardian is the "person who received the initial fee waiver" for purposes of Government Code section 68636(a) even if the conservator or guardian was not the petitioner for the initial waiver.

(4) The appointed conservator or guardian must report to the court any change in the financial condition of the conservatee or ward that improves the ability to pay all or a portion of the fees and costs that were initially waived, including any changes to the financial condition of the persons or property mentioned in subparagraphs (A) and (B) of paragraph (2) of this subdivision, of which the conservator or guardian becomes aware after reasonable investigation.

(c) ~~Court fee~~ Fee waiver requested by ~~a~~ petitioner for ~~the~~ appointment of ~~a~~ personal representative of a decedent's estate

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~~A~~ The court will base the determination of an application for an initial fee waiver by a petitioner for ~~the~~ appointment of a personal representative of a decedent's estate ~~must base an application for an initial fee waiver~~ on the petitioner's ~~personal~~ own financial condition.

(d) Effect of appointment of ~~a~~ personal representative of a decedent's estate on ~~a court~~ eligibility for initial fee waiver

The appointment of a personal representative of a decedent's estate may be a change of financial condition affecting a petitioner's eligibility for an initial fee waiver ~~purposes~~ under Government Code section 68636 ~~in accordance with the following:~~.

(1) If the ~~successful~~ petitioner is ~~an~~ appointed as personal representative:

(A) The petitioner's continued eligibility for ~~an initial~~ a fee waiver ~~must be~~ is based on the combined financial condition of the petitioner and the decedent's estate.

(B) Upon marshaling or collecting assets of the decedent's estate following the petitioner's appointment and qualification as personal representative, the petitioner must notify the court of a change in financial condition under Government Code section 68636(a) that may affect ~~his or her~~ the petitioner's ability to pay all or a portion of the waived ~~court~~ fees and costs.

(C) The court may make a preliminary determination under Government Code section 68636(b) that the petitioner's appointment as ~~fiduciary~~ personal representative is a change of financial condition that makes the petitioner no longer eligible for an initial fee waiver based, in whole or in part, on the estimates of estate value and income contained in the petitioner's *Petition for Probate*. In that event, the court must give notice and conduct the hearing required by section 68636(b).

(D) If the court withdraws an initial fee waiver under Government Code section 68636, the petitioner must pay the previously waived fees and costs. The petitioner may recover the fees and costs paid to the court as an allowable expense of estate administration.

(2) If someone other than the ~~successful~~ petitioner is ~~not an~~ appointed as personal representative:

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(A) An initial fee waiver for ~~that~~ the unappointed petitioner ~~continues~~ remains in effect according to its terms for subsequent fees incurred by that petitioner in the proceeding solely in ~~his or her~~ their individual capacity.

(B) The appointed personal representative may apply for an initial fee waiver. ~~The application must be~~ The personal representative's eligibility for a waiver is based on the combined financial condition of the personal representative and the decedent's estate.

~~(e) Financial condition of the conservatee or ward~~

~~(1) The financial condition of the conservatee or ward for purposes of this rule includes:~~

~~(A) The financial condition – to the extent of the information known or reasonably available to the conservator or guardian, or the petitioner for the conservator's or guardian's appointment, upon reasonable inquiry – of any person who has a duty to support the conservatee or ward, including a spouse, registered domestic partner, or parent. A divorced spouse's or divorced registered domestic partner's duty to support a conservatee and a parent's duty to support a ward under this subparagraph is limited to the amount of support ordered by a court. Consideration of a support order as an element of the conservatee's or ward's financial condition under this rule is subject to the provisions of Government Code sections 68637(d) and (e), concerning the likelihood that the obligated person will pay all or any portion of the support ordered by the court;~~

~~(B) A conservatee's interest in community property that is outside the conservatorship estate and under the management or control of the conservatee's spouse or registered domestic partner; and~~

~~(C) The right to receive support, income, or other distributions from a trust or under a contract.~~

~~(2) Following the appointment of a conservator or guardian and the grant of an initial fee waiver based on the financial condition of the conservatee or ward, the conservator or guardian is the "person who received the initial fee waiver" for purposes of Government Code section 68636(a), whether or not he or she was the successful applicant for the initial waiver. The conservator or guardian must report to the court any changes in the financial condition of the conservatee or ward that affects his or her ability to pay all or a portion of~~

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~~the court fees and costs that were initially waived, including any changes in the financial condition of the persons or property mentioned in subparagraphs (1)(A) and (1)(B) of this subdivision, of which the conservator or guardian becomes aware after reasonable investigation.~~

~~(f)~~(e) Additional ~~discretionary~~ factors ~~in the~~ that may affect financial condition ~~or circumstances~~ of ~~a~~ decedent's, conservatee's, or ward's estate

(1) The court may also consider the following factors in determining whether the ~~financial condition of the decedent's, conservatee's, or ward's estate for purposes of this rule may, in the court's discretion, include consideration of:~~ condition of the estate warrants granting a petitioner or an appointed personal representative, guardian, or conservator an initial fee waiver under Government Code section 68632(c) or (d).

(A) The ~~estate's~~ liquidity of any estate to be managed by the appointed fiduciary;

(B) Whether estate property or income ~~is necessary for the support of~~ would normally pay for the basic needs of:

(i) ~~a~~A person entitled to a family allowance from the estate of ~~a~~ the decedent~~,~~;

(ii) ~~t~~The conservatee or a person entitled to support from the estate of the conservatee~~,~~; or

(iii) ~~t~~The ward; or

(C) Whether property in a decedent's estate is specifically devised.

(2) ~~If property of the estate is eliminated from consideration for initial court fee waiver purposes because of one or more of the factors listed in (1), the court may determine that the estate can pay a portion of court fees, can pay court fees over time, or can pay court fees at a later time, under an equitable arrangement within the meaning of Government Code sections 68632(c) and 68634(e)(5).~~ An equitable arrangement under ~~this paragraph~~ Government Code sections 68632(c) and 68634(e)(5) may include establishment of a lien ~~for initially waived court fees~~ against property distributable from a decedent's estate or property payable to ~~the~~ a conservatee or ward or other successor in interest at the termination of a conservatorship or guardianship.

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~~(g)~~ ~~Payment of previously waived court fees by a decedent's estate~~

~~If the financial condition of a decedent's estate is a change of financial condition of a fee waiver applicant under this rule that results in withdrawal of a previously granted initial waiver of fees in favor of a petitioner for the appointment of a personal representative, the estate must pay to the court, as an allowable expense of administration, the fees and costs previously waived.~~

~~(h)~~(f) Termination or modification of ~~previously granted~~ initial fee waivers

(1) *Conservatorships and guardianships of the estate or person and estate*

~~Upon establishment of a conservatorship or guardianship of the estate or person and estate, the court may collect all or a portion of court fees previously waived from the estate of the conservatee or ward if the court finds that the estate has the ability to pay the fees, or a portion thereof, immediately, over a period of time, or under some other equitable agreement, without using moneys that normally would pay for the common necessaries of life for the conservatee or ward and his or her family. The court must comply with the notice and hearing requirements of the second paragraph of Government Code section 68634(e)(5) to make the findings authorized in this paragraph.~~ Appointment of a conservator or guardian of the estate or the person and estate may be a change in financial condition that affects the ability to pay all or a portion of initially waived fees or costs that triggers the application of Government Code section 68636.

(2) *Conservatorships and guardianships of the person*

~~In a conservatorship or guardianship of the person, if the court seeks to reconsider or modify a court fee waiver previously granted based on collection, application, or consideration of support, assets, or income described in (e),~~ If the court obtains information that gives it a reason to reconsider an initial fee waiver in a guardianship or conservatorship of the person but not of the estate, it must proceed as provided in Government Code section 68636, ~~and comply with the notice and hearing requirements of the second paragraph of Government Code section 68634(e)(5), including~~ giving notice to the conservator or guardian, any support obligor, and any person in possession of ~~the~~ assets or income described in (b)(2). The conservator or guardian must appear at the hearing. ~~on behalf of the conservatee or ward, and the court may also appoint counsel for the conservatee or ward under Probate Code section 1470.~~

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~~(i)~~(g) ~~Civil actions~~ Actions or proceedings in which a conservator or guardian ~~is a party representing~~ represents the interests of a conservatee or ward

In ~~a civil~~ an action or proceeding in which a conservator or guardian ~~is a party representing~~ represents the interests of a conservatee or ward ~~against another party or parties~~, for purposes of Government Code sections 68631.5, 68636, and 68637:

(1) The conservator or guardian is the person with a duty to notify the court of a change of financial condition under section 68636(a) and the person the court may require to appear at a ~~court~~ hearing under section~~s~~ 68636(b) ~~and~~ or (c); and

(2) The conservatee or ward and the persons identified in subparagraphs ~~(1)~~(A) and (B) of paragraph (2) of subdivision ~~(e) of this rule~~ (b) is the person or persons whose change of financial condition ~~or circumstances of which~~ the court is to be notified of under section 68636(a)~~; and~~.

~~(3) The conservatee or ward is the person or party whose initial fees and costs were initially waived under sections 68636(c) and 68637.~~

~~(j)~~(h) Advances of ~~court~~ fees and costs by legal counsel

(1) Government Code section 68633(g)—concerning agreements ~~between applicants for initial court fee waivers and their legal counsel for counsel to advance court fees and costs and court hearings to determine the effect of the presence or absence of such agreements on the applications~~ that counsel will advance litigation costs—applies to proceedings described in this rule.

(2) Conservators, guardians, and petitioners for their appointment applying for initial fee waivers ~~under this rule~~ who are represented by legal counsel, and their counsel, must complete the *Request to Waive Court Fees ~~(Ward or Conservatee)~~ (Guardian or Conservator)* (form FW-001-GC), including items 2a and 2b, and, if a request to waive additional ~~court~~ fees is made, the *Request to Waive Additional Court Fees (Superior Court) ~~(Ward or Conservatee)~~ (Guardian or Conservator)* (form FW-002-GC), including items 2a and 2b. ~~The reference to "legal-aid type services" in these forms refers to legal services provided to an applicant by counsel for or affiliated with a qualified legal services project defined in Business and Professions Code section 6213.~~

~~(k)~~(i) Expiration of initial ~~court~~ fee waivers in decedents' estates, conservatorships, and guardianships

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For purposes of determining the date of expiration of an initial fee waiver under Government Code section 68639, "~~F~~final disposition of the case" in decedent~~'~~s' estates, conservatorships, and guardianships ~~proceedings for purposes of determining the expiration of fee waivers under Government Code section 68639~~ occurs on the later of ~~the following events~~:

(1) Termination of ~~the proceedings~~ a conservatorship or guardianship of the person by order of court or under operation of law ~~in conservatorships and guardianships of the person~~; or

(2) ~~Discharge~~ Final discharge of the personal representative~~s~~ of a decedent's~~'~~ estate~~s and discharge of~~ or a conservator~~s~~ or guardian~~s~~ of the estate~~s~~.

Rule 8.26. Waiver of fees and costs

(a) Application form

An application for initial waiver of court fees and costs in the Supreme Court or Court of Appeal must be made on *Request to Waive Court Fees* (form FW-001) or, if the application is made for the benefit of a (proposed) ward or conservatee, on *Request to Waive Court Fees ~~(Ward or Conservatee)~~ (Guardian or Conservator)* (form FW-001-GC). The clerk must provide *Request to Waive Court Fees* (form FW-001) or *Request to Waive Court Fees ~~(Ward or Conservatee)~~ (Guardian or Conservator)* (form FW-001-GC) and the *Information Sheet on Waiver of Fees and Costs (Supreme Court, Court of Appeal, or Appellate Division)* (form APP-015/FW-015-INFO) without charge to any person who requests any fee waiver application or states that he or she is unable to pay any court fee or cost.

(b) * * *

(c) Procedure for determining application

The application must be considered and determined as required by Government Code section 68634.5. An order from the Supreme Court or Court of Appeal determining the application for initial fee waiver or setting a hearing on the application in the Supreme Court or Court of Appeal may be made on *Order on Court Fee Waiver (Court of Appeal or Supreme Court)* (form APP-016/FW-016) or, if the application is made ~~for the benefit of a (proposed) ward or conservatee,~~ by a person who, in the trial court, filed a petition for appointment of a guardian or conservator or filed pleadings as an appointed guardian or conservator representing the interests of a ward or conservatee, on *Order on Court Fee Waiver (Court of*

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Appeal or Supreme Court) ~~*(Ward or Conservatee)*~~ *(Guardian or Conservator)* (form APP-016-GC/FW-016-GC).

(d)–(g) * * *

Advisory Committee Comment

Subdivision (a). * * *

Subdivision (b)(1). If an applicant is requesting waiver of both Court of Appeal fees, such as the fee for filing the notice of appeal, and superior court fees, such as the fee for preparing, certifying, copying, and transmitting the clerk's transcript, the clerk of the superior court may ask the applicant to provide two signed copies of *Request to Waive Court Fees* (form FW-001) or, if applicable, *Request to Waive Court Fees (Guardian or Conservator)* (form FW-001-GC).

Subdivision (e). * * *

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INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES— SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION

If you file an appeal, a petition for a writ, or a petition for review in a civil case, such as a family law case or a case where you sued someone or someone sued you, you usually have to pay a filing fee to the court. If you are not the party who filed the appeal or the petition, you usually have to pay a fee when you file your first document in a case in the Court of Appeal or Supreme Court. You and the other parties in the case may also have to pay other court fees in these proceedings, such as fees to prepare or get a copy of a clerk's transcript in an appeal. However, if you cannot afford to pay, you may ask the court to waive (decide that you do not have to pay) these fees and costs.

1. Who can get their court fees waived?

The court will waive your court fees and costs if:

- **You are getting public assistance**, such as Medi-Cal (does not include non-Medi-Cal plans from Covered California); food stamps (California Food Assistance Program, CalFresh Program, or SNAP); Supplemental Security Income (not Social Security); State Supplemental Payment; County Relief/General Assistance; In-Home Supportive Services; CalWORKS; Tribal Temporary Assistance for Needy Families; Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (CAPI); Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program); or unemployment compensation.
- **You have a low income level**. Under the law, you are considered low-income if the gross monthly income (before deductions for taxes) of your household is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	
1	$2,660.00	3	$4,553.33	5	$6,446.67	*If your household is larger than 6 people, add $946.67 for each extra person.*
2	$3,606.67	4	$5,500.00	6	$7,393.33	

- **You do not have enough income to pay for your household's basic needs *and* your court fees**.

2. What fees and costs will the court waive?

If you qualify, the Supreme Court, Court of Appeal, or Appellate Division will waive the following fees:

- Fees for filing the notice of appeal, petition for a writ, petition for review, or the first document filed by a party other than the party who filed the appeal or petition
- Court fees for phone hearings and remote appearances

The trial court will waive the following fees and costs:

- Court fees for preparing and certifying the clerk's transcript on appeal and related costs
- Court fees for holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Court fees for making a transcript or copy of an official electronic recording under rule 8.835
- For appellants, the deposit required under Government Code section 68926.1
- For respondents, the costs for sending you a copy of the clerk's transcript

You can also ask the trial court to waive other necessary court fees and costs. The court **cannot** waive the fees for preparing a reporter's transcript in a civil case. The Transcript Reimbursement Fund may help pay for the transcript. (For more information, see courtreportersboard.ca.gov/trf/index.shtml and Business and Professions Code sections 8030.2 and following.) If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared in other ways, by preparing an agreed statement or possibly a statement on appeal or settled statement.

3. How do I ask the court to waive my fees?

- **Appeal in Limited Civil Case (civil case in which the amount of money claimed is $35,000 or less).** In a limited civil case, if the trial court already issued an order waiving your court fees *and that fee waiver has not ended* (fee waivers automatically end 60 days after the judgment), the fees and costs identified in item 2 above are already waived; just give the court a copy of your current fee waiver. If you do not already have an order waiving your fees or you had a fee waiver but it has ended, you must complete and file form FW-001 (*Request to Waive Court Fees*). If you are the appellant (the party who is appealing), you should check both boxes in item 4 on form FW-001 and file the completed form with your notice of appeal. If you are the respondent (a party other than the appellant in a case that is being appealed), the completed form should be filed in the court when the fees you are requesting to be waived, such as the fee for the clerk's transcript or telephonic oral argument, are due.

- **Writ Proceeding in Limited Civil Case (civil case in which the amount of money claimed is $35,000 or less).** If you want the Superior Court to waive the fees in a writ proceeding in a limited civil case, you must complete form FW-001 (*Request to Waive Court Fees*). In item 4 on form FW-001, check the second box. The completed form should be filed with your petition for a writ.
- **Appeal in Other Civil Cases.** If you want the court to waive fees and costs in an appeal in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than $35,000), you must complete form FW-001 (*Request to Waive Court Fees*). In item 4 on form FW-001, check the second box to ask the Court of Appeal to waive the fee for filing the notice of appeal or, if you are a respondent (a party other than the one who filed the appeal), the fee for the first document you file in the Court of Appeal. Check both boxes if you also want the trial court to waive your costs for the clerk's transcript (if the trial court already issued an order waiving your fees *and that fee waiver has not ended,* you do not need to check the first box; the fees and costs identified in item 2 above are already waived, just give the court a copy of your current fee waiver). If you are the appellant, the completed form should be submitted with your notice of appeal (if you check both boxes in item 4, the court may ask for two signed copies of this form). If you are the respondent, the completed form should be submitted at the time the fee you are asking the court to waive is due. For example, file the form in the trial court with your request for a copy of the clerk's transcript if you are asking the court to waive the transcript fee or file the form in the Court of Appeal with the first document you file in that court if you are asking the court to waive the fee for filing that document. To request waiver of a court fee for telephonic oral argument, you should file the completed form in the Court of Appeal when the fee for telephonic oral argument is due.
- **Writ Proceeding in Other Civil Cases.** If you want the Supreme Court or Court of Appeal to waive the fees and costs in a writ proceeding in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than $35,000), you must complete form FW-001 (*Request to Waive Court Fees*). If you are the petitioner (the party filing the petition), the completed form should be submitted with your petition for a writ in the Supreme Court or Court of Appeal clerk's office. If you are a party other than the petitioner, the completed form should be filed with the first document you file in the Supreme Court or Court of Appeal.
- **Petition for Review.** If you want to request that the Supreme Court waive the fees in a petition for review proceeding, you must complete form FW-001 (*Request to Waive Court Fees*). If you are the petitioner, you should submit the completed form with your petition for review. If you are a party other than the petitioner, the completed form should be filed with the first document you file in the Supreme Court.
- **If You Are a Guardian or Conservator.** If you are a guardian or conservator or a petitioner for the appointment of a guardian or conservator, special rules apply to your request for a fee waiver on an appeal from an order in the guardianship or conservatorship proceeding or in a civil case in which you are acting on behalf of your ward or conservatee. Complete and submit form FW-001-GC (*Request to Waive Court Fees (Guardian or Conservator)*) to request a fee waiver. See California Rules of Court, rule 7.5.

Important Information!

- **Fill out your request completely and truthfully.** When you sign your request for a fee waiver, you are declaring under penalty of perjury that the information you have provided is true and correct.
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court immediately if your financial condition improves or if you become able to pay court fees or costs during this case (file form FW-010 with the court). You may be ordered to repay any amounts that were waived after your eligibility ended. If your case is a civil case and you recover $10,000 or more by settling the case or otherwise, the trial court will have a lien on the recovery in the amount of the waived fees.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or when the court finds that you are not eligible for a fee waiver.

APP-016/FW-016

Order on Court Fee Waiver (Court of Appeal or Supreme Court)

Clerk stamps date here when form is filed.

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03/25/2026
Not approved by the Judicial Council

1 Person who asked the court to waive its fees:

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

2 Lawyer, if person in 1 has one

Name: _____ State Bar No: _____

Firm or affiliation: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

3 On *(date):* _____ you filed form FW-001 (*Request to Waive Court Fees*).

4 The court has reviewed your request and makes the following order:

a. ☐ The court **grants** your request and waives the court fees and costs listed below. You do not have to pay fees for the following:

- Filing notice of appeal, petition for writ, or petition for review
- ☐ Other *(specify):*

This fee waiver expires 60 days after the judgment, dismissal, or other final disposition of your case. (Gov. Code, § 68639.)

b. ☐ The court **denies** your request for the following reasons:

(1) ☐ Your request is incomplete. You have **10 days** from the date of service of this order (provided at the bottom of page 2) to either:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below *(specify incomplete items):*

_____

_____

(2) ☐ The information you provided on the request shows that you are not eligible for the fee waiver you requested *(specify reasons):* _____

_____

You have **10 days** from the date of service of this order (provided at the bottom of page 2) to either:

- Pay your fees and costs, or
- File more information that shows you are eligible.

(3) ☐ The court finds there is substantial question regarding your eligibility *(describe issue regarding eligibility):* _____

_____

You have **10 days** from the date of service of this order (provided at the bottom of page 2) to either:

- Pay your fees and costs, or
- File the following additional documents to support your request:

_____

_____

_____

_____

Fill in court name and street address:

Court fills in case number when form is filed.

Court of Appeal or Supreme Court Case Number:

Warning! Your appeal may be dismissed if you miss the deadline for paying your fees and costs or providing the additional information required by the court.

4 c. ☐ The court needs more information. **You must go to court** on the date below.

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

Name and address of the court if different from page 1:

_____

_____

_____

☐ Bring the following proof to support your request, if it is reasonably available:

_____

_____

_____

Warning! If 4 c is checked and you do not attend your court hearing, the court will deny your request to waive court fees and you will have **10 days** from the date of service of the court's denial to pay your fees. If you are the person who filed the appeal and you do not pay your filing fees, your appeal may be dismissed.

Date: _____ _____

Signature of (check one): ☐ Judicial Officer ☐ Clerk, Deputy

Requests for Accommodations

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

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one)*:

☐ I handed a copy of this order to the party and attorney, if any, listed in 1 and 2, at the court on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2, from *(city)*: _____, California, on the date below.

☐ A certificate of mailing is attached.

☐ I electronically served this order on the party and attorney, if any, at the addresses listed in 1 and 2, on the date below under California Rules of Court, rule 2.251.

Date of service: _____

Clerk, by _____, Deputy

Name: _____

APP-016-GC/ FW-016-GC

Order on Court Fee Waiver (Court of Appeal or Supreme Court) (Guardian or Conservator)

Clerk stamps date here when form is filed.

DRAFT
Not approved by the Judicial Council

Fill in court name and street address:

Court of Appeal or Supreme Court Case Number:

1 Petitioner or (proposed) guardian or conservator who asked the court to waive its fees:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

4 Ward's or Conservatee's Lawyer *(if any):* Name: _____
Firm or Affiliation: _____ State Bar No.: _____
Address: _____ Phone: _____
City: _____ State: ___ Zip: _____ Email: _____

5 On *(date):* _____, you filed form FW-001-GC (*Request to Waive Court Fees*).

6 The court has reviewed your request and makes the following order:

a. ☐ The court **grants** your request and waives the fees and costs listed below. You do not have to pay fees for the following:
   (1) Filing notice of appeal, petition for writ, or petition for review
   (2) ☐ Other *(specify):*

_____
_____

This fee waiver expires 60 days after the judgment, dismissal, or other final disposition of your case. (Gov. Code, § 68639.)

b. ☐ The court **denies** your request for the following reasons:
   (1) ☐ Your request is incomplete. You have **10 days** from the date of service of this order (provided on page 3) to either:
      (a) Pay your fees and costs, or
      (b) File a new revised request that includes the items listed below *(specify incomplete items):*

_____
_____

Warning! Your appeal may be dismissed if you miss the deadline for paying the fees and costs or providing the additional information required by the court.

6 b. (2) ☐ The information you provided on the request shows that you are not eligible for the fee waiver you requested for the following reasons *(specify):*

You have **10 days** from the date of service of this order (provided on page 3) to either:
(a) Pay your fees and costs, or
(b) File more information that shows that you are eligible for a fee waiver based on the (proposed) ward's or conservatee's financial condition.

(3) ☐ The court finds there is substantial question regarding your eligibility for a fee waiver based on the (proposed) ward's or conservatee's financial condition *(describe issue regarding eligibility):*

You have **10 days** from the date of service of this order (provided on page 3) to either:
(a) Pay your fees and costs, or
(b) File the following additional documents to support your request:

c. ☐ The court needs more information. **You must go to court** on the date below.

Hearing Date → Date: _____ Time: _____ Dept.: _____
Name and address of court if different from page 1:

☐ Bring the following proof to support your request, if it is reasonably available:

Warning! If 6 c is checked and you do not attend your court hearing, the court will deny your request to waive court fees and you will have **10 days** from the date of service of the court's denial to pay those fees. If you are the person who filed the appeal and you do not pay the filing fees, your appeal may be dismissed.

Date: _____

_____
Signature of *(check one):* ☐ Judicial Officer ☐ Clerk, Deputy

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

The clerk's certificate of service is on the next page.

Court of Appeal/Supreme Court Case Name:

_____

Court of Appeal or Supreme Court Case Number:

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one):*

☐ I handed a copy of this order to the party and attorney(s), if any, listed in (1), (2), and (4) at the court on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney(s), if any, at the addresses listed in (1), (2), and (4) from *(city):* _____, California, on the date below.
☐ A certificate of mailing is attached.

☐ I electronically served this order on the party and attorney(s), if any, at the email addresses listed in (1), (2), and (4) on the date below under California Rules of Court, rule 2.251.

Date of service: _____

Clerk, by _____, Deputy
Name: _____

FW-001 Request to Waive Court Fees

CONFIDENTIAL

Clerk stamps date here when form is filed.

DRAFT
03/16/2026
NOT APPROVED
BY COUNCIL

If you are getting public benefits, your income is low, or you do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial condition improves during this case, or
- This is a civil case, and you recover **$10,000** or more by settlement or otherwise. The court will have a lien on the recovery in the amount of the waived fees and costs. The court may also charge you any collection costs.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information *(person asking the court to waive the fees):*

Name: _____

Street or mailing address: _____

City: _____ State: ____ Zip: _____

Phone: _____ Email: _____

2 Your Job, if you have one *(job title):* _____

Name of employer: _____

Employer's address: _____

3 Your Lawyer, if you have one *(name, firm or affiliation, address, phone number, email, and State Bar number):*

_____

_____

a. Has your lawyer agreed to advance all or a portion of your fees or costs? *(check one)* No ☐ Yes ☐

b. *(If yes, your lawyer must sign here)* Lawyer's signature: _____

If your lawyer is not providing legal services on behalf of a qualified legal services project (Bus. & Prof. Code, § 6213), you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 Which court are you asking to waive its fees?

☐ Superior Court (See form FW-001-INFO (*Information Sheet on Waiver of Superior Court Fees and Costs*).)

☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See form APP-015/FW-015-INFO (*Information Sheet on Waiver of Appellate Court Fees*).)

5 Why are you asking the court to waive its fees?

a. ☐ I receive *(check all that apply; see form FW-001-INFO for definitions):*

☐ Food stamps ☐ Supp. Sec. Inc. ☐ SSP ☐ Medi-Cal ☐ County Relief/Gen. Assist. ☐ IHSS

☐ CalWORKS or Tribal TANF ☐ CAPI ☐ WIC ☐ Unemployment

b. ☐ My gross monthly household income (before deductions for taxes), not including veterans disability compensation, is less than the amount listed below. *(If you check 5b, you must fill out 7, 8, and 9 on page 2.)*

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	$2,660.00	3	$4,553.33	5	$6,446.67
2	$3,606.67	4	$5,500.00	6	$7,393.33

If more than 6 people at home, add $946.67 for each extra person.

c. ☐ I do not have enough income to pay for my household's basic needs *and* the court fees. I ask the court to: *(check one; you **must** also fill out page 2):*

☐ waive all court fees and costs ☐ waive some of the court fees ☐ let me pay the fees over time

6 ☐ Check here if you asked the court to waive your court fees for this case in the last six months. (*If your previous request is reasonably available, please attach it to this form and check here*): ☐

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____

_____ ▶ _____

Print your name here Sign here

Your name: _____ **Case Number:**

If you checked 5a on page 1, do not complete this page. If you checked 5b, fill out items 7, 8, and 9 only. If you checked 5c, you **must** fill out items 7 through 11. If you need more space or want to provide more information (for example, about unusual expenses), attach form MC-025 or a blank sheet of paper and write "Financial Information," your name, and the case number at the top. Check here if you attach another page: ☐

7 ☐ Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

a. List the source and amount of ***any*** income you get each month, including: wages, salary, or other income from work before deductions; spousal or child support; retirement, social security, disability, or unemployment benefits; military basic allowance for quarters (BAQ); veterans payments; dividends, interest, trust income, annuities, or net business or rental income; reimbursement for job-related expenses; gambling or lottery winnings, etc. If you checked 5b on page 1 (your gross household monthly income is below the amount listed in that item), do not include any veterans disability service-connected compensation in your calculation below.

(1) _____ $_____
(2) _____ $_____
(3) _____ $_____
(4) _____ $_____

b. **Your total monthly income**: $_____

9 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1)			$
(2)			$
(3)			$
(4)			$

b. **Total monthly income of persons above:** $_____

Total monthly income *and* household income *(8b plus 9b):* $_____

Important! If your financial condition or ability to pay court fees improves, you must notify the court **within five days** on form FW-010.

10 Your Money and Property

a. Cash $_____

b. All financial accounts *(List bank name and amount):*
(1) _____ $_____
(2) _____ $_____
(3) _____ $_____

c. Cars, boats, and other vehicles

Make / Year	Fair Market Value	How Much You Still Owe
(1)	$	$
(2)	$	$
(3)	$	$

d. Real estate

Address	Fair Market Value	How Much You Still Owe
(1)	$	$
(2)	$	$

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Describe	Fair Market Value	How Much You Still Owe
(1)	$	$
(2)	$	$

11 Your Monthly Deductions and Expenses

a. Deductions from gross pay (money held by employer to make required payments) and the monthly amount of each one:
(1) Federal income tax $_____
(2) State income tax $_____
(3) Medicare and Social Security taxes $_____
(4) Other: _____ $_____
(5) Other: _____ $_____

b. Rent or house payment & maintenance $_____
c. Food and household supplies $_____
d. Utilities, including phone and internet $_____
e. Clothing $_____
f. Laundry and cleaning $_____
g. Medical and dental expenses $_____
h. Insurance (life, health, accident, etc.) $_____
i. School, child care $_____
j. Child, spousal support (another marriage) $_____
k. Transportation, gas, auto insurance and repair $_____
l. Installment payments *(list each below)*:
Paid to:
(1) _____ $_____
(2) _____ $_____
(3) _____ $_____
m. Wages/earnings withheld by court order $_____
n. Any other monthly expenses *(list each below)*.
Paid to: How Much?
(1) _____ $_____
(2) _____ $_____
(3) _____ $_____

Total monthly expenses *(add 11a –11n above):* $_____

FW-001-GC Request to Waive Court Fees (Guardian or Conservator)

CONFIDENTIAL

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

If you are a **guardian** or a **conservator** or a **petitioner** for the appointment of a guardian or conservator, and you want to ask the court not to charge you fees in the guardianship or conservatorship proceeding or in a civil case in which you represent the interests of a ward or conservatee, you must use **this** form to ask the court for a **fee waiver.**

Your eligibility for a fee waiver is based on the ability of the ward or conservatee (or the proposed ward or conservatee) and anyone who has a legal duty to support them to pay the fees. The court may order you to answer questions about the finances of the ward or conservatee. If the court waives the fees, the ward's or conservatee's estate or a person with a duty to support the ward or conservatee may still have to pay them later if:

- You cannot give the court proof of eligibility,
- The ward's or conservatee's financial condition improves during this case, or
- This is a civil case, and you recover **$10,000** or more for the ward or conservatee by settling the case or otherwise. The trial court will then have a lien on the recovery in the amount of the waived fees. The court may also charge collection fees.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information *(guardian, conservator, or person asking the court to appoint a guardian or conservator):*

Name: _____ Phone: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____ Email: _____

2 Your Lawyer *(if you have one)* Name: _____

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Phone: _____

City: _____ State: ___ Zip: _____ Email: _____

a. The lawyer has agreed to advance all or a portion of your court fees or costs *(check one):* ☐ No ☐ Yes

b. *(If yes, your lawyer must sign here.)* Lawyer's signature: _____

If your lawyer is not providing legal services on behalf of a qualified legal services project (Bus. & Prof. Code, § 6213), you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Ward's or Conservatee's Information *(if more than one ward, add names and dates of birth on an attachment):*

Name: _____ Date of birth *(ward only):*

Street or mailing address: _____ _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

4 Ward's or Conservatee's Lawyer *(if any)* Name: _____

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Phone: _____

City: _____ State: ___ Zip: _____ Email: _____

5 Ward's or Conservatee's Job *(job title; if not employed, state that):* _____

Name of employer: _____

Employer's address: _____ State: ___ Zip: _____

Your name: _____ **Case Number:**

6 Which court are you asking to waive its fees?

☐ Superior Court (See form FW-001-INFO (*Information Sheet on Waiver of Superior Court Fees and Costs*).)
☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See form APP-015/FW-015-INFO (*Information Sheet on Waiver of Appellate Court Fees*).)

7 ☐ Check here if you asked the court to waive fees in this case in the last six months.
(If your previous request is reasonably available, please attach it to this form and check here): ☐

8 Why are you asking the court to waive its fees?

a. ☐ The ward or one or both of the ward's parents, or the conservatee or the conservatee's spouse or registered domestic partner, receive *(check all that apply, skip items 9, 10, and 11, and sign at the bottom of page 3):*
☐ Supplemental Security Income (SSI)/State Supplementary Payment (SSP) ☐ SNAP (Food Stamps)
☐ IHSS (In-Home Supportive Services) ☐ Medi-Cal ☐ Unemployment Compensation
☐ County Relief/General Assistance ☐ CalWORKS or Tribal Temp. Assist. for Needy Families (TANF)
☐ Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
☐ Cash Assistance Program for [Aged, Blind, or Disabled] Immigrants (CAPI)
(Names and relationships to ward or conservatee of persons who receive the public benefits checked above):
_____
_____

b. ☐ The gross monthly income (before deductions), not including any veterans disability compensation, of the ward and their parents or the conservatee and their spouse or domestic partner is less than the applicable amount below. *(If you check item 8b, fill out item 9 (guardian) or items 10–11 (conservator), fill out items 12–15 on page 4, and then sign on page 3.)**

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	
1	$2,660.00	3	$4,553.33	5	$6,446.67	*If more than 6 people in family, add $946.67 for each extra person.*
2	$3,606.67	4	$5,358.33	6	$7,393.33	

c. ☐ The ward and their parents or the conservatee and their spouse or domestic partner do not have enough money or property to pay for their basic needs *and* the court fees. I ask the court to *(check one, fill out item 9 (guardian) or items 10–11 (conservator), fill out items 12–17 on page 4, and then sign on page 3):**
(1) ☐ Waive all fees and costs. (2) ☐ Waive some fees and costs. (3) ☐ Let me pay the fees over time.

** (Do **not** include the income of the guardian or conservator in item 8b or 8c or count them in the family size in item 8b **unless** they are a parent of the ward or the spouse or domestic partner of the conservatee.)*

A guardian or petitioner for appointment of a guardian must complete 9.

9 Ward's Parents' Information:

a. Name of ward's parent: _____ ☐ Deceased *(date of death):* _____
Street or mailing address: _____
City: _____ State: ____ Zip: _____
Phone: _____ Email: _____

b. Name of ward's parent: _____ ☐ Deceased *(date of death):* _____
Street or mailing address: _____
City: _____ State: ____ Zip: _____
Phone: _____ Email: _____

c. Ward's parents are *(check all that apply):* ☐ married ☐ living together ☐ separated ☐ divorced
Support order for ward? ☐ No ☐ Yes Payable to *(name):* _____
Payable by *(name):* _____
Court: _____ Case Number: _____
Date of order *(if multiple, date of most recent order):* _____ Monthly amount: $_____
History of payment *(describe):*
_____
_____

A conservator or petitioner for appointment of a conservator must complete 10–11.

10 Conservatee's Spouse's or Domestic Partner's Information:

Name of conservatee's spouse or domestic partner: _____ ☐ Spouse ☐ Partner
Date of marriage or partnership: _____ ☐ Deceased *(date of death):* _____
Street or mailing address: _____ Phone: _____
City: _____ State: ____ Zip: _____ Email: _____
Name of employer *(if none, state that):* _____
Employer's address: _____ State: ____ Zip: _____
The conservatee's spouse or domestic partner is managing or, following appointment of a conservator, is planning to manage some or all of the couple's community property outside the conservatorship estate. ☐ No ☐ Yes
If you checked "Yes" above: The income, money, and property shown on page 4 includes the income and property managed, or expected to be managed, by the spouse or domestic partner outside the estate. ☐ No ☐ Yes
☐ Divorced *(date of final judgment or decree):* _____
Court: _____ Case Number: _____
Support order for conservatee? ☐ No ☐ Yes
Date of order *(if multiple, date of most recent order):* _____ Monthly amount: $_____
History of payment *(describe):*
_____
_____

11 The Conservatee and Trusts:

The conservatee is:
a. the trustor or settlor of a trust. ☐ No ☐ Yes
b. the beneficiary of a trust. ☐ No ☐ Yes
If you checked "Yes" in response to either of the above statements, identify and provide, in an attachment to this *Request*, the current address and telephone number of the current trustee of each trust and, as far as you know them, describe the general terms and value of each trust, the nature and value of the conservatee's interest in each trust, and the amount and frequency of any distributions to, or for the benefit of, the conservatee before your appointment as conservator. *(You may use Judicial Council form MC-025 for this purpose.)*

If you checked 8b on page 2, you must complete 12–15 on page 4 before signing below.
If you checked 8c on page 2, you must complete 12–17 on page 4 before signing below.

I declare under penalty of perjury under the laws of the State of California that the information provided on this form and all attachments is true and correct to the best of my knowledge and belief.

Date: _____

_____ ▶ _____
Print your name here Sign here

Your name: _____ **Case Number:** _____

If you checked item 8a on page 2, do not complete this page. If you checked item 8b, complete items 12, 13, 14, and 15 only. If you checked item 8c, complete items 12, 13, 14, 15, 16, and 17. If you need more space or want to provide more information (for example, about unusual expenses), attach form MC-025 or a blank sheet of paper and write "Financial Information," your name, and the case number at the top. Check here if you attach another page: ☐

12 ☐ Check here if the ward's or conservatee's income changes a lot from month to month. If it does, complete this page based on their average monthly income over the past 12 months.

13 Gross Monthly Income of Ward or Conservatee

a. List the source and amount of **any** income the ward or conservatee gets each month, including: wages, salary, or other income from work before deductions; spousal or child support; retirement, social security, disability, or unemployment benefits; military basic allowance for quarters (BAQ); veterans payments (**but** if you checked item 8b on page 2, **not** veterans disability service-related compensation); dividends, interest, trust income, annuities, or net business or rental income; reimbursement for job-related expenses; gambling or lottery winnings, etc.

(1) _____ $_____
(2) _____ $_____
(3) _____ $_____
(4) _____ $_____
(5) _____ $_____

b. **Total monthly income**: $_____

14 Gross Monthly Income of Ward's Parents or Conservatee's Spouse or Domestic Partner

a. List the income, before deductions, of the ward's parents or the conservatee's spouse or domestic partner and anyone else who has a legal duty to support the ward or conservatee.

	Name	Age	Relationship	Monthly Income
(1)				$
(2)				$
(3)				$
(4)				$

b. **Total monthly income of persons above:** $_____

Total monthly income *and* parents' or spouse's income *(15b plus 16b):* $_____

15 Persons Legally Entitled to Support by Ward and Parents or by Conservatee and Spouse or Partner

List everyone the ward and their parents or the conservatee and their spouse or partner have a legal duty to support.

	Name	Age	Relationship to Ward or Conservatee
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Important! If the ward's or conservatee's financial condition or ability to pay court fees improves, you must notify the court within five days on form FW-010-GC.

Do **not** include **your** income in item 14, **your** money and property in item 16, or **your** deductions and expenses in item 17 **unless** you are the ward's parent or the conservatee's spouse or domestic partner.

16 Ward's or Conservatee's Estate's Money and Property

a. Cash $_____

b. All financial accounts *(list bank name and amount):*

(1) _____ $_____
(2) _____ $_____
(3) _____ $_____

c. Cars, boats, and other vehicles

	Make / Year	Fair Market Value	How Much Still Owed
(1)		$	$
(2)		$	$
(3)		$	$

d. Real estate

	Address	Fair Market Value	How Much Still Owed
(1)		$	$
(2)		$	$

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

	Describe	Fair Market Value	How Much Still Owed
(1)		$	$
(2)		$	$

17 Monthly Deductions and Expenses of Ward and Parents or Conservatee and Spouse or Partner

a. Deductions from gross pay (money held by employer to make required payments for employee) and monthly amount of each:
(1) Federal income tax $_____
(2) State income tax $_____
(3) Medicare and Social Security taxes $_____
(4) Other: _____ $_____
(5) Other: _____ $_____

b. Rent or house payment and maintenance $_____
c. Food and household supplies $_____
d. Utilities, incl. phone and internet $_____
e. Clothing $_____
f. Laundry and cleaning $_____
g. Medical and dental expenses $_____
h. Insurance (life, health, accident, etc.) $_____
i. School, child care $_____
j. Child, spousal support (another marriage) $_____
k. Transportation, gas, auto insurance and repair $_____
l. Installment payments *(list each below)*:
Paid to:
(1) _____ $_____
(2) _____ $_____
(3) _____ $_____
m. Wages/earnings withheld by court order $_____
n. Any other monthly expenses *(list each below)*.
Paid to: How Much?
(1) _____ $_____
(2) _____ $_____
(3) _____ $_____

Total monthly expenses *(add lines 17a to 17n above):* $_____

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, if you are filing or have received a family law petition, or if you are asking the court to appoint a guardian for a minor or a conservator for an adult or are an appointed guardian or conservator, and if you (or your ward or conservatee) cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you (or your ward or conservatee) are getting public benefits, are a low-income person, or do not have enough income to pay for your (or their) household's basic needs and your court fees, you may ask the court to waive all or part of those fees.

1. To make a request to the court to waive your fees in superior court, complete form FW-001 (*Request to Waive Court Fees*) or, if you are petitioning for the appointment of a guardian or conservator or are an appointed guardian or conservator, complete form FW-001-GC (*Request to Waive Court Fees (Guardian or Conservator)*). If you qualify, the court will waive all or part of the following fees:
   - Superior court fees for filing papers (other than for an appeal in a case with a value of over $35,000)
   - Clerk's fees for making and certifying copies
   - Clerk's fees for giving notice and certificates
   - Sheriff's fees for giving notice
   - Fees for sending papers to another court department
   - Court fees for phone hearings and remote appearances
   - Reporter's fees for attending hearings or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter (use form FW-020 to ask for a court reporter)
   - Assessments for court investigations in probate guardianship and conservatorship proceedings
   - Court fees for preparing, certifying, copying, and sending the clerk's transcript on appeal
   - Court fees for making a transcript or copy of an official electronic recording under Cal. Rules of Court, rule 8.835
   - Court fees for holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete form FW-002 (*Request to Waive Additional Court Fees (Superior Court)*) or form FW-002-GC (*Request to Waive Additional Court Fees (Superior Court) (Guardian or Conservator)*). The court will consider waiving fees for items such as the following, or other court services you need for your case:
   - Jury fees and expenses
   - Fees for a peace officer to testify in court
   - Fees for court-appointed experts
   - Court-appointed interpreter fees for a witness
   - Other necessary court fees
3. If you want the Appellate Division of the Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on form APP-015/FW-015-INFO (*Information Sheet on Waiver of Appellate Court Fees—Supreme Court, Court of Appeal, Appellate Division*).

IMPORTANT INFORMATION!

- **You are signing your request under penalty of perjury. Answer truthfully, accurately, and completely.**
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability, or the ability of your ward or conservatee, to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you or your ward or conservatee are granted may be ended if you do not go to court when asked. You or your ward's or conservatee's estate may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **Public benefits programs listed on the application form.** In item 5 on form FW-001 (item 8 of form FW-001-GC), there is a list of programs from which you (or your ward or conservatee) may be receiving benefits, listed by the abbreviations they are commonly known by. The full names of those programs can be found in Government Code section 68632(a) and are also listed here:
  - Medi-Cal (does not include non-Medi-Cal plans from Covered California)
  - Food stamps—California Food Assistance Program, CalFresh Program, or SNAP
  - SSP—State Supplemental Payment
  - Supp. Sec. Inc.—Supplemental Security Income (not Social Security)

(list continues on next page)

- County Relief/Gen. Assist.—County Relief, General Relief (GR), or General Assistance (GA)
- IHSS—In-Home Supportive Services
- CalWORKs—California Work Opportunity and Responsibility to Kids Act
- Tribal TANF—Tribal Temporary Assistance for Needy Families
- CAPI—Cash Assistance Program for Aged, Blind, or Disabled Legal Immigrants
- WIC—Special Supplemental Nutrition Program for Women, Infants, and Children
- Unemployment—Unemployment compensation

- **If you receive a fee waiver, you must tell the court if there is a change in your finances, or the finances of your ward or conservatee.** You must tell the court within five days if those finances improve or if you, or your ward or conservatee, become able to pay court fees or costs during this case. (File form FW-010 (*Notice to Court of Improved Financial Situation or Settlement*) or form FW-010-GC (*Notice to Court of Improved Financial Situation or Settlement (Guardian or Conservator)*) with the court.) You may be ordered to repay any amounts that were waived after your eligibility, or the eligibility of your ward or conservatee, came to an end.
- **If you receive a judgment or support order in a family law matter:** You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.
- **If you win your case in the trial court:** In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases and in guardianships and conservatorships. (Gov. Code, § 68637(d), (e); Cal. Rules of Court, rule 7.5.).
- **If you settle your civil case for $10,000 or more:** Any trial court-waived fees and costs must first be paid to the court out of the settlement. **The court will have a lien on the settlement in the amount of the waived fees and costs.** The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.
- **The court can collect fees and costs due the court.** If waived fees and costs are ordered paid to the trial court, or if you fail to make the payments over time, the court can start collection proceedings and add a $25 fee plus any additional costs of collection to the other fees and costs owed to the court.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you or your ward or conservatee are not eligible for a fee waiver. If the case is a guardianship or conservatorship proceeding, see California Rules of Court, rule 7.5(k) for information on the final disposition of that matter.
- **If you are in jail or state prison:** Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time. See Government Code section 68635.
- **If you want a record made of your court hearing or trial:** There are various reasons why you may want a record of the hearing or trial. Among other reasons, you may want to have a record for an appeal if you disagree with a court order or judgment. If you receive a fee waiver and if the court is not electronically recording the proceeding, you may ask the court to have an official court reporter attend your hearing or trial at no cost to you, so there can be a record of the proceeding. You should use form FW-020 to make the request, which you should file at least 10 calendar days before a scheduled court date, or as soon as you can if the court date is set with less than 10-days' notice.

  If you want a written transcript after the hearing or trial, you will need to pay the court reporter separately, or arrange to get the transcript in another way. To learn about ways to do that, talk with the court's Self-Help Center or read the information about appeals on the self-help website at selfhelp.courts.ca.gov/appeals.

FW-002 Request to Waive Additional Court Fees (Superior Court)

CONFIDENTIAL

Clerk stamps date here when form is filed.

DRAFT
03/25/2026
NOT APPROVED
BY COUNCIL

This form asks the court to waive *additional* court fees that are not covered in a current order. If you have not already received an order that waived or reduced your court fees, you must complete and file form FW-001 (*Request to Waive Court Fees*), along with this form.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information *(person asking the court to waive the fees):*

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

2 Your Lawyer, if you have one:

Name: _____ State Bar No: _____

Firm or affiliation: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Has your lawyer agreed to advance all or a portion of your fees or costs? *(check one)*:

a. ☐ No

b. ☐ Yes *(If yes, your lawyer must sign here):* Lawyer's signature: _____

If your lawyer is not providing legal services on behalf of a qualified legal services project (Bus. & Prof. Code, § 6213), you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Date your *last* court fee waiver order, if any, was granted: _____

4 Has your financial condition improved since the last time you filed form FW-001? ☐ No ☐ Yes

*(If yes, you must fill out a new form FW-001 (*Request to Waive Court Fees*) and attach it to this form.)*

5 What other fees do you want the court to waive? *(Check all that apply):*

a. ☐ Jury fees and expenses

b. ☐ Court-appointed interpreter fees for a witness

c. ☐ Fees for a peace officer to testify in court

d. ☐ Fees for court-appointed experts

e. ☐ Other *(specify):* _____

6 Why do you need the services checked in **5**? *(Explain):*

_____

_____

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial condition during this case that improves your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If this is a civil case and you recover **$10,000** or more by settling the case or otherwise, the court will have a lien on the recovery in the amount of the waived fees. The court may decide not to dismiss the case until the lien is paid.

I declare under penalty of perjury under the laws of the State of California that the information provided on this form and all attachments is true and correct.

Date: _____

_____ ▶ _____

Print your name here Sign here

FW-002-GC

Request to Waive Additional Court Fees (Superior Court) (Guardian or Conservator)

CONFIDENTIAL

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

If you are a **guardian** or a **conservator** or a **petitioner** for the appointment of a guardian or conservator, and you want to ask the court not to charge you **additional** court fees that are not waived by a current order in the guardianship or conservatorship proceeding or in a civil case in which you represent the interests of a ward or conservatee, you must use **this** form. If you have not already received an order that waived or reduced your court fees, you must complete and file form FW-001-GC (*Request to Waive Court Fees (Guardian or Conservator)*) with this form.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information *(guardian, conservator, or person asking the court to appoint a guardian or conservator):*

Name: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

2 Your Lawyer *(if you have one):*

Name: _____ State Bar No.: _____

Firm or Affiliation: _____

Address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

a. Has the lawyer agreed to advance all or a portion of your fees or costs? *(check one):*

☐ No

☐ Yes *(If yes, your lawyer must sign here.)* Lawyer's signature: _____

b. *If your lawyer is not providing legal services on behalf of a qualified legal services project (Bus. & Prof. Code, § 6213), you may have to go to a hearing to explain why you are asking the court to waive the fees.*

3 Ward's or Conservatee's Information *(if more than one ward, add names and dates of birth on an attachment):*

Name: _____ Age and date of birth *(ward only):* _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

4 Ward's or Conservatee's Lawyer *(if any)* Name: _____

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Phone: _____

City: _____ State: ___ Zip: _____ Email: _____

5 Date your *last* court fee waiver order, if any, was granted: _____

6 Has the ward's or conservatee's financial condition improved since your last *Request to Waive Court Fees?*

☐ No

☐ Yes *(If yes, you must fill out a new form FW-001-GC and attach it to this form.)*

Your name:

Case Number:

7 What other fees do you want the court to waive? *(Check all that apply):*

a. ☐ Jury fees and expenses
b. ☐ Court-appointed interpreter fees for a witness
c. ☐ Fees for a peace officer to testify in court
d. ☐ Fees for court-appointed experts
e. ☐ Other *(specify):*

8 Why do you need the services checked or specified in 7? *(Explain):*

Notice: The court may order you to answer questions about the ward's or conservatee's finances and may later order you to pay the waived fees. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to try to collect money to pay waived fees from persons who have a legal duty to support the ward or conservatee. If a change in the ward's or conservatee's financial condition during the case improves your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this is a civil case and you win it on behalf of the ward or conservatee, the court may order the other side to pay some or all of the waived fees. If you recover **$10,000** or more by settling the case or otherwise, the court will have a lien on the recovery in the amount of the waived fees. The court may decide not to dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding ends, and you are discharged as guardian or conservator.

I declare under penalty of perjury under the laws of the State of California that the information provided on this form and all attachments is true and correct.

Date:

Print your name here

Sign here

FW-003 Order on Court Fee Waiver (Superior Court)

Clerk stamps date here when form is filed.

DRAFT
04/03/2026
NOT APPROVED
BY 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 Person who asked the court to waive its fees:

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

2 Lawyer, if person in 1 has one

Name: _____ State Bar No: _____

Firm or affiliation: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

3 A request to waive court fees was filed on *(date):* _____

☐ The court ordered a fee waiver in this case on *(date):* _____

Read this form carefully. All checked boxes ☒ are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial condition during this case that improves your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If this is a civil case and you recover **$10,000** or more by settling the case or otherwise, the trial court will have a lien on the recovery in the amount of the waived fees. The trial court may decide not to dismiss the case until the lien is paid.

4 After reviewing your: ☐ *Request to Waive Court Fees* ☐ *Request to Waive Additional Court Fees* **the court makes the following orders:**

a. ☐ The court **grant**s your request to waive court fees and costs as follows:

(1) ☐ **Fee Waiver.** The court waives the court fees and costs listed below. *(Cal. Rules of Court, rules 3.55, 3.672, and 8.818.)* You do not have to pay the following fees and costs:

- Superior court fees for filing papers
- Clerk's fees for making and certifying copies
- Sheriff's fees for giving notice
- Court fees for phone hearings and remote appearances
- Clerk's fees for giving notice and certificates
- Fees for sending papers to another court department
- Reporter's fees for attending hearings or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessments for court investigations in probate guardianship and conservatorship proceedings
- Court fees for preparing, certifying, copying, and sending the clerk's transcript on appeal
- Court fees for holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Court fees for making a transcript or copy of an official electronic recording under rule 8.835

(2) ☐ **Additional Fee Waiver.** The court waives the additional superior court fees and costs that are checked below. *(Cal. Rules of Court, rule 3.56.)* You do not have to pay the following fees and costs:

☐ Jury fees and expenses
☐ Fees for court-appointed experts
☐ Other *(specify):*
☐ Fees for a peace officer to testify in court
☐ Court-appointed interpreter fees for a witness

A fee waiver granted in a(1) or a(2) expires 60 days after the judgment, dismissal, or other final disposition of your case. (Gov. Code, § 68639.)

4 b. ☐ The court **denies** your fee waiver request because:

Warning! If you miss the deadline below, the court will not process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) ☐ Your request is incomplete. You have **10 days** after the date of service of this order (provided at the bottom of page 3) to either:

- Pay your fees and costs, or
- File a new, revised request that includes the incomplete items listed:
  ☐ below ☐ on Attachment 4b(1)

(2) ☐ The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated: ☐ below ☐ on Attachment 4b(2)

The court has enclosed a blank form FW-006 (*Request for Hearing About Court Fee Waiver Order*). You have **10 days** after the date of service of this order (provided at the bottom of page 3) to either:

- Pay your fees and costs, or
- Ask for a hearing in order to show the court more information. *(Use form FW-006 to request hearing.)*

c. ☐ The court needs more information to decide whether to grant your request. You must go to court on the hearing date on page 3. At the hearing, the court will ask the questions about your eligibility stated:
☐ below ☐ on Attachment 4c(1)

☐ Bring the items of proof to support your request, if reasonably available, that are listed:
☐ below ☐ on Attachment 4c(2)

This is a Court Order.

Case name: _____ **Case Number:**

Name and address of court if different from above:

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

Warning! If 4 c is checked, and you do not attend your court hearing, the judge will deny your request to waive court fees, and you will have 10 days from the date of service of the court's denial to pay your fees. If you miss that deadline, the court will not process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____

_____
Signature of *(check one)*: ☐ Judicial Officer ☐ Clerk, Deputy

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

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one)*:

☐ I handed a copy of this order to the party and attorney, if any, listed in 1 and 2, at the court on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2, from *(city)*: _____, California, on the date below.
  ☐ A certificate of mailing is attached.

☐ I electronically served this order on the party and attorney, if any, at the addresses listed in 1 and 2 on the date below under California Rules of Court, rule 2.251.

Date of service: _____

Clerk, by _____, Deputy
Name: _____

This is a Court Order.

FW-003-GC

Order on Court Fee Waiver (Superior Court) (Guardian or Conservator)

Clerk stamps date here when form is filed.

DRAFT
Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

1 (Proposed) guardian or conservator who asked the court to waive its fees:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

5 A request to waive court fees was filed on *(date):* _____
☐ The court made a previous fee waiver order in this case on *(date):* _____

Read this form carefully. All checked boxes ☑ are court orders.

Notice: The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may order you to pay the waived fees. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to try to collect money to pay waived fees from persons who have a legal duty to support the ward or conservatee. If a change in the ward's or conservatee's financial condition during the case improves your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this is a civil case and you win it on behalf of the ward or conservatee, the court may order the other side to pay some or all of the waived fees. If you recover **$10,000** or more by settling the case or otherwise, the court will have a lien on the recovery in the amount of the waived fees. The court may decide not to dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding ends, and you are discharged as guardian or conservator.

6 After reviewing your ☐ *Request to Waive Court Fees* ☐ *Request to Waive Additional Court Fees* **the court makes the following orders:**

a. ☐ The court **grant**s your request to waive court fees and costs as follows:

(1) ☐ **Fee Waiver.** The court waives the fees and costs listed below. *(Cal. Rules of Court, rules 3.55, 3.672, and 8.818.)* You do not have to pay the following fees and costs:

- Superior court fees for filing papers
- Clerk's fees for certified copies
- Court fees for phone hearings and remote appearances
- Clerk's fees for giving notice and certificates

6 a. (1)
- Sheriff's fees for giving notice
- Fees for sending papers to another court department
- Reporter's fees for attending a hearing or trial if you request that the court provide an official reporter
- Assessments for court investigations in probate guardianship and conservatorship proceedings
- Court fees for preparing, certifying, copying, and sending the clerk's transcript on appeal
- Court fees for holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Court fees for making a transcript or copy of an official electronic recording under rule 8.835

(2) ☐ **Additional Fee Waiver.** The court waives the additional court fees and costs checked below. *(Cal. Rules of Court, rule 3.56.)* You do not have to pay the fees that are checked.

☐ Jury fees and expenses
☐ Fees for a peace officer to testify in court
☐ Fees for court-appointed experts
☐ Court-appointed interpreter fees for a witness
☐ Other *(specify):* _____

A fee waiver under a(1) or a(2) expires 60 days after the judgment, dismissal, or other final disposition of your case.

b. ☐ The court **denies** your fee waiver request, as follows:

Warning! If you miss the deadline below, the court will not process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) ☐ The court **denies** your request because it is incomplete. You have **10 days** after the date of service of this order (provided at the bottom of page 3) to either:
- Pay the fees and costs, or
- File a new, revised request that includes the items listed ☐ below ☐ on Attachment 6b(1).

_____
_____
_____

(2) ☐ The court **denies** your request because the information you provided on the request shows that you are not eligible for a fee waiver based on the ward's or conservatee's financial condition for the reasons specified ☐ below ☐ on Attachment 6b(2).

_____
_____
_____

A blank form FW-006-GC (*Request for Hearing About Court Fee Waiver Order (Superior Court) (Guardian or Conservator)*) is enclosed. You have **10 days** after the date of service of this order (provided at the bottom of page 3) to either:
- Pay the fees and costs, or
- Ask for a hearing to show the court more information. *(Use form FW-006-GC to request a hearing.)*

c. (1) ☐ The court needs more information to decide whether to grant your request. You must **go to court on the hearing date** on page 3. At the hearing, the court will ask the questions about your eligibility stated ☐ below ☐ on Attachment 6c(1).

_____
_____
_____

(2) ☐ Bring the items of proof to support your request, if reasonably available, that are listed ☐ below ☐ on Attachment 6c(2).

_____
_____
_____

Case name: _____ **Case Number:**

Warning! If 6 c is checked and you do not attend your court hearing, the court will deny your request to waive court fees and you will have **10 days** from the date of service of the court's denial to pay the fees. If you miss that deadline, the court will not process the papers you filed with the request. If the papers were a notice of appeal, the appeal may be dismissed.

Notice to guardian, conservator, or petitioner: If the court denies your request for a fee waiver and you do not pay the fees and costs, your case—including the guardianship or conservatorship proceeding if you requested the waiver in that matter—might not go forward. If you pay the fees, and the court appoints you or another person as guardian or conservator, you may ask to be reimbursed for your fee payments from the assets of the guardianship or conservatorship estate, if any, as allowable expenses of administration. You might also have the right to be reimbursed for your fee payments by persons with a legal duty to support the ward or conservatee from assets not part of the estate, such as the ward's parent, the conservatee's spouse or domestic partner who is managing the couple's community property outside the conservatorship estate, or the trustee of a trust of which the conservatee is a beneficiary.

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

Name and address of court if different from above:
_____
_____
_____
_____
_____

Date: _____

▶ _____
Signature of *(check one)*: ☐ Judicial Officer ☐ Clerk, Deputy

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

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one)*:

☐ I handed a copy of this order to the party and attorney, if any, listed in 1 and 2 at the court on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2 from *(city)*: _____, California, on the date below.

☐ A certificate of mailing is attached.

☐ I electronically served this order on the party and attorney, if any, at the email addresses listed in 1 and 2 on the date below under California Rules of Court, rule 2.251.

Date of service: _____

Clerk, by _____, Deputy
Name: _____

This is a Court Order.

FW-005 Notice: Waiver of Court Fees (Superior Court)

Clerk stamps date here when form is filed.

DRAFT
03/25/2026
NOT APPROVED
BY COUNCIL

1 Person who asked the court to waive its fees:

Name: _____

Mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

2 Lawyer, if person in 1 has one

Name: _____ State Bar No: _____

Firm or affiliation: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Fill in court name and street address:

Superior Court of California, County of

3 Your *Request to Waive Court Fees* was filed on *(date):*

_____

Court fills in case number when form is filed.

Case Number:

4 Your request for an initial fee waiver is **granted** because the court did not act on it within five days after it was filed. You do not have to pay the following fees and costs *(Cal. Rules of Court, rules 3.55 and 3.672):*

- Superior court fees for filing papers
- Clerk's fees for giving notice and certificates
- Fees to send papers to another court department
- Reporter's fees for attending hearings or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessments for court investigations in probate guardianship and conservatorship proceedings
- Court fees for preparing, certifying, copying, and sending the clerk's transcript on appeal
- Court fees for holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Court fees for making a transcript or copy of an official electronic recording under rule 8.835
- Clerk's fees for making and certifying copies
- Sheriff's fees for giving notice
- Court fees for phone hearings and remote appearances

Fee waiver expires 60 days after judgment, dismissal, or other final disposition of your case. (Gov. Code, § 68639.)

Date: Clerk, by _____, Deputy

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial condition during this case that improves your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If this is a civil case and you recover **$10,000** or more by settling the case or otherwise, the trial court will have a lien on the recovery in the amount of the waived fees. The trial court may decide not to dismiss the case until the lien is paid.

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one):*

☐ I handed a copy of this order to the party and attorney, if any, listed in 1 and 2, at the court on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2, from *(city):* _____, California, on the date below. ☐ A certificate of mailing is attached.

☐ I electronically served this order on the party and attorney, if any, at the addresses listed in 1 and 2 on the date below under California Rules of Court, rule 2.251.

Date of service: _____ Clerk, by _____, Deputy

Name: _____

FW-005-GC

Notice: Waiver of Court Fees (Superior Court) (Guardian or Conservator)

Clerk stamps date here when form is filed.

DRAFT
Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

1 (Proposed) guardian or conservator who asked the court to waive its fees:

Name: _____
Mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

3 (Proposed) ward or conservatee:

Name: _____
Mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

5 Your *Request to Waive Court Fees* was filed on *(date):* _____

6 Your request for an initial fee waiver is **granted** because the court did not act on it within five days after it was filed. You do not need to pay the following court fees and costs. *(Cal. Rules of Court, rules 3.55, 3.672.)*

- Superior court fees for filing papers
- Clerk's fees for giving notice and certificates
- Fees for sending papers to another court department
- Court fees for phone hearings and remote appearances
- Clerk's fees for certified copies
- Sheriff's fees for giving notice
- Reporter's fees for attending a hearing or trial if the court is not recording the proceeding and you request that the court provide an official reporter
- Assessments for court investigations in probate guardianship and conservatorship proceedings
- Court fees for preparing, certifying, copying, and sending the clerk's transcript on appeal
- Court fees for holding in trust the deposit for a reporter's transcript on appeal under rules 8.130 or 8.834
- Court fees for making a transcript or copy of an official electronic recording under rule 8.835

This fee waiver expires 60 days after the judgment, dismissal, or other final disposition of your case.

Date: _____

Clerk, by _____, Deputy
Name: _____

Read *Notice to (Proposed) Guardian or Conservator* on page 2.

Notice to (Proposed) Guardian or Conservator: The court may order you to answer questions about the (proposed) ward's or conservatee's finances and may later order you to pay the waived fees. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to try to collect money to pay waived fees from persons who have a legal duty to support the ward or conservatee. If a change in the ward's or conservatee's financial condition during the case improves your ability to pay fees and costs, you must notify the court within five days. (Use form FW-010-GC.)

If this is a civil case and you win it on behalf of the ward or conservatee, the court may order the other side to pay some or all of the waived fees. If you recover **$10,000** or more by settling the case or otherwise, the court will have a lien on the recovery in the amount of the waived fees. The court may decide not to dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding ends, and you are discharged as guardian or conservator.

Clerk's Certificate of Service

I certify that I am not involved in this case, and *(check one)*:

☐ I handed a copy of this notice to the party and attorney, if any, listed in (1), (2), and (4) at the court on the date below.

☐ This notice was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in (1), (2), and (4) from *(city)*: _____, California, on the date below.

☐ A certificate of mailing is attached.

☐ I electronically served this notice on the party and attorney, if any, at the email addresses listed in (1), (2), and (4) on the date below under California Rules of Court, rule 2.251.

Date of service: _____

Clerk, by _____, Deputy

Name: _____

FW-006-GC

Request for Hearing About Court Fee Waiver Order (Superior Court) (Guardian or Conservator)

CONFIDENTIAL

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

1 (Proposed) guardian or conservator who asked the court to waive its fees:

Name: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____

Firm or Affiliation: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

3 (Proposed) ward or conservatee:

Name: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____

Firm or Affiliation: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

5 Date of order denying your request to waive court fees: _____

☐ *(Check here if you have a copy of the order denying your request and attach it to this form.)*

6 I request a hearing on my fee waiver request so I can give the court more information about the (proposed) ward's or conservatee's financial condition.

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

7 ☐ The additional facts that support my request for a fee waiver are *(describe):*
(Use this space if you want to tell the court in advance what facts you want considered at the hearing. If this space is not enough, attach form MC-025. Or attach a sheet of paper and write "Additional Facts" and your name and case number at the top. You may also attach copies of documents you want the court to look at.)

Date: _____

_____
Type or print your name

_____
Sign your name

FW-007-GC Notice on Hearing About Court Fees (Guardian or Conservator)

Clerk stamps date here when form is filed.

DRAFT
Not approved by the Judicial Council

1 **(Proposed) guardian or conservator who asked the court to waive its fees:**

Name: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

2 **Lawyer, if person in 1 has one:**

Name: _____ State Bar No: _____

Firm or Affiliation: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

3 **(Proposed) ward or conservatee:**

Name: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

4 **Lawyer for (proposed) ward or conservatee, if any:**

Name: _____ State Bar No: _____

Firm or Affiliation: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

5 The court received your request for a hearing about a fee waiver in this case on *(date):* _____.

Read this form carefully. All checked boxes ☑ are court orders.

6 ☐ The court **grants** your request for a hearing on your eligibility for a fee waiver. **Go to your court hearing** on the date below. You may bring information about the ward or conservatee's financial condition to the hearing.

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

_____

_____

_____

_____

_____

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

7 ☐ The court **denies** your request for a hearing because *(check all that apply):*

a. ☐ The hearing request was not filed within 10 days after the date of service of the denial of your request for a fee waiver. (Gov. Code, § 68634(g).)

b. ☐ The court has not denied a request to waive fees in this proceeding and the request for a hearing is premature.

c. ☐ Other *(explain):*

Date: _____

▶ _____

Signature of *(check one):* ☐ Judicial Officer ☐ Clerk, Deputy

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one):*

☐ I handed a copy of this notice to the party and attorneys, if any, listed in 1, 2, and 4 at the court on the date below.

☐ This notice was mailed first class, postage paid, to the party and attorneys, if any, at the addresses listed in 1, 2, and 4 from *(city)*: _____, California on the date below.

☐ A certificate of mailing is attached.

☐ I electronically served this notice on the party and attorneys, if any, at the email addresses listed in 1, 2, and 4 on the date below under California Rules of Court, rule 2.251.

Date of service: _____

Clerk, by _____, Deputy

Name: _____

FW-008 Order on Court Fee Waiver After Hearing (Superior Court)

Clerk stamps date here when form is filed.

DRAFT
03/25/2026
NOT APPROVED
BY 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 Person who asked the court to waive its fees:

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

2 Lawyer, if person in 1 has one

Name: _____ State Bar No: _____

Firm or affiliation: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

3 A request to waive court fees was filed *(date):* _____

4 There was a hearing on *(date):* _____

at *(time):* _____ in *(Department):* _____

The following people were at the hearing *(check all that apply):*

☐ Person in 1 ☐ Lawyer in 2

☐ Others *(names):* _____

_____

_____

☐ Other people at the hearing are listed on Attachment 4.

Read this form carefully. All checked boxes ☒ are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial condition during this case that improves your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If this is a civil case and you recover **$10,000** or more by settling the case or otherwise, the court will have a lien on the recovery in the amount of the waived fees. The court may decide not to dismiss the case until the lien is paid.

5 After reviewing your: ☐ Request to Waive Court Fees ☐ Request to Waive Additional Court Fees **the court makes the following order:**

a. ☐ The court **grants** your request and waives your court fees and costs as follows:

(1) ☐ **Fee Waiver.** The court waives the court fees and costs listed below. *(Cal. Rules of Court, rules 3.55, 3.672, and 8.818.)* You do not have to pay the following fees and costs:

- Superior court fees for filing papers
- Clerk's fees for giving notice and certificates
- Clerk's fees for making and certifying copies
- Fees for sending papers to another court department
- Sheriff's fees for giving notice
- Court fees for phone hearings and remote appearances
- Reporter's fees for attending hearings or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessments for court investigations in probate guardianship and conservatorship proceedings
- Court fees for preparing and certifying the clerk's transcript on appeal
- Court fees for holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Court fees for making a transcript or copy of an official electronic recording under rule 8.835

5 a. (2) ☐ **Additional Fee Waiver.** The court waives the additional superior court fees and costs that are checked below. *(Cal. Rules of Court, rule 3.56.)* You do not have to pay the following fees and costs:

☐ Jury fees and expenses
☐ Fees for court-appointed experts
☐ Other*: (specify):* _____
☐ Fees for a peace officer to testify in court
☐ Court-appointed interpreter fees for a witness

A fee waiver granted in a(1) or a(2) expires 60 days after the judgment, dismissal, or other final disposition of your case. (Gov. Code, § 68639.)

b. ☐ The court **denies** your request and **will not waive or reduce** your fees and costs.

(1) The reason for this denial is as follows:

(a) ☐ Your request is incomplete. You did not provide all of the information the court requested. The missing items are specified: ☐ below ☐ on Attachment 5b(1)(a)

(b) ☐ You did not attend the court hearing to provide the information the court needed to grant the waiver.

(c) ☐ The information you provided shows that you are not eligible for the fee waiver you requested because *(check all that apply):*

i. ☐ Your income is too high to qualify.

ii. ☐ The reasons stated: ☐ below ☐ on Attachment 5b(1)(c)(ii)

(d) ☐ There is not enough evidence to support a fee waiver.

(e) ☐ Other reasons stated: ☐ below ☐ on Attachment 5b(1)(e)

(2) ☐ You may pay the fees checked in (a) or (b) over time. You must pay all other court fees and costs when they are due.

You must make monthly payments of $ _____ beginning *(date):* _____ and after that on the first day of every month until the fees checked below are fully paid.

(a) ☐ Filing fees

(b) ☐ Other *(specify):* _____

Case name: _____ **Case Number:**

5 c. ☐ The court **partially grants** your request. The court finds that you can pay a portion of your court fees without using money needed to pay for your household's basic needs. You must pay the fees **as checked in items (1), (2), and (3) below.** The court's reasons for this ruling are: ☐ below ☐ on Attachment 5c

(1) ☐ You must pay _____ percent of your court fees.

(2) ☐ The court waives the fees checked below. You must pay all other court fees.

- ☐ Superior court fees for filing papers
- ☐ Sheriff's fees for giving notice
- ☐ Jury fees and expenses
- ☐ Court-appointed experts' fees
- ☐ Clerk's fees for certified copies
- ☐ Clerk's fees for giving notice and certificates
- ☐ Fees for sending papers to another court department
- ☐ Court-appointed interpreter fees for a witness
- ☐ Fees for a peace officer to testify in court
- ☐ Court fees for phone hearings and remote appearances
- ☐ Assessments for court investigations in probate guardianship and conservatorship proceedings
- ☐ Reporter's fees for attending hearings or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- ☐ Other fees *(specify):* _____

(3) ☐ Other orders as specified: ☐ below ☐ on Attachment 5c(3)

A fee waiver granted in 5 a or c expires 60 days after the judgment, dismissal, or other final disposition of your case. (Gov. Code, § 68639.)

Warning! If 5 b or c is checked: You have **10 days** after the date of service of this order (provided below) to pay your fees as ordered, unless there is a later date for beginning payments in item b(2). If you do not pay, the court will not process the papers you filed. If the papers are a notice of appeal, your appeal may be dismissed.

Date: _____ ▶ _____
Signature of Judicial Officer

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one):*

☐ I handed a copy of this order to the party and attorney, if any, listed in 1 and 2, at the court on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2, from *(city):* _____, California, on the date below.
☐ A certificate of mailing is attached.

☐ I electronically served this order on the party and attorney, if any, at the addresses listed in 1 and 2 on the date below under California Rules of Court, rule 2.251.

Date of service: _____

Clerk, by _____, Deputy
Name: _____

FW-008-GC

Order on Court Fee Waiver After Hearing (Superior Court) (Guardian or Conservator)

Clerk stamps date here when form is filed.

DRAFT
Not approved by the Judicial Council

1 (Proposed) guardian or conservator who asked the court to waive its fees:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

5 A request to waive court fees was filed on *(date):* _____

6 There was a hearing on *(date):* _____ at *(time):* _____ in *(Department):* _____
The following people were at the hearing *(check all that apply):*

☐ Person in 1 ☐ Lawyer in 2 ☐ Person in 3 ☐ Lawyer in 4
☐ Other persons at the hearing are listed ☐ below ☐ on Attachment 6.

_____
_____
_____

Read this form carefully. All checked boxes ☑ are court orders.

Notice: The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may order you to pay the waived fees. If this happens and the fees are not paid, the court may also charge collection fees. The court may also direct you to try to collect money to pay waived fees from persons who have a legal duty to support the ward or conservatee. If a change in the ward's or conservatee's financial condition during the case improves your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this is a civil case and you win it on behalf of the ward or conservatee, the court may order the other side to pay some or all of the waived fees. If you recover **$10,000** or more by settling the case or otherwise, the court will have a lien on the recovery in the amount of the waived fees. The court may decide not to dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding ends, and you are discharged as guardian or conservator.

Case name: _____ **Case Number:**

7 After reviewing your *(check one):* ☐ *Request to Waive Court Fees* ☐ *Request to Waive Additional Court Fees* and considering the additional information presented at the hearing,
the court makes the following order:

a. ☐ The court **grants** your request and **waives** court fees and costs as follows:

(1) ☐ **Fee Waiver.** The court waives the court fees and costs listed below. *(Cal. Rules of Court, rules 3.55, 3.672, and 8.818.)* You do not have to pay the following fees and costs:

- Superior court fees for filing papers
- Clerk's fees for certified copies
- Sheriff's fees for giving notice
- Clerk's fees for giving notice and certificates
- Fees for sending papers to another court department
- Court fees for phone hearings and remote appearances
- Reporter's fees for attending a hearing or trial if the court is not recording the proceeding and you request that the court provide an official reporter
- Assessments for court investigations in probate guardianship and conservatorship proceedings
- Court fees for preparing and certifying the clerk's transcript on appeal
- Court fees for holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Court fees for making a transcript or copy of an official electronic recording under rule 8.835

(2) ☐ **Additional Fee Waiver.** The court waives the additional court fees and costs checked below. *(Cal. Rules of Court, rule 3.56.)* You do not have to pay the checked fees and costs.

☐ Jury fees and expenses
☐ Fees for court-appointed experts
☐ Other: *(specify):* _____
☐ Fees for a peace officer to testify in court
☐ Court-appointed interpreter fees for a witness

A fee waiver under a(1) or a(2) expires 60 days after the judgment, dismissal, or other final disposition of your case.

b. ☐ The court **denies** your request and **will not waive or reduce** court fees and costs.

(1) The reason for this denial is:

(a) ☐ Your request is incomplete. You did not provide all the information the court asked you for. The missing items are specified ☐ below ☐ on Attachment 7b(1)(a).

_____
_____
_____

(b) ☐ You did not attend the court hearing to provide the information the court needed to grant the waiver.

(c) ☐ The information you provided shows you are not eligible for the fee waiver you requested because *(check all that apply):*

i. ☐ The ward's or conservatee's income is too high to qualify.

ii. ☐ The reasons stated ☐ below ☐ on Attachment 7b(1)(c)(ii).

_____
_____
_____
_____

(d) ☐ There is not enough evidence to support a fee waiver.

(e) ☐ Other reasons stated ☐ below ☐ on Attachment 7b(1)(e).

_____
_____
_____

Case name: _____ **Case Number:**

7 b. (2) ☐ You may pay the fees checked in (a) or (b) over time. You must make payments of at least $_____ beginning *(date):* _____ and after that on the first day of every month until you have paid the fees checked below in full.
(a) ☐ Filing fees.
(b) ☐ Other *(describe):* _____
You must pay all other court fees and costs when they are due.

c. ☐ The court **grants** your request **in part**. The court finds—based on the financial condition of the ward or conservatee—that you can pay a portion of the fees and costs without using money needed to pay for the ward's or conservatee's basic needs. You must pay the fees **as checked in (1), (2), and (3), below.**
The reasons for this ruling are stated ☐ below ☐ on Attachment 7c.

_____
_____
_____

(1) ☐ You must pay ____ percent of the court fees.
(2) ☐ The court waives the fees checked below. You must pay all other court fees.
☐ Superior court fees for filing papers
☐ Sheriff's fees for giving notice
☐ Jury fees and expenses
☐ Court-appointed experts' fees
☐ Clerk's fees for certified copies
☐ Clerk's fees for giving notice and certificates
☐ Fees for sending papers to another court department
☐ Court-appointed interpreter fees for a witness
☐ Fees for a peace officer to testify in court
☐ Court fees for phone hearings and remote appearances
☐ Assessments for court investigations in probate guardianship and conservatorship proceedings
☐ Reporter's fees for attending a hearing or trial if the court is not recording the proceeding and you request that the court provide an official reporter
☐ Other fees *(specify):* _____
(3) ☐ Other orders as specified ☐ below ☐ on Attachment 7c(3).

_____
_____
_____

A fee waiver under a or c expires 60 days after the judgment, dismissal, or other final disposition of your case.

Warning! If 7 b or 7 c above is checked, you have **10 days** after the date of service of this order (provided below) to pay your fees as ordered unless there is a later date for beginning payments in 7 b(2). If you do not pay, the court will not process the papers you filed. If the papers are a notice of appeal, your appeal may be dismissed.

Date: _____ _____
Signature of Judicial Officer

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one):*
☐ I handed a copy of this order to the party and attorneys, if any, listed in 1, 2, and 4 at the court on the date below.
☐ This order was mailed first class, postage paid, to the party and attorney(s), if any, at the addresses listed in 1, 2, and 4 from *(city):* _____, California, on the date below.
☐ A certificate of mailing is attached.
☐ I electronically served this order on the party and attorneys, if any, at the email addresses listed in 1, 2, and 4 on the date below under California Rules of Court, rule 2.251.

Date of service: _____ Clerk, by _____, Deputy
Name: _____

FW-010 Notice to Court of Improved Financial Condition

CONFIDENTIAL

Clerk stamps date here when form is filed.

DRAFT
03/25/2026
NOT APPROVED
BY COUNCIL

Fill out court name and street address:

Superior Court of California, County of

Fill out case number and case name:

Case Number:

Case Name:

1 Person who asked the court to waive its fees:

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

2 Lawyer, if person in 1 has one

Name: _____ State Bar No: _____

Firm or affiliation: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

3 Date of your **last** court fee waiver order in this case:

(date): _____

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial condition during this case that improves your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If this is a civil case and you recover **$10,000** or more by settling the case or otherwise, the trial court will have a lien on the recovery in the amount of the waived fees. The trial court may decide not to dismiss the case until the lien is paid.

4 ☐ My financial condition has changed since the date of the last court fee waiver order in a way that improves my ability to pay fees. I ask the court to *(check one):*

a. ☐ **End** my fee waiver because my financial condition has improved and I am able to pay my court fees and costs that are due after *(date):* _____.

b. ☐ **Review** my updated financial information in the attached *Request to Waive Court Fees.* I believe I am still eligible for a fee waiver. *(Complete form FW-001 and attach to this form.)*

5 ☐ My case is a civil case and I have recovered (another party in the case is required to pay me a settlement, arbitration or mediation award, money judgment, or other money) *(check one):*

a. ☐ less than $10,000

b. ☐ $10,000 or more *(If you check this box, you must complete (1) and (2) below.)*

(1) Have you received the money from the settlement or other recovery? *(check one):* ☐ Yes ☐ No

(2) The party who must pay the settlement or other recovery is *(name, address, phone, email):*

_____

_____

I declare under penalty of perjury under the laws of the State of California that the information provided on this form and all attachments is true and correct.

Date: _____

_____ ▶ _____

Type or print your name Sign your name

FW-010-GC **Notice to Court of Improved Financial Condition (Guardian or Conservator)**

CONFIDENTIAL

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

1 (Proposed) guardian or conservator who asked the court to waive its fees:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

5 Date of the **last** court fee waiver order in this case *(date):* _____

Notice: The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may order you to pay the waived fees. If this happens and the fees are not paid, the court may also charge collection fees. The court may also direct you to try to collect money to pay waived fees from persons who have a legal duty to support the ward or conservatee. If a change in the ward's or conservatee's financial condition during the case improves your ability to pay fees and costs, you must notify the trial court within five days. (Use this form.)

If this is a civil case and you win it on behalf of the ward or conservatee, the court may order the other side to pay some or all of the waived fees. If you recover **$10,000** or more by settling the case or otherwise, the court will have a lien on the recovery in the amount of the waived fees. The court may decide not to dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding ends, and you are discharged as guardian or conservator.

6 ☐ A change in the ward's or conservatee's financial condition since the date of the last court fee waiver order has improved my ability as guardian or conservator to pay court fees and costs. I ask the court to either:

a. ☐ **End** the fee waiver because the ward's or conservatee's financial condition has improved and I am able to pay court fees and costs due after *(date):* _____.

b. ☐ **Review** the ward's or conservatee's updated financial information in the attached *Request to Waive Court Fees.* I believe I am still eligible for a fee waiver based on the ward's or conservatee's financial condition. *(Complete form FW-001-GC and attach to this form.)*

7 ☐ I have represented the interests of the ward or conservatee in a civil case and have recovered on their behalf, in a settlement or otherwise, *(check one):*

☐ less than $10,000.

☐ $10,000 or more. *(If so, complete a, b, and c below.)*

a. I have, or the estate has, received the proceeds of the settlement or other recovery.
☐ Yes ☐ No

b. The party who must pay the settlement or other recovery *(name, address, phone, email):*

_____

_____

_____

c. That party's attorney, if any *(name, firm or affiliation, address, phone, email, and State Bar number):*

_____

_____

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the information provided on this form and all attachments is true and correct.

Date: _____

_____ ▶ _____

Print your name here Sign here

FW-011 Notice to Appear for Reconsideration of Fee Waiver

Clerk stamps date here when form is filed.

DRAFT
03/25/2026
NOT APPROVED
BY COUNCIL

Warning: If you do not go to the hearing on the date and time below, the court may cancel your fee waiver and require you to pay all or part of the fees.

1 Person who asked the court to waive its fees:

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

2 Lawyer, if person in 1 has one

Name: _____ State Bar No: _____

Firm or affiliation: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

3 The court has information indicating that *(check all that apply):*

a. ☐ Your financial condition may have changed, or you may no longer be eligible for a fee waiver because *(explain):*

_____

_____

_____

_____

b. ☐ Your case is coming to an end, and the court requires some information about your financial condition to help it decide whether you are still eligible for a fee waiver.

4 You must go to court on the date below:

Hearing Date → Date: _____ Time: _____ Name and address of court if different from above:

Dept.: _____ Rm.: _____

_____

☐ Bring the following information if reasonably available: _____

_____

Date: _____

_____
Signature of *(check one):* ☐ Judicial Officer ☐ Clerk, Deputy

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

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one):*

☐ I handed a copy of this order to the party and attorney, if any, listed in 1 and 2, at the court on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2, from *(city):* _____, California, on the date below. ☐ A certificate of mailing is attached.

☐ I electronically served this order on the party and attorney, if any, at the addresses listed in 1 and 2, on the date below under California Rules of Court, rule 2.251.

Date of service: _____ Clerk, by _____, Deputy

FW-011-GC **Notice to Appear for Reconsideration of Fee Waiver (Guardian or Conservator)**

Warning: If you do not go to the hearing on the date and time on page 2, the court may cancel your fee waiver and require you to pay all or part of the fees.

Clerk stamps date here when form is filed.

DRAFT
Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

1 (Proposed) guardian or conservator who asked the court to waive its fees:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

5 The court has information indicating that *(check all that apply):*

a. ☐ The ward's or conservatee's financial condition may have changed, or you may no longer be eligible for a fee waiver based on that condition because *(explain):*

_____
_____
_____
_____
_____
_____

b. ☐ The ward's or conservatee's case (or the guardianship or conservatorship) is coming to an end, and the court requires the following information about the ward's or conservatee's financial condition to help it decide whether you are still eligible for a fee waiver *(describe):*

_____
_____
_____
_____
_____

Case name: _____ **Case Number:**

6 You must go to court on the date below:

Name and address of court if different from that shown on page 1:

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

☐ Bring the following documents to the hearing if they are reasonably available:

Date: _____

_____
Signature of *(check one)*: ☐ Judicial Officer ☐ Clerk, Deputy

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

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one)*:

☐ I handed a copy of this notice to the party and attorneys, if any, listed in 1, 2, and 4 at the court on the date below.

☐ This notice was mailed first class, postage paid, to the party and attorneys, if any, at the addresses listed in 1, 2, and 4 from *(city)*: _____, California on the date below.

☐ A certificate of mailing is attached.

☐ I electronically served this notice on the party and attorneys, if any, at the email addresses listed in 1, 2, and 4 on the date below under California Rules of Court, rule 2.251.

Date of service: _____

Clerk, by _____, Deputy
Name: _____

FW-012 Order on Court Fee Waiver After Reconsideration Hearing (Superior Court)

Clerk stamps date here when form is filed.

DRAFT
03/25/2026
NOT APPROVED
BY 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:

Case Name:

1 Person who asked the court to waive its fees:

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

2 Lawyer, if person in 1 has one

Name: _____ State Bar No: _____

Firm or affiliation: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

3 The court ordered a fee waiver in this case on *(date):*

_____

4 The court sent you a notice on *(date):* _____
to go to a court hearing about the fee waiver.

5 There was a hearing on *(date):* _____
at *(time):* _____ in *(Department):* _____
The following people were at the hearing *(check all that apply):*

☐ Person in 1 ☐ Lawyer in 2

☐ Others *(names):* _____

_____

_____

☐ Other people at the hearing are listed on Attachment 5.

Read this form carefully. All checked ☒ boxes are court orders.

6 After considering the information provided at the hearing, **the court makes the following orders:**

a. ☐ **No Change to Fee Waiver.** The *Order on Court Fee Waiver* issued by this court on *(date):* _____ remains in effect. No change is made at this time.

b. ☐ **Fee Waiver Is Ended as of:** *(date):* _____. The court finds that beginning on that date you were no longer eligible for a fee waiver for the reasons stated: ☐ below ☐ on Attachment 6b

_____

_____

_____

_____

_____

(1) ☐ You must pay all court fees in this case that are charged on or after the date of this order.

(2) ☐ You must also pay the court $_____ for fees that were initially waived after you were no longer eligible.

(a) ☐ You must pay that amount within 10 court days of the date of service of this order (see page 3).

(b) ☐ You may pay that amount in monthly payments of $_____ beginning *(date):* _____ and after that on the first day of every month until all the fees are paid.

6 c. ☐ **Fee Waiver Is Retroactively Withdrawn.** The court finds that you were never entitled to a fee waiver in this case for the reasons stated: ☐ below ☐ on Attachment 6c

_____

_____

_____

_____

_____

(1) You must pay all court fees in this case that are charged on or after the date of this order.

(2) ☐ You must also pay the court $_____ for fees that the court initially waived.

(a) ☐ You must pay that amount within 10 court days of the date of service of this order (see page 3).

(b) ☐ You may pay that amount in monthly payments of $ _____ beginning *(date):* _____ and after that on the first day of every month until all the fees are paid.

d. ☐ **Fee Waiver Is Modified.** The court finds that you are now able to pay a portion of your court fees without using money needed to pay for your household's basic needs. You must pay the fees **as checked in items (1), (2), and (3) below.** The court's reasons are stated: ☐ below ☐ on Attachment 6d

_____

_____

_____

_____

(1) ☐ You must pay _____ percent of your court fees.

(2) ☐ The court waives the fees checked below. You must pay all other court fees.

☐ Superior court fees for filing papers
☐ Sheriff's fees for giving notice
☐ Jury fees and expenses
☐ Court-appointed experts' fees
☐ Clerk's fees for certified copies
☐ Clerk's fees for giving notice and certificates
☐ Fees for sending papers to another court department
☐ Court-appointed interpreter fees for a witness
☐ Fees for a peace officer to testify in court
☐ Court fees for phone hearings and remote appearances
☐ Assessments for court investigations in probate guardianship and conservatorship proceedings
☐ Reporter's fees for attending hearings or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
☐ Other fees *(specify):* _____

(3) ☐ Other orders as specified: ☐ below ☐ on Attachment 6d(3)

_____

_____

_____

e. ☐ **Other orders as stated:** ☐ below ☐ on Attachment 6e

_____

_____

_____

_____

Date: _____

▶ _____

Signature of Judicial Officer

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one)*:

☐ I handed a copy of this order to the party and attorney, if any, listed in (1) and (2), at the court on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in (1) and (2), from *(city)*: _____, California, on the date below.

☐ A certificate of mailing is attached.

☐ I electronically served this order on the party and attorney, if any, at the addresses listed in (1) and (2) on the date below under California Rules of Court, rule 2.251.

Date of service: _____

Clerk, by _____, Deputy

Name: _____

FW-012-GC

Order on Court Fee Waiver After Reconsideration Hearing (Superior Court) (Guardian or Conservator)

Clerk stamps date here when form is filed.

DRAFT
Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

1 (Proposed) guardian or conservator who asked the court to waive its fees:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

5 The court ordered a fee waiver in this case on *(date):* _____

6 The court sent you a notice on *(date):* _____ to go to a court hearing about the fee waiver.

7 There was a hearing on *(date):* _____ at *(time):* _____ in *(Department):* _____

The following persons were at the hearing *(check all that apply):*

☐ Person in 1 ☐ Lawyer in 2 ☐ Person in 3 ☐ Lawyer in 4
☐ Other persons who were at the hearing are listed ☐ below ☐ on Attachment 7.

_____
_____

Read this form carefully. All checked ☑ boxes are court orders.

8 After considering the information presented at the hearing, **the court makes the following orders:**

a. ☐ **No Change to Fee Waiver.** The *Order on Court Fee Waiver* issued by this court on *(date):* _____ remains in effect. No change is made at this time.

b. ☐ **Fee Waiver Is Ended as of** *(date):* _____. The court finds that, beginning on that date, you were no longer eligible for a fee waiver based on the ward's or conservatee's financial condition for the reasons stated ☐ below ☐ on Attachment 8b.

_____
_____
_____

8 b. (1) ☐ You must pay all court fees in this case that are charged on or after the date of this order.

(2) ☐ You must also pay the court $_____ for fees that were waived after you had become ineligible for a fee waiver because the ward or conservatee had the ability to pay the fees.

(a) ☐ You must pay that amount **within 10 court days** of the date of service of this order *(see page 3)*.

(b) ☐ You may pay that amount in monthly payments of $_____ beginning *(date):* _____ and after that on the first day of every month until all the fees are paid.

c. ☐ **Fee Waiver Is Retroactively Withdrawn.** The court finds that you were never entitled to a fee waiver in this case based on the ward's or conservatee's financial condition for the reasons stated

☐ below ☐ on Attachment 8c.

_____

_____

_____

_____

_____

_____

(1) You must pay all court fees in this case that are charged on or after the date of this order.

(2) ☐ You must also pay the court $_____ for fees waived earlier in this case.

(a) ☐ You must pay that amount **within 10 court days** of the date of service of this order *(see page 3)*.

(b) ☐ You must pay that amount in monthly payments of $_____ beginning *(date):* _____ and after that on the first day of every month until the full amount is paid.

d. ☐ **Fee Waiver Is Modified.** The court finds—based on changes in the financial condition of the ward or conservatee—that you are now able to pay some of the fees in this case without using money needed to pay for the ward's or conservatee's basic needs.
You must pay the fees **as checked in items d(1), d(2), and d(3) below.**

(1) ☐ You must pay ____ percent of the court fees.

(2) ☐ The court continues to waive the fees checked below. You must pay all other court fees.

- ☐ Superior court fees for filing papers
- ☐ Sheriff's fees for giving notice
- ☐ Jury fees and expenses
- ☐ Court-appointed experts' fees
- ☐ Clerk's fees for certified copies
- ☐ Clerk's fees for giving notice and certificates
- ☐ Fees for sending papers to another court department
- ☐ Court-appointed interpreter fees for a witness
- ☐ Fees for a peace officer to testify in court
- ☐ Court fees for phone hearings and remote appearances
- ☐ Assessments for court investigations in probate guardianship and conservatorship proceedings
- ☐ Reporter's fees for attending a hearing or trial if the court is not recording the proceeding and you request that the court provide an official reporter
- ☐ Other fees *(specify):* _____

(3) ☐ Other modifications as ordered ☐ below ☐ on Attachment 8d(3).

_____

_____

_____

_____

Case name: _____ **Case Number:**

8 e. ☐ **Other Orders as Stated** ☐ below ☐ on Attachment 8e.

_____

_____

_____

Date: _____

_____
Signature of Judicial Officer

Clerk's Certificate of Service

I certify that I am not involved in this case and *(check one)*:

☐ I handed a copy of this order to the party and attorneys, if any, listed in 1, 2, and 4 at the court on the date below.

☐ This order was mailed first class, postage paid, to the party and attorneys, if any, at the addresses listed in 1, 2, and 4 from *(city)*: _____, California, on the date below.
☐ A certificate of mailing is attached.

☐ I electronically served this order on the party and attorneys, if any, at the email addresses listed in 1, 2, and 4 on the date below under California Rules of Court, rule 2.251.

Date of service: _____

Clerk, by _____, Deputy
Name: _____

Item number: 11

Rules Committee Action Request Form

Rules Committee Meeting Date: 04/09/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Civil Practice and Procedure: Amendment of Court-Ordered Mediation Rule

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rule 3.891

Committee or other entity submitting the proposal:
Civil and Small Claims Advisory Committee

Staff contact (name, phone, and email)*:*
Nikki Marquez, 415-865-7990, nikki.marquez@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* 10/16/2025
Project description from annual agenda: 6. Mediation Rules: Implementation of AB 1523 (new project). Develop rule recommendations as appropriate. AB 1523 (Stats. 2025, ch. 201) changes the conditions under which a court can order a case into mediation, including by raising the maximum amount in controversy from $50,000 to $75,000. AB 1523 will likely require amendments to rule 3.891. The committee will also consider amendments to the rules regarding mediation and judicial arbitration more broadly, such as whether the rules can be expanded to apply to additional cases.

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

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):* 3/6/2026

☒ Office director (or designee) reviewed on *(date):* 03/23/2026 by *(name):* Michael Giden

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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-11

Title
Civil Practice and Procedure: Amendment of Court-Ordered Mediation Rule

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 3.891

Proposed Effective Date
January 1, 2027

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

Contact
Nikki Marquez, 415-865-7990
nikki.marquez@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes amending California Rules of Court, rule 3.891, which identifies cases that may be ordered into mediation, to reflect the changes in law made by Assembly Bill 1523 (Stats. 2025, ch. 201) that will take effect on January 1, 2027.

Background

California Rules of Court, rule 3.891 implements Code of Civil Procedure section 1775.5, which identifies the cases that may be ordered into mediation. Under section 1775.5, the amount in controversy is currently the only limit on the court's ability to order cases into mediation. Specifically, the court may not order a case into mediation if the amount in controversy exceeds $50,000.

Effective January 1, 2027, AB 1523 (Link A) increases the monetary limit in section 1775.5 to $75,000 and places other conditions on court-ordered mediation, including that the case must already have been set for trial and that there must not be any ongoing discovery disputes.

The Proposal

The committee proposes amending rule 3.891 to conform with section 1775.5 of the California Code of Civil Procedure as amended by AB 1523. The committee proposes amending rule 3.891(a)(1) to state: "The court may order an action submitted to mediation if it meets the

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

conditions stated in Code of Civil Procedure section 1775.5(a).” The committee considered listing the conditions specified in section 1775.5(a), as that format may be more accessible to readers because it does not require cross-referencing the Code of Civil Procedure, but decided to cross-reference the statute to ensure the rule remains accurate and requires fewer future rule amendments.

The committee also considered whether to define AB 1523’s term “ongoing discovery disputes,” but determined that courts should have discretion to interpret the requirement. The committee was also concerned that any definition might inadvertently exclude cases that are suitable for mediation.

In addition to the amendment to implement AB 1523, the committee proposes reorganizing the rule to place court-ordered mediation and stipulated mediation in separate subdivisions and to separate the conditions for court-ordered mediation into separate paragraphs of subdivision (a). The committee also proposes new subdivisions (a)(5) and (a)(6) to ensure rule 3.891 is consistent with the requirements set out in section 1775.5(d) for after a case has been ordered into mediation:

> (5) Mediation ordered under this subdivision must conclude in the form of a mutually acceptable agreement or statement of nonagreement, as described in Code of Civil Procedure section 1775.9, no later than 120 days before the trial date described in Code of Civil Procedure section 1775.5(a)(2).
>
> (6) Any mediation may not delay the trial date described in section 1775.5(a)(2).

Alternatives Considered

The committee did not consider the alternative of taking no action because, unless amended, the rule will be inaccurate on January 1, 2027. As discussed in the explanation of the proposal, the committee considered alternatives when drafting the proposal and concluded that the current proposal best implements the statutory changes.

Fiscal and Operational Impacts

Amending rule 3.891 will require educating court staff and judicial officers. Because the revisions to the rule are required to ensure conformity with a new law, these operational impacts cannot be avoided.

DRAFT

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

Attachments and Links

1. Cal. Rules of Court, rule 3.891, at pages 4–5
2. Link A: Assem. Bill 1523 (Stats. 2025, ch. 201), *leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260AB1523*

DRAFT

Rule 3.891 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 3.891. Actions subject to mediation

(a) Actions that may be ~~submitted~~ ordered to mediation

The following actions may be ~~submitted~~ ordered to mediation under these provisions:

~~(1) *By court order*~~

~~Any action in which the amount in controversy, independent of the merits of liability, defenses, or comparative negligence, does not exceed $50,000 for each plaintiff.~~

(1) The court may order an action submitted to mediation if it meets the conditions stated in Code of Civil Procedure section 1775.5(a).

(2) The court must determine the amount in controversy under Code of Civil Procedure section 1775.5.

(3) Determinations to send a case to mediation must be made by the court after consideration of the expressed views of the parties on the amenability of the case to mediation.

(4) The court must not require the parties or their counsel to personally appear in court for a conference held solely to determine whether to send their case to mediation.

(5) Mediation ordered under this subdivision must conclude in the form of a mutually acceptable agreement or statement of nonagreement, as described in Code of Civil Procedure section 1775.9, no later than 120 days before the trial date described in Code of Civil Procedure section 1775.5(a)(2).

(6) Any mediation may not delay the trial date described in section 1775.5(a)(2).

~~(2) *By stipulation*~~

(b) Stipulation to mediation

Any ~~other~~ action, regardless of the amount of controversy, ~~in which~~ may be submitted to mediation if all parties stipulate to such mediation. The stipulation must be filed not later than 90 days before trial unless the court permits a later time.

DRAFT

~~(b)~~ (c) Case-by-case determination

Amenability of a particular action for mediation must be determined on a case-by-case basis, rather than categorically.

DRAFT

Item number: 12

Rules Committee Action Request Form

Rules Committee Meeting Date: 04/09/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Civil Practice and Procedure: Amendment of Mandatory Settlement Conferences Rule

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend rule 3.1380

Committee or other entity submitting the proposal:
Civil and Small Claims Advisory Committee

Staff contact (name, phone, and email)*:*
Nikki Marquez, 415-865-7990, nikki.marquez@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* 10/16/2025
Project description from annual agenda: 5. Mandatory Settlement Conferences: Revise Rule 3.1380. Develop rule recommendations as appropriate. Rule 3.1380 requires in-person attendance at mandatory settlement conferences. The committee will consider whether to amend the rule to allow remote appearances at settlement conferences consistent with Code of Civil Procedure section 367.75 and rule 3.672.

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

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):* 03/06/26

☒ Office director (or designee) reviewed on *(date):* 03/23/2026 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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courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-12

Title
Civil Practice and Procedure: Amendment of Mandatory Settlement Conferences Rule

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 3.1380

Proposed Effective Date
January 1, 2027

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

Contact
Nikki Marquez, 415-865-7990
nikki.marquez@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes amending California Rules of Court, rule 3.1380 to clarify that the rule does not require in-person attendance at mandatory settlement conferences. This change would give courts the discretion to determine how parties must appear, including by allowing remote appearances. The committee proposes this amendment in response to a suggestion by a member of the public.

Background

Rule 3.1380

California Rules of Court, rule 3.1380 addresses mandatory settlement conferences and specifies who is required to attend. Specifically, rule 3.1380(b) states:

> **(b) Persons attending**
>
> Trial counsel, parties, and persons with full authority to settle the case must personally attend the conference, unless excused by the court for good cause. If any consent to settle is required for any reason, the party with that consensual authority must be personally present at the conference.

The provision that certain parties with the authority to settle the case must attend the conference, unless excused for good cause, was included in the first iteration of this rule that went into effect

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

in January 1985. This subdivision was amended in 1995 to add the requirement that any party with consensual authority to settle be personally present at the conference, which was a frequently reported problem. Aside from renumbering, this subsection has not been substantively amended since 1995.

The rule does not specify how to interpret the phrases "personally attend" and "personally present" and whether they refer to in-person attendance or mean the specific persons must themselves be present at the conference (i.e., they cannot send someone else on their behalf).

General provisions governing remote court proceedings

California Code of Civil Procedure section 367.75 authorizes courts to conduct proceedings in civil matters using remote technology. Certain civil cases are excepted, and courts may still require in-person appearances if specific conditions are met. Section 367.75 does not explicitly address mandatory settlement conferences. However, section 367.75 applies to mandatory settlement conferences as section 367.75(a)(1) states that in civil cases a party may appear remotely, and courts may conduct conferences, hearings, and proceedings through remote technology.[1]

California Rules of Court, rule 3.672 implements section 367.75.[2] Rule 3.672 is silent as to mandatory settlement conferences or other court rules that require in-person appearances. The language in rule 3.1380(b) requiring individuals "personally attend" or be "personally present" creates ambiguity as to how section 367.75 and rule 3.672 apply to mandatory settlement conferences.

Rule 3.670, which addresses telephonic appearances and predates section 367.75, addresses a similar ambiguity and demonstrates the need for clarification. Although the relevant portions of rule 3.670 are suspended while rule 3.672 applies in its place, rule 3.670 is informative as it directly addresses telephonic appearances in mandatory settlement conferences. Specifically, rule 3.670(e) identifies instances where personal appearances are required, including settlement conferences. However, rule 3.670(f) states the court may permit a telephonic appearance at a proceeding under rule 3.670(e) if the court finds it appropriate.

Thus, although the court may permit remote appearances for mandatory settlement conferences under section 367.75, rules 3.670 and 3.1380 are unclear on that issue.

The Proposal

The committee proposes amending rule 3.1380(b) to remove the word "personally" from "personally attend" and "personally present." This proposed change is intended to clarify that the rule does not require in-person attendance at mandatory settlement conferences. This will also

[1] Section 367.75(a)(2) contains exceptions for matters identified in Code of Civil Procedure section 367.76(a)(1) and juvenile justice proceedings covered by Welfare and Institutions Code section 679.5.

[2] Section 367.75 is currently set to sunset on January 1, 2027, but the sunset date has been extended several times since section 367.75 was first enacted and may be extended again.

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remove confusion as to whether section 367.75 and rule 3.672 apply to mandatory settlement conferences. Under this amendment, the court will have discretion to determine how parties must appear, including by allowing remote appearances.

This proposed amendment is consistent with Code of Civil Procedure section 367.75 and rule 3.672, which broadly permit remote appearances in civil proceedings and do not prohibit remote attendance at mandatory settlement conferences.

Alternatives Considered

The committee considered taking no action but ultimately determined that amending rule 3.1380 will help clarify for courts and court users that remote attendance at mandatory settlement conferences is permissible.

The committee considered two alternatives when drafting the proposal and requests specific comments on both.

First, because the proposed amendment to subdivision (b) is silent as to remote appearances, the committee considered adding an advisory committee comment to state: "Attendance may be in person or remote." The committee requests specific comments on whether including this advisory committee comment in the rule would be useful.

Second, the committee considered amending rule 3.1380 to add a subdivision that expressly allows for remote appearances at the discretion of the court:

> **(e) Court may permit remote appearances**
>
> The court may permit a party to appear remotely at a conference or proceeding under (a) if the court determines that a remote appearance is appropriate.

Unlike the proposed amendment to subdivision (b), this amendment would explicitly allow for remote appearances but would also establish in-person attendance as the default. The rule history for rule 3.1380 suggests subdivision (b) was intended to ensure the attendance of parties needed for a productive settlement conference, but the history does not indicate the rule sought to establish a preference for in-person over remote attendance. For this reason, the committee's proposed amendment to subdivision (b) will not specify that in-person attendance is required by default. The committee requests specific comments on whether it is preferable to add subdivision (e), which makes in-person attendance the default, instead of removing the word "personally" from subdivision (b).

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Fiscal and Operational Impacts

Amending rule 3.1380 will require educating court staff and judicial officers. This amendment could make operations more efficient by providing courts with clarity that remote appearances are allowed in mandatory settlement conferences.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Would amending the rule to include the proposed advisory committee comment be useful? If so, please explain.
- Is the alternative of amending the rule to explicitly allow the court to permit remote appearances preferable to the proposed amendment to subdivision (a)? If so, please explain.

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

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

Attachments and Links

1. Cal. Rules of Court, rule 3.1380, at page 5

DRAFT

Rule 3.1380 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 3.1380. Mandatory settlement conferences

(a) Setting conferences

On the court's own motion or at the request of any party, the court may set one or more mandatory settlement conferences.

(b) Persons attending

Trial counsel, parties, and persons with full authority to settle the case must ~~personally~~ attend the conference, unless excused by the court for good cause. If any consent to settle is required for any reason, the party with that consensual authority must be ~~personally~~ present at the conference.

(c)–(d) * * *

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Item number: 13

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Civil Practice and Procedure: Format of First Page of Filings in Trial Courts

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rule 2.111

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: Agenda Item 15: A member of the committee suggested amending rule 2.111(4) to require parties to list the names of all parties in the caption on "each initial or subsequent complaint" instead of "each initial complaint." This revision would address situations where new plaintiffs are added in an amended complaint but are not listed in the caption, which makes it difficult for courts to ensure all plaintiffs are correctly listed in the case management system. Rule revisions could reduce burdens on courts and reduce confusion for judicial officers and litigants when plaintiffs are added by an amended complaint.

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

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

Information for JC staff

☒ EGG reviewed on *(date):* February 27, 2026

☒ Office director (or designee) reviewed on *(date):* March 5, 2026 by *(name):* Michael Giden

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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INVITATION TO COMMENT

SPR-13

Title
Civil Practice and Procedure: Format of First Page of Filings in Trial Courts

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 2.111

Proposed Effective Date
January 1, 2027

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

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

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes amending rule 2.111 of the California Rules of Court to require amended or subsequent complaints and cross-complaints to list the names of all parties in the caption. This rule amendment would address situations where new parties are added but are not listed in the caption, which may make it difficult for courts to ensure that all parties are correctly listed in the court's case management system. The committee proposes this amendment in response to a suggestion from a committee member.

The Proposal

Rule 2.111 addresses the format of the first page of papers to be filed in trial courts. The proposed rule amendment mirrors a 2025 general order from the Superior Court of Los Angeles County.[1] Rule 2.111(4) currently reads, in pertinent part, as follows:

[1] Effective September 19, 2025, the Superior Court of Los Angeles County instituted a general order that reads, "The format of the case caption beginning on the first page of any Amended Complaint or Amended Cross-Complaint, proposed or otherwise, must contain the name of each party. This General Order is necessary to permit the Court to correctly identify the parties involved in the litigation following an amendment of the operative complaint or cross-complaint."

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

> In the title of the case on each initial complaint or cross-complaint, the name of each party must commence on a separate line beginning at the left margin of the page.

To address situations where new parties are subsequently added, but are not listed in the caption, the committee proposes amending rule 2.111(4) to read, "In the title of the case on each initial, amended, or subsequent complaint or cross-complaint … ."[2] The committee also proposes making various clarifying changes to rule 2.111(1) so that it is easier to understand. The committee proposes changing "is appearing in person" to the less ambiguous language "is representing themselves."[3] The committee further proposes amending the rule to use gender-neutral language and to remove the hyphen from the word "email" in line with current Judicial Council style practices.

Alternatives Considered

The committee considered taking no action but ultimately determined the rule amendment was warranted in light of the benefits the amendments could provide to the courts and court users.

The committee considered whether requiring parties to modify the caption might lead to administrative difficulties. The committee seeks comment regarding the alternative approach of amending rule 2.111 to require the first page of each amended or subsequent complaint or cross-complaint to contain a section, separate from the case caption, indicating whether parties have been added. This approach may have the added benefit of creating an easily identifiable record of changes of the parties at specific points in time.

The committee also seeks specific comment on whether the amended rule should explicitly state that parties must be added or removed from the caption of an amended or subsequent complaint or cross-complaint. The committee discussed that some courts might want added parties to be identified in the caption of an amended or subsequent complaint but might also want to prohibit parties from removing or editing party names that are already in the caption.

Fiscal and Operational Impacts

Amending rule 2.111 will require educating court staff and judicial officers and might require changes to computerized case management systems.

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[2] The committee understands the proposed rule amendment to be consistent with Code of Civil Procedure section 422.40, which reads, "[i]n the complaint, the title of the action shall include the names of all the parties; but, except as otherwise provided by statute or rule of the Judicial Council, in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties."

[3] The committee understands "appearing in person" to mean a person representing themselves because the current rule contemplates "appearing in person" as an alternative to being represented by an attorney.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Instead of the proposed amendment to rule 2.111(4), should the rule be amended to require the first page of an amended or subsequent complaint or cross-complaint to contain a separate section indicating whether parties have been added?
- Should the amended rule be more specific about whether the names of existing parties can be removed or edited in the caption of an amended or subsequent complaint or cross-complaint?

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

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

Attachments and Links

1. Cal. Rules of Court, rule 2.111, at page 4

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Rule 2.111 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Title 2. Trial Court Rules

Division 2. Papers and Forms to Be Filed

Chapter 1. Papers

Rule 2.111. Format of first page

The first page of each paper must be in the following form:

(1) ~~In the space commencing 1 inch from the top of the page with line 1, to the left of the center of the page,~~ Beginning with line 1, in the space starting 1 inch from the top of the page and to the left of center of the page, the name, office address or, if none, residence address or mailing address (if different), telephone number, fax number and ~~e-mail~~ email address, and State Bar membership number of the attorney for the party in whose behalf the paper is presented, or of the party if ~~he or she~~ the party is ~~appearing in person~~ representing themselves. The inclusion of a fax number or ~~e-mail~~ email address on any document does not constitute consent to service by fax or ~~e-mail~~ email unless otherwise provided by law.

(2) In the first 2 inches of space between lines 1 and 7 to the right of the center of the page, a blank space for the use of the clerk.

(3) On line 8, at or below ~~3 1/3~~ 3⅓ inches from the top of the page, the title of the court.

(4) Below the title of the court, in the space to the left of the center of the page, the title of the case. In the title of the case on each initial, amended, or subsequent complaint or cross-complaint, the name of each party must commence on a separate line beginning at the left margin of the page. On any subsequent pleading or paper, it is sufficient to provide a short title of the case (1) stating the name of the first party on each side, with appropriate indication of other parties, and (2) stating that a cross-action or cross-actions are involved (e.g., "and Related Cross-action"), if applicable.

(5)–(11) * * *

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Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Civil Practice and Procedure: Statement of Decision Rules and Forms to Implement Assembly Bill 515

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rules 3.1590 and 3.1591; approve forms CIV-175, CIV-175-INFO, CIV-176, and CIV-177

Committee or other entity submitting the proposal:
Civil and Small Claims Advisory Committee (CSCAC) & Family and Juvenile Law Advisory Committee (FamJuv)

Staff contact (name, phone, and email)*:*
Kristin Burford, 916-263-2989, kristin.burford@jud.ca.gov;
Gabrielle D. Selden, 415-865-8085, gabrielle.selden@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025 (CSCAC); October 16, 2025, amended January 7, 2026 (FamJuv)
Project description from annual agenda: CSCAC. Item 10: Statements of Decision: Implementation of AB 515 (new project) Develop rule and form recommendations as appropriate. This is a joint project with the Family and Juvenile Law Advisory Committee. AB 515 (Stats. 2025, ch. 559) changes the procedures for requesting a written statement of decision after the trial of a question of fact by the court. AB 515 requires the Judicial Council to adopt a form and information sheet for requesting a statement of decision. AB 515 may also require rule amendments. The committee will also consider whether to amend or simplify rule 3.1590, which governs the announcement of tentative decisions, statements of decisions, and judgments.

FamJuv. Item 1d. Assembly Bill 515 (Pacheco), Trial: statement of decision (Stats. 2025, ch. 559)

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

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):* 3/3/2026

☒ Office director (or designee) reviewed on *(date):* 2/24/2026 & 3/18/2026 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.

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INVITATION TO COMMENT

SPR26-14

Title
Civil Practice and Procedure: Statement of Decision Rules and Forms to Implement Assembly Bill 515

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rules 3.1590 and 3.1591; approve forms CIV-175, CIV-175-INFO, CIV-176, and CIV-177

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

Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Kristin Burford, 916-263-2989
kristin.burford@jud.ca.gov
Gabrielle D. Selden, 415-865-8085
gabrielle.selden@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee propose amending two rules of court and approving four Judicial Council forms relating to statements of decision. The proposal implements Assembly Bill 515 (Stats. 2025, ch. 559), which amends Code of Civil Procedure sections 632 and 664. AB 515 makes numerous changes to the procedures regarding statements of decision. The bill also directs the Judicial Council to adopt or amend rules of court consistent with the statutory changes and to prepare forms that may be used to request a statement of decision and that explain the requirements for making that request.

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

Background

In a bench trial, a statement of decision is the document in which the trial court explains "the factual and legal basis for its decision as to each of the principal controverted issues at trial."[1] The trial court is only required to issue a statement of decision after a timely request of a party who appears at trial.[2] A statement of decision can be particularly important if a party seeks to appeal the court's decision, as described in an article written by a certified appellate law specialist.[3]

Requesting and preparing a statement of decision

Currently, much of the process for preparing statements of decision is found in rule 3.1590. Consistent with the current language of Code of Civil Procedure section 632, the rule specifies a timeline for requesting a statement of decision that runs from the announcement or service of a tentative decision. Rule 3.1590 sets out a complex process including tentative decisions, statements of decision, proposed judgments, and, finally, signing and filing the judgment. Rule 3.1591 specifies how these processes work in a bifurcated proceeding.

Given the importance of the statement of decision for appeals, it would be ideal if the process for requesting and preparing the document were clear and understandable.[4]

Assembly Bill 515

AB 515 (Link A) seeks to simplify the process for requesting and issuing statements of decision and provide more clarity and flexibility to courts.[5] The bill creates a single timeline for requesting a statement of decision.[6] Currently, Code of Civil Procedure section 632 has two different timelines; the application of the timelines depends on the length of the trial.[7] To avoid

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[1] Code Civ. Proc., § 632.

[2] *Ibid*.

[3] Herb Fox, "The Statement of Decision" (December 2014) *Advocate Magazine*, *advocatemagazine.com/article/2014-december/the-statement-of-decision*.

[4] Unfortunately, in the words of one commentator, the current procedures for perfecting the statement are "byzantine" and reading the governing laws and rules "lead[s] only to eyestrain." *Ibid*.

[5] Sen. Judiciary Com., Analysis of Assem. Bill 515 (July 11, 2025), p. 1, *leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260AB515*.

[6] Assem. Floor Analysis of Assem. Bill 515 (Sept. 10, 2025), p. 2, *leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260AB515* (hereafter AB 515 Assem. Floor Analysis).

[7] Code of Civil Procedure section 632(a) currently states, in relevant part: "The request [for a statement of decision] must be made within 10 days after the court announces a tentative decision unless the trial is concluded within one calendar day or in less than eight hours over more than one day in which event the request must be made prior to the submission of the matter for decision."

disputes and confusion about how to calculate the trial time,[8] AB 515 amends the law so that, in any bench trial, a request for a statement of decision is timely if made before the submission of the matter for decision.

AB 515 provides courts with flexibility to adjust the different times in Code of Civil Procedure section 632. Specifically, the court is expressly authorized to extend the times by written order, excuse noncompliance with any time limits, or, in the case of Family Code matters, shorten the times by written order.[9]

Importantly, AB 515 incorporates new content into section 632, providing more details on the statement of decision process and provisions specifying when a statement of decision becomes final. Some of the new content is derived from rule 3.1590.[10]

AB 515 directs the Judicial Council to make conforming rule changes to implement section 632 and to create related forms.

Finally, AB 515 would specify different timeframes for a clerk to enter judgment depending on whether a statement of decision was requested.[11]

The Proposal

The rules and forms included in this proposal respond to AB 515's direction that the Judicial Council "adopt or amend all rules of court necessary to implement [section 632]" and prepare "forms that a party may use to request a statement of decision and that explain the requirements prescribed by [section 632] on requesting a statement of decision."[12]

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[8] A bill analysis for AB 515 describes a Court of Appeal opinion (*Atlantic Richfield Co. v Cal. Regional Water Quality Control Bd.* (2022) 85 Cal.App.5th 338) that discusses uncertainties about how to calculate the trial time (to determine which deadline for requesting a statement of decision applies). See AB 515 Assem. Floor Analysis, *supra* note 6, at p. 2.

[9] Code Civ. Proc., § 632(g). Unless otherwise indicated, references to code sections refer to the Code of Civil Procedure sections added by AB 515 that will become operative on January 1, 2027.

[10] "[AB 515] would codify, and in some ways recast, many of the steps related to the statement of decision set forth in California Rule of Court 3.1590. For example, consistent with this Rule, the bill would do the following: require the statement of decision to be served on all parties; authorize a court to issue a written statement without a request, or to order a party to prepare a draft statement of decision; and set forth procedures and a timeline for a party to object to a statement of decision, and the consequences of objecting or not objecting." (AB 515 Assem. Floor Analysis, *supra* note 6, at p. 2.)

[11] Code of Civil Procedure section 664(b) will require judgment to be entered within 30 days if no statement of decision is requested or within 30 days after the statement of decision becomes final if a statement of decision is requested.

[12] Code Civ. Proc., § 632(h).

Amendments to rules of court to implement AB 515

Rule 3.1590 is the main rule governing statements of decision (and the associated documents and processes for preparing those documents). Rule 3.1591 provides supporting provisions that describe the application of these provisions in bifurcated proceedings.

Possible repeal of rules 3.1590 and 3.1591

The committees considered the possibility of repealing the rules governing statements of decision altogether. Complete repeal of the rules may be appropriate if the new law is intended to provide a complete, comprehensive framework, such that any issues not addressed by the law were intended to be left to the discretion of the courts. The committees identified certain issues that were not addressed in the law and propose rule language that could address those issues. However, the committees seek specific comment on whether the rules should be repealed altogether.

Existing content of rule 3.1590 and proposed amendments

The committees propose that the content of rule 3.1590, with the exception of subdivision (m), concerning the court's authority to extend or excuse noncompliance with timeframes,[13] generally not be retained for the reasons described below:

- Subdivisions (a)–(c), concerning the tentative decision: AB 515 changed the timeframe to request a statement of decision so that it would no longer run from the issuance of the tentative decision. With AB 515's changes, section 632 no longer refers to the tentative decision at all. For this reason, the committees propose removing the tentative decision content from the rule. The committees request specific comment on whether there is any reason that this content should remain in the rule.

- Subdivision (d), concerning the request for a statement of decision: With the changes made by AB 515, the content in this subdivision would be stricken as either incorrect (timeframe to request a statement of decision) or duplicative of the law (required contents of a request).

- Subdivision (e), concerning a response to a request for a statement of decision: Currently, section 632 includes the following sentence: "After a party has requested the statement [of decision], any party may make proposals as to the content of the statement of decision." Section 632 as of January 1, 2027, will not include this sentence. In light of this statutory deletion, the content of subdivision (e) would be stricken from the rule.

- Subdivision (f), concerning the preparation and service of a statement of decision and proposed judgment: When a statement of decision is requested, this subdivision requires concurrent preparation of a statement of decision and proposed judgment. However, under AB 515, the proposed judgment may be prepared "before or after the statement of

[13] The court's authority to change timeframes would be expanded. consistent with AB 515's changes. (See Code Civ. Proc., § 632(g)(2).) This content would be located in proposed subdivision (f) of rule 3.1590.

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decision is final." (§ 632(f)(1).) Therefore, the content of this subdivision, requiring concurrent preparation of these documents, is inconsistent with the law and would be stricken.

- Subdivisions (g) and (j), concerning objections to the statement of decision and proposed judgment: AB 515 incorporates into the law timeframes for objections. (§ 632(e)(1), (f)(2).) The timeframes would be removed from the rule to avoid duplicative content.

- Subdivisions (h) and (i), concerning the preparation of a proposed judgment when a statement of decision is not prepared:

    - AB 515 changes the law such that the concurrent preparation of the statement of decision and proposed judgment is no longer consistent with the law. In light of that change, this rule content, which presumes concurrent preparation, is inconsistent with the law and would therefore be stricken from the rule.

    - AB 515 specifies that the court may prepare a proposed judgment, while the rule currently specifies that a proposed judgment must be prepared. With this change, the rule is inconsistent with the law and, therefore, the rule language would be stricken.

- Subdivision (k), concerning a hearing on proposals or objections to the statement of decision or proposed judgment: As amended by AB 515, section 632(e)(3) provides that a court may set a hearing on timely filed objections to a statement of decision. Section 632 does not otherwise provide for a hearing to be set for the statement of decision or proposed judgment. The committees concluded that the rule should not include any content on hearings, as the statute addresses the issue.

- Subdivision (*l*), concerning the signing and filing of the judgment:

    - This subdivision provides a timeframe for the court to sign and file the judgment and specifies that the signed and filed judgment constitutes the court's decision, on which judgment must be entered by the clerk as specified in section 664.

    - AB 515 does not provide a timeframe for the court to sign and file the judgment. Given that, the rule also would not include a timeframe for this step of the process.

- Subdivision (n), concerning requests and statements of decision in short trials: AB 515 eliminates the different timeframes for requesting a statement of decision in a short trial. AB 515 also incorporates the special authority to make an oral statement of decision in short trials into the law. The committees concluded that subdivision (n) should be deleted in its entirety as either incorrect (with respect to the request timeframe) or duplicative of the law (with respect to the oral statement of decision).

Draft

Proposed content of rule 3.1590

The committees recommend significantly revising and redrafting rule 3.1590 as described below. Some of the proposed subdivisions refer to the relevant provisions of the Code of Civil Procedure without providing further detail or explanation. The committees note that, if the rule is needed to provide further detail for any steps of the process, it may be helpful to include some procedural steps (with reference to the governing statute) to facilitate understanding and help courts and litigants navigate the statement of decision and proposed judgment processes.

The committees seek specific comment on whether the proposed subdivisions of rule 3.1590 provide helpful or necessary content. The committees also seek specific comment on which, if any, of these proposed subdivisions should not be included in the rule going forward.

- **Subdivision (a)** would address the request for a statement of decision. Proposed subdivision (a) specifies that a request must satisfy the requirements of section 632 and may be made on the proposed new form CIV-175, *Request for Statement of Decision*.

- **Subdivision (b)** would specify a timeframe for the preparation of a statement of decision (where one has been requested under section 632).[14] Specifically, proposed paragraph (b)(1) requires that, when a statement of decision is requested, the court prepare a statement of decision within 90 days of the matter being submitted for decision. Alternatively, the court may order a party to prepare a draft statement of decision and proposed paragraph (b)(2) specifies a default timeframe of 30 days (from submission of the matter) for the party to prepare the draft. The court can change these timeframes (see subdivision (f), below) or, when ordering a party to prepare a draft, specify a different timeframe. This subdivision would make clear that the court must serve a statement of decision after a party prepares a draft, as section 632(e)(1) specifies that the timeframe for objections begins after the court serves a statement of decision. This subdivision also specifies the court's options if the party ordered to prepare a draft statement fails to timely submit the draft.

  The committees seek specific comment on whether the rule should include a timeframe for a court to prepare a statement of decision, as proposed in paragraph (b)(1), and, if so, whether that timeframe should instead apply to the court's issuance of the statement of decision, regardless of whether the statement was initially prepared by the court or a draft was prepared by a party.

- **Subdivision (c)** would specify that a court may prepare and serve (or order a party to prepare and serve) a proposed judgment, consistent with the language of section 632(f).

[14] The committees also propose an advisory committee comment to subdivision (b) that refers to rule 2.900, which specifies when a cause is deemed submitted. This comment is intended to assist courts and litigants with interpreting the timeframe specified in section 632.

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- **Subdivision (d)** would specify that any party may object to the statement of decision or proposed judgment, as provided in section 632.[15] Similar to proposed subdivision (a), this subdivision would provide that objections may be made on the proposed new form CIV-176, *Objection to Statement of Decision*, or form CIV-177, *Objection to Proposed Judgment*, as appropriate.

- **Subdivision (e)** would require the court to sign and file the judgment to enable the clerk to timely enter judgment under section 664. As amended by AB 515, section 664 sets different timelines for the clerk to enter judgment depending on whether a statement of decision was requested.[16] The committees note that, where a statement of decision is requested and prepared, the timeframe specified in section 664(b)(2) requires the judgment to be entered "within 30 days after the statement of decision becomes final." If the proposed judgment is prepared after the statement of decision becomes final (as permitted under section 632(f)) and there are objections to the proposed judgment, the court may have very little time to consider and rule on those objections before the judgment must be signed and filed, so that the timeframe in section 664 can be met.[17]

  In light of this potentially short timeframe for a court to sign and file the judgment, the committees seek specific comment on whether it would be helpful to include the 30-day statutory timeframe in the rule or note the timeframe in an advisory comment to the rule. The committees offer specific rule and comment language that could address this issue in the discussion of Alternatives Considered on page 10.

- **Subdivision (f)** would continue much of the substance of existing subdivision (m), which allows the court to extend timeframes or excuse noncompliance with the timeframes under specified conditions. This provision would also include new text authorizing the court to shorten the timeframes in actions under the Family Code, for consistency with the court's authority in section 632(g). The committees note that this subdivision should be included if the rule will contain any timeframes that the court may want to adjust, as the statutory authority only extends to the timeframes in section 632.

Rule 3.1591

Currently, rule 3.1591 specifies how the procedures in rule 3.1590 (for tentative decision, statement of decision, proposed judgment, and signed and filed judgment) would apply in a bifurcated proceeding. The law does not address how the statement of decision process should

[15] The committees note that section 632 requires the court to serve the statement of decision to commence the 10-day timeframe for objections; for a proposed judgment, however, section 632 does not specify that court service is required to commence the objection timeframe.

[16] Currently, section 664 requires the clerk to enter judgment "in conformity to the decision of the court, immediately upon the filing of such decision."

[17] Note: The court's authority to extend timeframes by written order in section 632(g)(1) only applies to the timeframes in section 632.

Draft

work for a bifurcated proceeding. Therefore, it may be helpful to retain rule 3.1591, with some revisions consistent with the changes made by AB 515.

The committees propose the following revisions to rule 3.1591 to reflect the changes made by AB 515:

- **Subdivision (a)** would be revised to delete text that requires a tentative decision (as tentative decisions are no longer required as part of the statement of decision process) and delete a reference to rule 3.1590 as the provision governing the issuance of a statement of decision (section 632 now governs much of the statement of decision process).

- **Subdivision (b)** would be revised to replace text that would require each judge trying part of a bifurcated proceeding to "perform all acts required by rule 3.1590" to instead require the judge to prepare and finalize a statement of decision (if one is requested).

New forms to implement AB 515

Currently, there is no Judicial Council form to request a statement of decision or that provides information on how to request a statement of decision. To implement AB 515, the committees propose that the Judicial Council approve four forms for optional use.

Request for Statement of Decision **(form CIV-175)**

Parties could use proposed form CIV-175 to ask the court to issue a statement of decision. This one-page form includes the standard case caption information and items to gather key information about the request (party making the request, governing law, and principal controverted issues that a party seeks the court to address in the statement of decision). Consistent with AB 515's direction to prepare a form that parties "may" use, the committees propose that this form be optional rather than mandatory.

The committees considered whether the form should be drafted so that it could be used to request additional issues be included in a statement of decision (after a request had been made). The committees considered that after January 1, 2027, section 632 will no longer specify that "[a]fter a party has requested the statement [of decision], any party may make proposals as to the content of the statement of decision." Thus, the committees do not propose to include an option on form CIV-175 for a party to propose additional content for the statement of decision. Instead, the form was drafted so that it could be used by any party to ask the court for a statement of decision before the matter is submitted to the court for decision.

Statement of Decision Information Sheet **(form CIV-175-INFO)**

This four-page form explains the statement of decision process, as specified in section 632. It contains a series of questions and answers about asking for, and objecting to, a statement of decision. The information sheet includes links to section 632, rules 3.1590 and 3.1591, proposed new forms CIV-175 and CIV-176, and other resources.

Draft

Additional forms

In addition to the two forms above that AB 515 requires the Judicial Council to prepare, the committees propose two additional forms for parties to use to make objections, as provided for in section 632:

- *Objection to Statement of Decision* (form CIV-176) is a one-page form that a party can use to object to a statement of decision. Proposed form CIV-176 includes instructions to help a party understand how to draft the objections and request amendments to the court's statement of decision. The form would include a notice that explains the purpose of objecting to a statement of decision and describes the proper use of objections.[18]

- *Objection to Proposed Judgment* (form CIV-177) is a one-page form that a party may use to object to a proposed judgment. The committees propose that the form include a notice specifying that the form can only be used to object to a proposed judgment in a bench trial under section 632(f)(2) and cannot be used if a jury trial was held.

Although AB 515 does not require the development of these proposed new forms, the committees concluded that the forms would be helpful to litigants, particularly those who are self-represented, who seek to file objections

Alternatives Considered

The committees did not consider taking no action, as AB 515 requires the Judicial Council to make rule revisions and create specified forms. Without revisions, rule 3.1590 would be inconsistent with the law on January 1, 2027. Rule 3.1591 also requires conforming revisions.

The committees considered different rule revisions to implement AB 515. As indicated previously, the committees considered the possibility (and are seeking specific comment on) repealing the rules governing statements of decision. The committees propose revised rule language to address certain issues that the law does not expressly cover. In drafting the proposed revisions, the committees sought to eliminate the rule content that would be in conflict with or duplicative of the statute. The proposed rules instead refer to section 632 or section 664 where appropriate. To help determine the appropriate content of the rules, the committees decided to seek specific comment on certain issues. For instance, the committees discussed whether the rule should include a timeframe for the court to prepare a statement of decision and the appropriate length of that timeframe (see proposed rule 3.1590(b)(1) and associated request for specific comment).

[18] Specifically, the notice would indicate that the purpose of objecting to the court's statement of decision is to identify any principal controverted issues that the court did not address, topics that are not clear or are inconsistent, or findings or conclusions that are not supported by the evidence presented at the trial. A party should not file an objection to argue the case again or to express disagreement with the court's findings and conclusions that are supported by the evidence at the trial.

Draft

The committees considered different approaches for drafting proposed subdivision (e) of rule 3.1590, in light of the potentially short timeframe for a court to sign and file the judgment, consistent with the requirements of sections 632 and 664. In particular, subdivision (e) could alternatively be drafted to read as follows (strikeout text and underscoring indicate the differences from the proposed language in the attached rule document):

> Upon resolution of the procedures specified in (b), (c), and (d) for a statement of decision and proposed judgment, and in no event more than 30 days after the statement of decision becomes final, the court must ~~thereafter~~ sign and file the judgment ~~to enable the clerk to timely enter judgment under Code of Civil Procedure section 664(b)~~. The signed and filed judgment of the court constitutes the court's decision on which judgment is to be entered by the clerk under Code of Civil Procedure section 664(b). An electronic signature by the court is as effective as an original signature.

Or, the 30-day timeframe could be noted in an advisory comment, which could state:

> **Subdivision (e).** Under Code of Civil Procedure section 664(b)(2), when a statement of decision is requested, the clerk is required to enter judgment "within 30 days after the statement of decision becomes final."

Fiscal and Operational Impacts

The committee anticipates that this proposal to implement AB 515 would require courts to train court staff and judicial officers on amended statutes, rules, and new forms. Courts will also incur costs to integrate the new forms into paper or electronic processes, develop internal procedures, update their case management systems, and, if applicable, create new forms packets and other materials for self-help centers to instruct parties on how to complete the forms. To the extent that the proposed changes to the rules and forms are needed to implement the statute, these impacts cannot be avoided.

Draft

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- In light of the changes made by AB 515 to sections 632 and 664, should the proposed content in rules 3.1590 and 3.1591 be retained or should the rules be repealed in their entirety? (*Explain.*)
- Existing rule 3.1590(a)–(c), which the committees recommend striking, governs tentative decisions. With AB 515, tentative decisions are no longer part of the statement of decision process. Is there any reason that the tentative decision provisions should be retained in the rule? (*If so, explain.*)
- Proposed rule 3.1590(b)(1) includes a 90-day timeframe for the court to prepare a statement of decision after one has been requested.
    - Is it helpful to include a timeframe for the court's preparation of a statement of decision in the rule? If so, is the proposed timeframe of 90 days appropriate? (*If not, explain.*)
    - Should the proposed timeframe in rule 3.1590(b)(1) instead apply to the court's issuance of a statement of decision, regardless of whether the statement was initially prepared by the court or a party was ordered to prepare a draft statement?
- Proposed rule 3.1590(e) relates to the court's signing and filing of the judgment. Section 664(b)(2) sets a timeframe for the clerk to enter the judgment (30 days after the statement of decision becomes final). To meet this timeframe, the court may have little time to finalize the judgment. Would it be helpful to include the 30-day timeframe either in the language of the rule or in an advisory comment to ensure courts and litigants are aware of this statutory timeframe?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

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

Draft

Attachments and Links

1. Cal. Rules of Court, rules 3.1590 and 3.1591, at pages 13–18
2. Forms CIV-175, CIV-175-INFO, CIV-176, and CIV-177, at pages 19–25
3. Link A: Assem. Bill 515 (Stats. 2025, ch. 559), *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB515*

Draft

Rules 3.1590 and 3.1591 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Title 3. Civil Rules

Division 15. Trial

Chapter 9. Statement of Decision

Rule 3.1590. ~~Announcement of tentative decision,~~ Statement of decision~~,~~ and judgment

~~(a) Announcement and service of tentative decision~~

~~On the trial of a question of fact by the court, the court must announce its tentative decision by an oral statement, entered in the minutes, or by a written statement filed with the clerk. Unless the announcement is made in open court in the presence of all parties that appeared at the trial, the clerk must immediately serve on all parties that appeared at the trial a copy of the minute entry or written tentative decision.~~

~~(b) Tentative decision not binding~~

~~The tentative decision does not constitute a judgment and is not binding on the court. If the court subsequently modifies or changes its announced tentative decision, the clerk must serve a copy of the modification or change on all parties that appeared at the trial.~~

~~(c) Provisions in tentative decision~~

~~The court in its tentative decision may:~~

~~(1) State that it is the court's proposed statement of decision, subject to a party's objection under (g);~~

~~(2) Indicate that the court will prepare a statement of decision;~~

~~(3) Order a party to prepare a statement of decision; or~~

~~(4) Direct that the tentative decision will become the statement of decision unless, within 10 days after announcement or service of the tentative decision, a party specifies those principal controverted issues as to which the party is requesting a statement of decision or makes proposals not included in the tentative decision.~~

Draft

~~(d) Request for statement of decision~~

~~Within 10 days after announcement or service of the tentative decision, whichever is later, any party that appeared at trial may request a statement of decision to address the principal controverted issues. The principal controverted issues must be specified in the request.~~

~~(e) Other party's response to request for statement of decision~~

~~If a party requests a statement of decision under (d), any other party may make proposals as to the content of the statement of decision within 10 days after the date of request for a statement of decision.~~

~~(f) Preparation and service of proposed statement of decision and judgment~~

~~If a party requests a statement of decision under (d), the court must, within 30 days of announcement or service of the tentative decision, prepare and serve a proposed statement of decision and a proposed judgment on all parties that appeared at the trial, unless the court has ordered a party to prepare the statement. A party that has been ordered to prepare the statement must within 30 days after the announcement or service of the tentative decision, serve and submit to the court a proposed statement of decision and a proposed judgment. If the proposed statement of decision and judgment are not served and submitted within that time, any other party that appeared at the trial may within 10 days thereafter: (1) prepare, serve, and submit to the court a proposed statement of decision and judgment or (2) serve on all other parties and file a notice of motion for an order that a statement of decision be deemed waived.~~

~~(g) Objections to proposed statement of decision~~

~~Any party may, within 15 days after the proposed statement of decision and judgment have been served, serve and file objections to the proposed statement of decision or judgment.~~

~~(h) Preparation and filing of written judgment when statement of decision not prepared~~

~~If no party requests or is ordered to prepare a statement of decision and a written judgment is required, the court must prepare and serve a proposed judgment on all parties that appeared at the trial within 20 days after the announcement or service of the tentative decision or the court may order a party to prepare, serve, and submit the proposed judgment to the court within 10 days after the date of the order.~~

Draft

~~(i) Preparation and filing of written judgment when statement of decision deemed waived~~

~~If the court orders that the statement of decision is deemed waived and a written judgment is required, the court must, within 10 days of the order deeming the statement of decision waived, either prepare and serve a proposed judgment on all parties that appeared at the trial or order a party to prepare, serve, and submit the proposed judgment to the court within 10 days.~~

~~(j) Objection to proposed judgment~~

~~Any party may, within 10 days after service of the proposed judgment, serve and file objections thereto.~~

~~(k) Hearing~~

~~The court may order a hearing on proposals or objections to a proposed statement of decision or the proposed judgment.~~

~~(l) Signature and filing of judgment~~

~~If a written judgment is required, the court must sign and file the judgment within 50 days after the announcement or service of the tentative decision, whichever is later, or, if a hearing was held under (k), within 10 days after the hearing. An electronic signature by the court is as effective as an original signature. The judgment constitutes the decision on which judgment is to be entered under Code of Civil Procedure section 664.~~

(a) Request for statement of decision

A request for a statement of decision must satisfy the requirements of Code of Civil Procedure section 632(a). *Request for Statement of Decision* (form CIV-175) may be used for making a request.

(b) Preparation and service of statement of decision

(1) If a party requests a statement of decision under Code of Civil Procedure section 632(a), the court must, within 90 days of the submission of the matter for decision, prepare and serve a statement of decision on all parties that appeared at the trial, unless the court has ordered a party to prepare a draft statement of decision.

Draft

(2) Unless the court has specified a different time period, a party that has been ordered to prepare a draft statement of decision must file and serve the draft within 30 days after the submission of the matter for decision.

(A) If the draft statement of decision is not filed and served within that time, the court may prepare and serve a statement of decision, order another party to prepare a draft statement of decision, or, if the party who failed to prepare the draft was the only party who timely requested a statement of decision, order that the statement of decision is deemed waived.

(B) If the draft statement of decision is filed and served within that time, the court must thereafter issue and serve a statement of decision on the parties.

(c) Preparation and service of proposed judgment

The court may prepare and serve a proposed judgment on all parties that appeared at the trial or the court may order a party to, within the time specified by the court, prepare, serve, and lodge the proposed judgment as provided in Code of Civil Procedure section 632(f).

(d) Objection to statement of decision or proposed judgment

Any party may object to a statement of decision or proposed judgment as provided in Code of Civil Procedure section 632(e) and (f). *Objection to Statement of Decision* (form CIV-176) may be used for objecting to a statement of decision. *Objection to Proposed Judgment* (form CIV-177) may be used for objecting to a proposed judgment.

(e) Signing and filing of judgment

Upon resolution of the procedures specified in Code of Civil Procedure section 632 and this rule for preparing and finalizing a statement of decision and for preparing and resolving objections, if any, to a proposed judgment, the court must thereafter sign and file the judgment to enable the clerk to timely enter judgment under Code of Civil Procedure section 664(b). An electronic signature by the court is as effective as an original signature.

~~(m)~~ (f) Extension of time; relief from noncompliance; shortening time

(1) The court may, by written order, extend any of the times prescribed by this rule ~~and~~.

Draft

(2) At any time before the entry of judgment, the court may, for good cause shown and on such terms as may be just, excuse a noncompliance with the time limits prescribed for doing any act required by this rule.

(3) In any action under the Family Code, the court may, by written order and upon a finding of good cause, shorten any of the times prescribed by this rule.

~~**(n) Trial within one day**~~

~~When a trial is completed within one day or in less than eight hours over more than one day, a request for statement of decision must be made before the matter is submitted for decision and the statement of decision may be made orally on the record in the presence of the parties~~.

Advisory Committee Comment

Subdivision (b). A request for a statement of decision is timely under Code of Civil Procedure section 632(a) if made "prior to the submission of the matter for decision." Rule 2.900 describes when a cause is deemed submitted in a trial court.

Rule 3.1591. Statement of decision, judgment, and motion for new trial following bifurcated trial

(a) Separate trial of an issue

When a factual issue raised by the pleadings is tried by the court separately and before the trial of other issues, the judge conducting the separate trial ~~must announce the tentative decision on the issue so tried and~~ must, when requested under Code of Civil Procedure section 632, issue a statement of decision ~~as prescribed in rule 3.1590~~; but the court must not prepare any proposed judgment until the other issues are tried, except when an interlocutory judgment or a separate judgment may otherwise be properly entered at that time.

(b) Trial of issues by a different judge

If the other issues are tried by a different judge or judges, each judge must ~~perform all acts required by rule 3.1590~~, if a request is made as specified in Code of Civil Procedure section 632, prepare and finalize a statement of decision as to the issues tried by that judge ~~and the judge trying the final issue must prepare the proposed judgment~~.

Draft

(c) Trial of subsequent issues before issuance of statement of decision

A judge may proceed with the trial of subsequent issues before the issuance of a statement of decision on previously tried issues. Any motion for a new trial following a bifurcated trial must be made after all the issues are tried and, if the issues were tried by different judges, each judge must hear and determine the motion as to the issues tried by that judge.

Draft

PARTY WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	DRAFT
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		NOT APPROVED BY THE JUDICIAL COUNCIL
ATTORNEY FOR *(name):*		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		03/20/2026
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
OTHER PARTY/PARENT:		
REQUEST FOR STATEMENT OF DECISION		CASE NUMBER:

Notice: A request for a statement of decision must be made before the matter is submitted for decision by the court or by the date the court ordered. Read form CIV-175-INFO to learn more about statements of decision.

1. ***(Name):***
   ☐ Plaintiff/Petitioner ☐ Defendant/Respondent ☐ Other Party/Parent
   who appeared in court at the bench trial, requests that the court issue a statement of decision as specified in item 3.

2. This request is made under Code of Civil Procedure section 632 ☐ and *(check any other statutes that apply):*
   a. ☐ Family Code section 3022.3
   b. ☐ Family Code section 3654
   c. ☐ Other *(specify):*

3. **Request**
   I request that the court issue a statement of decision explaining the factual and legal basis for its decision as to the controverted (disputed) issues raised at trial listed ☐ below ☐ in Attachment 2.
   (Specify the disputed legal or factual issues raised at trial that you want the court to address in its statement of decision. Use a separate number or letter for each issue you specify. You may use the space below to specify the issues or you may list each issue on a separate page labeled "Attachment 2" and attach it to this form. Form MC-025, Attachment, may be used for this purpose.)

4. Number of pages attached:

Date:

Type or Print Name

Signature

CIV-175-INFO Statement of Decision Information Sheet

This form provides information for parties about statements of decision under Code of Civil Procedure section 632 and rules 3.1590 and 3.1591 of the California Rules of Court.

1 What is a statement of decision?

A statement of decision is issued by the court to explain the factual and legal basis for its decision as to the principal controverted (disputed) issues in a trial without a jury (a bench trial). A statement of decision can be oral (in limited circumstances) or written.

2 Who can ask for a statement of decision?

Any party who appeared at the bench trial can ask for a statement of decision.

3 Why ask for a statement of decision?

The law does not require the court to issue a statement of decision on its own. So, asking for a statement of decision may be the only way for a party to obtain the court's written findings of fact and legal bases for its decisions.

A party may also decide to ask for a statement of decision to:

- Identify any potential errors for the court to consider before it enters a final judgment.
- Help the Court of Appeal determine if the trial court's decision is supported by the facts and the law.

4 Is the court required to issue a statement of decision if a party asks?

The court must issue a statement of decision if a party who appeared at the trial asks for one before the matter is submitted for decision. This applies to all general civil cases, including those filed in family, probate, and juvenile court.

In addition, the family court must issue a statement of decision (if a party asks for one) for a trial or request for order about:

- Custody of a minor child. (Fam. Code, § 3022.3.)
- Modifying, terminating, or setting aside a support order. (Fam. Code, § 3654.)

5 When is the deadline to ask for a statement of decision?

To ensure that the court will issue a statement of decision, a request must be made before the matter at trial is submitted to the court for decision.

Under rule 2.900(a) of the California Rules of Court, a matter is "submitted to the court" on the first of the following dates:

- The date that the court orders the matter submitted; or
- The date the final paper must be filed or the date the argument is heard, whichever is later.

6 Can the deadline to ask for a statement of decision be changed?

Yes, the court may:

- By written order, extend the time to file and serve the request for a statement of decision; and
- Accept a late request for a statement of decision. The court can only accept a late request if it finds a good reason, so a party should explain in writing why the request was late.

7 What happens if a party's request for a statement of decision is not made on time?

If a request is not made on time, and the court has not allowed a party to file a late request, the court may announce its ruling on all issues without a statement of decision. Alternatively, the court may decide to issue a statement of decision even though no party requested one.

8 How can the parties ask for a statement of decision?

A party asking for a statement of decision:

- May make an oral request when an official transcript of what happened in court is being created by a court reporter (or electronic recording).
- Must, for a written request, have the request served on all parties who appeared at trial and file it with the clerk of the court. Each party may use form CIV-175 *(Request for Statement of Decision)* to ask for a statement of decision.
- Must identify the controverted (disputed) issues that the party is asking the court to address in its statement of decision. To do so, the party can list questions for the court to address in its statement of decision.

9 What are examples of the kinds of questions that a party can list in the request for a statement of decision?

Below are examples of the kinds of questions that a party can include in the request:

- What was the basis for concluding that... ?
- Does [specify statute] apply? If not, why?
- Did petitioner establish by a preponderance of the evidence that... ?
- What are the court's reasons for granting or denying the child custody orders requested by petitioner?
- Does the court find that the respondent told the truth about the search for employment? If not, why not?

10 Can a party request that issues be included in a statement of decision after a different party has filed and served a request for a statement of decision?

Yes. Before the matter is submitted for decision, the other party may submit a request for a statement of decision that identifies additional or different issues for the court to address.

The party may use form CIV-175 to ask that the court address additional issues in its statement of decision that the other party did not include in their request.

11 After the request is made, who prepares a statement of decision?

After the request is made, the court may either:

- Issue and serve a statement of decision on all parties that appeared at the trial; or
- Order a party to prepare a draft statement of decision, serve it on all parties that appeared at the trial, and file it with the court.

  If the court orders a party to prepare a draft statement of decision, the court will review and decide whether to adopt or make changes to it before issuing and serving its statement of decision on the parties.

Rule 3.1590(b) provides more detail on the process of preparing a statement of decision (see 18).

12 If a party is ordered to prepare a draft statement of decision, how much time does the party have to serve and file it?

Unless the court specifies a different time period, the party has 30 days after the matter is submitted for decision to prepare, serve, and file a draft statement of decision.

13 What happens if a party ordered to prepare a draft statement of decision does not prepare it in time?

In this situation, the court may:

- Prepare and serve a statement of decision;
- Order that another party prepare a draft statement of decision; or
- Order that the statement of decision be deemed waived (not required).

14 Can the court issue an oral statement of decision?

The court generally issues a written statement of decision. The court can issue an oral statement of decision only in the following situations: (1) if all parties agree or (2) the oral statement of decision is made when the parties are present in a short trial (less than 8 hours) that is being transcribed by a court reporter or electronically.

15 What if a party believes that the court's statement of decision is incomplete, incorrect, or unclear?

Any party may file and serve objections to the court's statement of decision within 10 days after the court issues a written or oral statement of decision. Form CIV-176 *(Objection to Statement of Decision)* may be used for this purpose.

Important! The purpose of filing objections to a statement of decision is to identify:

- Any issues that the court did not address;
- Topics in the statement of decision that are not clear or are inconsistent; or
- Findings or conclusions in the statement of decision that are not supported by the evidence presented at the trial.

A party should not use objections to argue the case again or to express disagreement with the court's findings and conclusions that are supported by the evidence presented at the trial.

16 What actions can the court take if a party objects to its statement of decision?

To respond to objections that are timely filed, the court may take any of the following actions:

- Set a hearing.
- Rule on the objections without setting a hearing and serve the ruling on all parties who appeared at the trial.
- Amend the statement, in whole or in part, if the court sustains (agrees with) the objections and serve it on all the parties.
- Not rule on the objections. Any objections not ruled on are deemed overruled, unless the court orders otherwise.

17 When does the statement of decision become final?

Unless the court has ordered a different deadline:

- **No objections.** If no party files objections, the statement becomes final when the time for filing objections has expired (see 15).
- **The court rules on all objections.** If a party files objections, and the court rules on the objections (with or without a hearing), the statement of decision, including any amended statement of decision issued after sustaining (agreeing with) any objection in whole or in part, becomes final when the ruling is issued or as specified in the court's statement of decision.

- **The court does not rule on the objections and does not hold a hearing.** If a party files objections, there was no hearing on the objections, and the court does not rule on the objections, the objections are deemed overruled and the statement of decision becomes final 30 days after the time for objections has expired.
- **The court does not rule on the objections and holds a hearing.** If a party files objections, there was a hearing, and the court does not rule on the objections, the objections are deemed overruled and the statement of decision becomes final on the later of the following dates: 30 days after the time for objections has expired or 30 days after the hearing.

18 Do you have more questions or need help?

Read Code of Civil Procedure section 632 to learn about the statement of decision process. All California Codes may be found at your law library and are available online at: leginfo.legislature.ca.gov/faces/home.xhtml.

Additional procedures are found in rules 3.1590 and 3.1591 of the California Rules of Court. The rules are online at: courts.ca.gov/cms/rules/index/three/rule3_1590; and courts.ca.gov/cms/rules/index/three/rule3_1591.

You may wish to contact a lawyer to get help with a statement of decision. Find a lawyer through your local bar association, the State Bar of California at www.calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.

For free and low-cost legal help (if you qualify), go to www.lawhelpca.org.

For family law cases, contact your local court's self-help center for information, assistance, and referrals to local legal services providers. You may find your local court's self-help center online at: selfhelp.courts.ca.gov/find.

PARTY WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	DRAFT
EMAIL ADDRESS:		
ATTORNEY FOR *(name):*		NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		v. 3/20/26
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
OTHER PARTY/PARENT:		
OBJECTION TO STATEMENT OF DECISION		CASE NUMBER:

Notice: The purpose of objecting to the court's statement of decision is to identify any principal controverted (disputed) issues that the court did not address, topics that are not clear or are inconsistent, or findings or conclusions that are not supported by the evidence presented at the trial. A party should not file an objection to argue the case again or to express disagreement with the court's findings and conclusions that are supported by the evidence presented at the trial. To learn more, read form CIV-175-INFO *(Statement of Decision Information Sheet)*.

1. ***(Name):***
   ☐ Plaintiff/Petitioner ☐ Defendant/Respondent ☐ Other Party/Parent
   submits objections to the court's statement of decision issued on *(specify date):* and requests that the court amend its statement of decision as specified in item 2.

2. **Objection and request for amendments**
   (Identify each section of the statement of decision to which you object and specify what you believe is the problem with each section. Refer to parts of the court record, exhibits, or testimony that support each objection, and specify the amendments you are asking the court to make.)
   You may use the space below or you may use a separate page labeled "Attachment 2" and attach it to this form. (Form MC-025, Attachment*, may be used for this purpose.)*
   ☐ below ☐ in Attachment 2.

3. Number of pages attached:

Date:

Type or Print Name

Signature

PARTY WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	DRAFT
TELEPHONE NO.:	FAX NO.:	NOT APPROVED BY THE JUDICIAL COUNCIL
EMAIL ADDRESS:		
ATTORNEY FOR *(name):*		v. 3/20/26
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
OTHER PARTY/PARENT:		
OBJECTION TO PROPOSED JUDGMENT		CASE NUMBER:

Notice: This form may be used to object to a proposed judgment in a bench trial (a superior court trial before a judicial officer without a jury.) The form may not be used in matters where a jury trial was held. The objection must be served and filed as specified in Code of Civil Procedure section 632(f)(2).

1. ***(Name):***
   ☐ Plaintiff/Petitioner ☐ Defendant/Respondent ☐ Other Party/Parent
   submits objections to the proposed judgment served on *(specify date):* and requests that the court amend the proposed judgment as specified in item 2.

2. **Objection and request for amendments**
   (Identify each section of the proposed judgment to which you object and specify the amendments you are asking the court to make.)
   You may use the space below or you may use a separate page labeled "Attachment 2" and attach it to this form. (Form MC-025, Attachment, *may be used for this purpose.)*
   ☐ below ☐ in Attachment 2.

3. Number of pages attached:

Date:

Type or Print Name

Signature

Item number: 15

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Criminal Procedure: Revisions to Felony Sentencing Rules

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rules 4.420 and 4.421

Committee or other entity submitting the proposal:
Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Staff contact (name, phone, and email)*:*
Alex Bender, 415-865-7995, Alex.Bender@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025
Project description from annual agenda: Amend sentencing rules of court to conform with recent case law and statutory changes under Senate Bill 567 (Stats. 2021, ch. 731), including Lovelace v. Superior Court (2025) 108 Cal.App.5th 1081 ("residual clause" in rule 4.421(c) violates the separation of powers clause of the California Constitution) and People v. Wiley (2025) 17 Cal.5th 1069 (whether a defendant's prior convictions are of increasing seriousness and whether defendant has performed unsatisfactorily on probation, are aggravating circumstances that must be proven beyond a reasonable doubt by a jury for a court to rely on them to justify an upper term sentence).
The committee will also consider amending the rule on circumstances in aggravation to implement AB 352 (Stats. 2025, ch. 554), which would allow a court to consider, as a factor in aggravation, that a defendant knowingly and willfully threatened to commit a crime that would result in death or great bodily injury of specified government officials.

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

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):* March 4, 2026

☒ Office director (or designee) reviewed on *(date):* February 25, 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

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-15

Title
Criminal Procedure: Revisions to Felony Sentencing Rules

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rules 4.420 and 4.421

Proposed by
Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Alex Bender, 415-865-7995
alex.bender@jud.ca.gov

Executive Summary and Origin

The Criminal Law Advisory Committee recommends amending two rules of court to (1) reflect recent case law that addresses the trial court's reliance on aggravating factors to justify the imposition of an upper term sentence and (2) clarify the scope of the trial court's discretion in the context of imposing an upper term sentence.

Background

In California, criminal trial courts use a determinate sentencing framework that specifies three possible terms of imprisonment for most felony offenses, with the middle term being the maximum term unless aggravating factors have been proven beyond a reasonable doubt, stipulated to by the defendant, or established by a certified record of conviction, as specified.[1] The Judicial Council, in turn, holds delegated authority to adopt rules that promote uniformity in sentencing, including rules that specify the circumstances that a trial court may consider in exercising its discretion to impose one of the terms.[2] To that end, the council has adopted rule 4.420, Selection of term of imprisonment, rule 4.421, Circumstances in aggravation, and rule 4.423, Circumstances in mitigation, among other rules. Rule 4.420 outlines the factors that a trial

[1] See Pen. Code, § 1170 et seq. All further statutory references are to the Penal Code unless otherwise specified.

[2] § 1170.3(a).

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

court must consider in exercising its discretion to choose a term of imprisonment. Rule 4.421 lists twelve aggravating factors "relating to the crime" in subdivision (a) and five aggravating factors "relating to the defendant" in subdivision (b). Since 2018, rule 4.421 has also included a catchall "residual clause" in subdivision (c) that provides that factors in aggravation include "[a]ny other factors . . . that reasonably relate to the defendant or the circumstances under which the crime was committed."

From 2007 to 2021, former Penal Code section 1170(b) provided that the trial court could impose the upper, middle or lower term as a matter of discretion so long as the court justified its reasons for the selection of the term on the record. In 2022, however, Senate Bill 567 (Stats. 2021, ch. 731) amended the triad sentencing scheme to provide that the trial court "shall, in its sound discretion, order imposition of a sentence not to exceed the middle term," except that

> [t]he court may impose a sentence exceeding the middle term only when there are circumstances in aggravation of the crime that justify the imposition of a term of imprisonment exceeding the middle term and the facts underlying those circumstances have been stipulated to by the defendant or have been found true beyond a reasonable doubt at trial by the jury or by the judge in a court trial.[3]

In effect, SB 567 imposed a requirement that the jury or the court find the existence of an aggravating factor that has been proven beyond a reasonable doubt before the court can exercise its discretion to select the upper term.[4] The court must then weigh the aggravating factors and mitigating factors in that exercise of discretion. If selecting the middle term, however, the court can consider aggravating factors that have not been proven beyond a reasonable doubt. The council amended several rules of court to implement SB 567, including rules 4.420 and 4.421.[5]

Appellate courts have recently weighed in on how to interpret and apply the sentencing rules in light of these statutory changes and constitutional requirements. In *Lovelace v. Superior Court* (2025) 108 Cal.App.5th 1081, 1089, the First Appellate District of the Court of Appeal held that by effectively giving prosecutors—and ultimately juries—the power to define aggravating factors justifying imposition of the upper term on an ad hoc basis, the residual clause in rule 4.421(c) exceeds the council's delegated authority to adopt rules that promote uniformity in sentencing and therefore violates the separation of powers clause in article III, section 3 of the California Constitution. The court noted that while the residual clause was appropriate under the pre–SB 567 statutory scheme in which triad choices were governed purely by sentencing court

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[3] § 1170(b)(1), (2). Further, "the court may consider the defendant's prior convictions in determining sentencing based on a certified record of conviction without submitting the prior convictions to a jury." (§ 1170(b)(3).)

[4] The pre– and post–SB 567 sentencing frameworks each represent an alternative means of bringing California's determinate sentencing laws into conformity with *Cunningham v. California* (2007) 549 U.S. 270, in which the United States Supreme Court held that under the Sixth Amendment, any fact that exposes a defendant to a greater potential sentence must be found by a jury and established beyond a reasonable doubt.

[5] See Judicial Council of Cal., Advisory Com. Rep., *Criminal Law: Felony Sentencing* (Mar. 2, 2022), jcc.legistar.com/View.ashx?M=F&ID=10566334&GUID=AE5CCF01-1CB3-4E7E-B2F9-9650015238D0.

discretion, "[t]oday it no longer is."[6] The court suggested that the Legislature could enact amendatory legislation authorizing the use of an undefined catchall aggravating factor; or that absent such curative legislation, the council might consider revising rule 4.421(c) to provide more guidance for the use of unenumerated aggravating sentencing factors.[7]

Separately, in *People v. Wiley* (2025) 17 Cal.5th 1069, 1086, the California Supreme Court interpreted United States Supreme Court precedent and clarified that "a defendant is entitled to a jury trial on all aggravating facts, other than the bare fact of a prior conviction and its elements, that expose the defendant to imposition of a sentence more serious than the statutorily provided midterm." California's high court thus concluded that the aggravating facts of whether a defendant's prior convictions were of "increasing seriousness"[8] and whether the defendant's "performance on probation" was "unsatisfactory"[9] must be submitted to a jury, absent waiver or stipulation.[10]

The Proposal

This proposal would amend rules 4.420 and 4.421 to reflect the First Appellate District's decision in *Lovelace* and the California Supreme Court's decision in *Wiley*. Specifically, the proposal would:

- Update the advisory committee comments in rule 4.420 and 4.421 to reflect *Wiley*'s holding and clarify that consideration of the fact of a defendant's prior convictions based on a certified record of conviction (absent the defendant's stipulation or having been found true beyond a reasonable doubt by a jury or the judge in a court trial) is limited to consideration of the "bare fact of the prior conviction and its elements"; and

- Update the advisory committee comment in rule 4.421 to clarify that although *Lovelace* prohibits courts from relying on the residual clause in subdivision (c) to justify the imposition of an upper term, the residual clause may still be relied upon to justify the imposition of a middle term or in making other discretionary decisions.

The proposal would also add a new subdivision (d) to rule 4.420 and an accompanying update to the advisory committee comment to clarify that the court retains the discretion to determine what weight, if any, an aggravating factor merits, even if the aggravating factor has been properly pled and proved. The committee recommends adding this new subdivision to the rule to emphasize that after SB 567, a properly pled and proven aggravating factor does not require the court to

[6] *Lovelace, supra,* 108 Cal.App.5th at p. 1099.

[7] *Lovelace, supra,* 108 Cal.App.5th at pp. 1104–1105.

[8] Cal. Rules of Court, rule 4.421(b)(2). All further rule references are to the California Rules of Court unless otherwise specified.

[9] Rule 4.421(b)(5).

[10] *Wiley, supra,* 17 Cal.5th at p. 1076.

impose an upper term sentence—and ultimately the court still determines the weight to be given to any aggravating factor when the court exercises its sentencing discretion.[11]

Alternatives Considered

The committee considered several different ways of responding to *Lovelace*, including (1) removing the residual clause in its entirety from rule 4.421(c), (2) revising the language of the residual clause to include a carve-out so that it cannot be relied upon when imposing the upper term, (3) revising the language of the residual clause to include more definitional content and guidance so that it passes constitutional muster under *Lovelace*, and (4) taking no immediate action and allowing the Legislature to address the issue first.

The committee concluded that it would be premature at this stage to remove or revise rule 4.421(c)'s residual clause for two reasons. First, although all trial courts are bound by *Lovelace*, the Courts of Appeal are not, and there is a possibility that a different Court of Appeal could issue a contrary decision.[12] Second, the committee understands *Lovelace* to have prohibited reliance on aggravating factors based on the residual clause as to upper term sentences but not as to middle term sentences and other discretionary sentencing decisions.[13] Additionally, the committee decided against taking no action because, as noted, all trial courts are bound by published decisions of the Courts of Appeal, and trial courts should at the least be made aware that they are bound by *Lovelace*.[14]

The committee considered recommending that new subdivision (d) be added to rule 4.421 rather than rule 4.420, but the committee determined that rule 4.420 was a more appropriate place for the new provision given the structure of the sentencing rules.

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[11] See § 1170(b); *Wiley, supra,* 17 Cal.5th at p. 1086 (if aggravating facts are properly proven, the court may take them into account and exercise its discretion under section 1170(b) to determine what sentence to impose); *People v. Lynch* (2024) 16 Cal.5th 730, 767 (discussing "the distinction between the requirement of properly proven facts and the court's exercise of its discretion when determining the significance of those facts" and stating that section 1170(b) in its current form "preserves the trial court's discretion to determine whether an upper term sentence is in fact justified").

[12] See *Sarti v. Salt Creek Ltd.* (2008) 167 Cal.App.4th 1187, 1193, 85 Cal.Rptr.3d 506 ("there is no horizontal stare decisis in the California Court of Appeal"). By way of example, in December 2025—10 months after the First Appellate District decided *Lovelace*—the Third Appellate District issued an unpublished opinion, *People v. Sandusky* (Cal. Ct. App., Dec. 3, 2025, No. C098754) 2025 WL 3469499, that assumes the validity of rule 4.421(c)'s residual clause and does not discuss *Lovelace*.

[13] See rules 4.420(d) ("In selecting between the middle and lower terms of imprisonment, the sentencing judge may consider circumstances in aggravation or mitigation, and any other factor reasonably related to the sentencing decision") and 4.408(a) ("The listing of factors in these rules for making discretionary sentencing decisions is not exhaustive and does not prohibit a trial judge from using additional criteria reasonably related to the decision being made"); see also rule 4.405(7) (definition of "circumstances in aggravation" includes "factors that the court may consider in exercising discretion authorized by statute and under these rules including imposing the middle term instead of a low term").

[14] See *Auto Equity Sales, Inc. v. Superior Court of Santa Clara County* (1962) 57 Cal.2d 450, 455.

The committee considered whether rule 4.408(a) should also be amended in light of *Lovelace*, given that the concurring opinion in *Lovelace* observes that rule 4.408 is functionally similar to rule 4.421's residual clause and that prior to the council's adoption of the residual clause in 2018, "[c]onsideration of unenumerated aggravating factors was already contemplated by rule 4.408."[15] The committee concluded that rule 4.408(a) does not present the same concerns as rule 4.421(c)'s residual clause and is not recommending that rule 4.408 be amended in response to *Lovelace* because (1) the *Lovelace* majority opinion does not mention rule 4.408(a), (2) rule 4.408(a) applies to discretionary sentencing decisions generally and not only to upper term sentences, and (3) rule 4.408(a) is directed toward what a trial judge (as opposed to a prosecutor) can and cannot do and thus is not an improper subdelegation of power as described in *Lovelace*.

The committee considered whether to amend rule 4.421 in light of Assembly Bill 352 (Stats. 2025, ch. 554), which added a new statutory aggravating factor to Penal Code section 422.[16] The committee concluded that amending rule 4.421 to refer to this new statutory aggravating factor is unnecessary because rule 4.421(c) already incorporates by reference "[a]ny other factors statutorily declared to be circumstances in aggravation."

The committee considered whether to undertake a more substantial revision of rule 4.421 in response to public comments received by the Advisory Committee on Criminal Jury Instructions.[17] The committee is not recommending additional revisions to rule 4.421 at this time because, notwithstanding the council's delegated authority to adopt rules on aggravating factors, the committee views the promulgation of aggravating factors as a policy determination that is

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[15] See *Lovelace, supra,* 108 Cal.App.5th at p. 1107 (conc. opn. of Goldman, J.); see also *People v. Bulkin* (Cal. Ct. App., Nov. 6, 2025, No. F086463) 2025 WL 3099330 ("Although it was not an issue in *Lovelace*, rule 4.408(a) is similar enough to rule 4.421(c) that we must question whether it too is on equally shaky constitutional foundations").

[16] Effective January 1, 2026, subdivision (b) of section 422 provides: "In sentencing a person convicted of a felony violation of subdivision (a), the court may consider, as a factor in aggravation, that the defendant willfully threatened to commit a crime that would result in the death or great bodily injury of a person the defendant knew was a state constitutional officer, a Member of the Legislature, or a judge or court commissioner, as defined in subdivisions (a), (b), (c), (n), and (q) of Section 7920.500 of the Government Code."

[17] More specifically, in October 2025, the Advisory Committee on Criminal Jury Instructions circulated an invitation to comment on additions, revisions, and revocations to jury instructions, including proposed bench note changes to Nos. 3224 to 3234 and proposed adoption of new aggravating factor instruction Nos. 3235 and 3238. (See Judicial Council of Cal., Invitation to Com., *Criminal Jury Instructions: Additions, Revisions, and Revocations*, pp. 278, 285, courts.ca.gov/system/files/itc/calcrim-2025-02.pdf.) The advisory committee received two comments from the same commenter that expressed concerns over the constitutionality of the aggravating factor instructions and rule 4.421 in general, noting that the aggravating factors in the rule were designed for a judge's determination but are now being used by juries. The comments further suggested that rule 4.421 should be rewritten in its entirety and the proposed amendments should be withdrawn. (See Judicial Council of Cal., Advisory Com. Rep., *Jury Instructions: Criminal Jury Instructions (2026 Edition)* (Jan. 27, 2026), pp. 307–309, jcc.legistar.com/View.ashx?M=F&ID=15149920&GUID=77587213-4480-41EE-AF98-4EF002AE56E0.) The Advisory Committee on Criminal Jury Instructions declined to withdraw the proposed instructions but forwarded the comments to the Criminal Law Advisory Committee for consideration. (*Ibid.*)

fundamentally a legislative function.[18] The committee also believes that it may not be appropriate to further define the parameters of certain aggravating factors in rule 4.421(a) and (b) because community standards likely vary from county to county, and the imposition of new statewide standards may result in unintended consequences or be otherwise undesirable.

Fiscal and Operational Impacts

No implementation or operational impacts are likely.

[18] The committee acknowledges that, as noted, the council holds delegated authority under section 1170.3 to adopt rules that promote uniformity in sentencing, including rules that specify the circumstances under which a trial court may impose an upper or lower term sentence. However, nothing in the Legislature's delegation of authority to the council precludes the Legislature from adding its own statutory aggravating factors. (See, e.g., §§ 422(b), 422.76, 1170.7, 1170.71, 1170.8, 1170.85.) The committee further notes that in other states with a determinate sentencing framework, aggravating factors are typically listed in statute rather than in agency or court rules. (See, e.g., Ariz. Rev. Stat. Ann. § 13-701(D); Ind. Code § 35-38-1-7.1(a); Kan. Stat. Ann. §§ 21-6815(c)(2), 21-6816; Minn. Stat. § 244.10(5a); N.C. Gen. Stat. § 15A-1340.16(d); Wash. Rev. Code § 9.94A535(3).)

Additionally, the committee observes that the delegation of authority to the council occurred in 1977 in the context of the enactment of California's determinate sentencing law (see *Chavez Zepeda v. Superior Court* (2023) 97 Cal.App.5th 65, 73), and the leading California Supreme Court case exploring this delegation and what is now rule 4.421 was decided in 1982 (see *People v. Wright* (1982) 30 Cal.3d 705)—well before the United States Supreme Court's decisions in *Apprendi v. New Jersey* (2000) 530 U.S. 466 and *Cunningham v. California* (2007) 549 U.S. 270, cases that shifted the sentencing landscape by affirming that the Sixth Amendment requires that facts that expose a defendant to a greater potential sentence must be found by a jury beyond a reasonable doubt. The aftereffects of *Apprendi* and *Cunningham* are still being felt, as evidenced by the SB 567 provisions that in 2022 placed aggravating factor fact-finding in the hands of the jury. The committee believes that unilaterally revising the existing aggravating factors in rule 4.421 at this juncture would not be helpful and expects that the precise contours of the aggravating factors will continue to be elucidated in the case law as needed. (See *Chavez Zepeda, supra,* 97 Cal.App.5th at pp. 88–91 [aggravating factors are not unconstitutional merely because they use qualitative standards, and such standards can be further explained and defined in the case law].)

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Would the addition of new subdivision (d) to rule 4.420 cause confusion as to whether the court retains discretion in the context of weighing mitigating circumstances or selecting the middle or lower terms of imprisonment?

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

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

Attachments and Links

1. Cal. Rules of Court, rules 4.420 and 4.421, at pages 8–13

Rules 4.420 and 4.421 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Title 4. Criminal Rules

Division 5. Felony Sentencing Law

Rule 4.420. Selection of term of imprisonment

(a) When a judgment of imprisonment is imposed, or the execution of a judgment of imprisonment is ordered suspended, the sentencing judge must, in their sound discretion, order imposition of a sentence not to exceed the middle term, except as otherwise provided in paragraph (b).

(b) The court may only choose an upper term when (1) there are circumstances in aggravation of the crime that justify the imposition of an upper term, and (2) the facts underlying those circumstances have been (i) stipulated to by the defendant, (ii) found true beyond a reasonable doubt at trial by a jury, or (iii) found true beyond a reasonable doubt by the judge in a court trial.

(c) Notwithstanding paragraphs (a) and (b), the court may consider the fact of the defendant's prior convictions based on a certified record of conviction without it having been stipulated to by the defendant or found true beyond a reasonable doubt at trial by a jury or the judge in a court trial. This exception does not apply to the use of the record of a prior conviction in selecting the upper term of an enhancement.

(d) The court retains the discretion to determine what weight, if any, an aggravating circumstance merits, even if the facts underlying that circumstance have been properly pled and proved.

~~(d)~~(e) In selecting between the middle and lower terms of imprisonment, the sentencing judge may consider circumstances in aggravation or mitigation, and any other factor reasonably related to the sentencing decision. The court may consider factors in aggravation and mitigation, whether or not the factors have been stipulated to by the defendant or found true beyond a reasonable doubt at trial by a jury or the judge in a court trial. The relevant circumstances may be obtained from the case record, the probation officer's report, other reports and statements properly received, statements in aggravation or mitigation, and any evidence introduced at the sentencing hearing.

~~(e)~~(f) Notwithstanding section 1170(b)(1), and unless the court finds that the aggravating circumstances outweigh the mitigating circumstances such that imposition of the lower term would be contrary to the interests of justice, the court must order

imposition of the lower term if any of the following was a contributing factor in the commission of the offense:

(1) The defendant has experienced psychological, physical, or childhood trauma, including, but not limited to, abuse, neglect, exploitation, or sexual violence;

(2) The defendant is a youth, or was a youth as defined under section 1016.7(b) at the time of the commission of the offense; or

(3) Prior to the instant offense, or at the time of the commission of the offense, the defendant is or was a victim of intimate partner violence or human trafficking.

~~(f)~~**(g)** Paragraph ~~(e)~~(f) does not preclude the court from imposing the lower term even if there is no evidence of the circumstances listed in paragraph ~~(e)~~(f).

~~(g)~~**(h)** To comply with section 1170(b)(5), a fact charged and found as an enhancement may be used as a reason for imposing a particular term only if the court has discretion to strike the punishment for the enhancement and does so. The use of a fact of an enhancement to impose the upper term of imprisonment is an adequate reason for striking the additional term of imprisonment, regardless of the effect on the total term.

~~(h)~~**(i)** A fact that is an element of the crime on which punishment is being imposed may not be used to impose a particular term.

~~(i)~~**(j)** The reasons for selecting one of the three authorized terms of imprisonment referred to in section 1170(b) must be stated orally on the record.

Advisory Committee Comment

It is not clear whether the reasons stated by the judge for selecting a particular term qualify as "facts" for the purposes of the rule prohibition on dual use of facts. Until the issue is clarified, judges should avoid the use of reasons that may constitute an impermissible dual use of facts. For example, the court is not permitted to use a reason to impose a greater term if that reason also is either (1) the same as an enhancement that will be imposed, or (2) an element of the crime. The court should not use the same reason to impose a consecutive sentence as to impose an upper term of imprisonment. (*People v. Avalos* (1984) 37 Cal.3d 216, 233.) It is not improper to use the same reason to deny probation and to impose the upper term. (*People v. Bowen* (1992) 11 Cal.App.4th 102, 106.)

The rule makes it clear that a fact charged and found as an enhancement may, in the alternative, be used as a factor in aggravation.

People v. Riolo (1983) 33 Cal.3d 223, 227 (and note 5 on 227) held that section 1170.1(a) does not require the judgment to state the base term (upper, middle, or lower) and enhancements, computed independently, on counts that are subject to automatic reduction under the one-third formula of section 1170.1(a).

Even when sentencing is under section 1170.1, however, it is essential to determine the base term and specific enhancements for each count independently, in order to know which is the principal term count. The principal term count must be determined before any calculation is made using the one-third formula for subordinate terms.

In addition, the base term (upper, middle, or lower) for each count must be determined to arrive at an informed decision whether to make terms consecutive or concurrent; and the base term for each count must be stated in the judgment when sentences are concurrent or are fully consecutive (i.e., not subject to the one-third rule of section 1170.1(a)).

Case law suggests that in determining the "interests of justice" the court should consider the constitutional rights of the defendant and the interests of society represented by the people; the defendant's background and prospects, including the presence or absence of a record; the nature and circumstances of the crime and the defendant's level of involvement; the factors in aggravation and mitigation including the specific factors in mitigation of Penal Code section 1170(b)(6); and the factors that would motivate a "reasonable judge" in the exercise of their discretion. The court should not consider whether the defendant has simply pled guilty, factors related to controlling the court's calendar, or antipathy toward the statutory scheme. (See *People v. Romero* (1996) 13 Cal.4th 947; *People v. Dent* (1995) 38 Cal.App.4th 1726; *People v. Kessel* (1976) 61 Cal.App.3d 322; *People v. Orin* (1975) 13 Cal.3d 937.)

Subdivision (c). Consideration of the fact of a defendant's prior conviction under subdivision (c) is limited to consideration of the bare fact of the prior conviction and its elements. (See *People v. Wiley* (2025) 17 Cal.5th 1069, 1085–1086.)

Subdivision (d). This subdivision is based on existing statutory and decisional authority and is not intended to expand or limit the scope of the court's discretion in sentencing. (See Pen. Code, § 1170(b); *People v. Wiley* (2025) 17 Cal.5th 1069, 1086; *People v. Lynch* (2024) 16 Cal.5th 730, 767.)

Rule 4.421. Circumstances in aggravation

Circumstances in aggravation include factors relating to the crime and factors relating to the defendant.

(a) Factors relating to the crime

Factors relating to the crime, whether or not charged or chargeable as enhancements include that:

(1) The crime involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness;

(2) The defendant was armed with or used a weapon at the time of the commission of the crime;

(3) The victim was particularly vulnerable;

(4) The defendant induced others to participate in the commission of the crime or occupied a position of leadership or dominance of other participants in its commission;

(5) The defendant induced a minor to commit or assist in the commission of the crime;

(6) The defendant threatened witnesses, unlawfully prevented or dissuaded witnesses from testifying, suborned perjury, or in any other way illegally interfered with the judicial process;

(7) The defendant was convicted of other crimes for which consecutive sentences could have been imposed but for which concurrent sentences are being imposed;

(8) The manner in which the crime was carried out indicates planning, sophistication, or professionalism;

(9) The crime involved an attempted or actual taking or damage of great monetary value;

(10) The crime involved a large quantity of contraband; and

(11) The defendant took advantage of a position of trust or confidence to commit the offense.

(12) The crime constitutes a hate crime under section 422.55 and:

(A) No hate crime enhancements under section 422.75 are imposed; and

(B) The crime is not subject to sentencing under section 1170.8.

(b) Factors relating to the defendant

Factors relating to the defendant include that:

(1) The defendant has engaged in violent conduct that indicates a serious danger to society;

(2) The defendant's prior convictions as an adult or sustained petitions in juvenile delinquency proceedings are numerous or of increasing seriousness;

(3) The defendant has served a prior term in prison or county jail under section 1170(h);

(4) The defendant was on probation, mandatory supervision, postrelease community supervision, or parole when the crime was committed; and

(5) The defendant's prior performance on probation, mandatory supervision, postrelease community supervision, or parole was unsatisfactory.

(c) Other factors

Any other factors statutorily declared to be circumstances in aggravation or that reasonably relate to the defendant or the circumstances under which the crime was committed.

Advisory Committee Comment

Courts may not impose a sentence greater than the middle term except when aggravating factors justifying the imposition of the upper term have been stipulated to by the defendant or found true beyond a reasonable doubt at trial by the jury or the judge in a court trial. These requirements do not apply to consideration of aggravating factors for the lower or middle term. If the court finds that any of the factors listed in section 1170(b)(6)(A–C) were a contributing factor to the commission of the offense, the court must impose the lower term (see rule 4.420(e)) unless the court finds that the aggravating factors outweigh the mitigating factors to such a degree that imposing the lower term would be contrary to the interests of justice. In this instance, since the court is not addressing the imposition of the upper term, the court may consider factors in aggravation that have not been stipulated to by the defendant or found true beyond a reasonable doubt at trial by the jury or the judge in a court trial.

In determining whether to impose the upper term for a criminal offense, the court may consider as an aggravating factor that a defendant has suffered one or more prior convictions, based on a certified record of conviction—but in doing so may not consider more than the bare fact of the prior conviction and its elements. This exception may not be used to select the upper term of an enhancement.

This rule does not deal with the dual use of the facts; the statutory prohibition against dual use is included, in part, in the comment to rule 4.420.

Refusal to consider the personal characteristics of the defendant in imposing sentence may raise serious constitutional questions. The California Supreme Court has held that sentencing decisions must take into account "the nature of the offense and/or the offender, with particular regard to the degree of danger both present to society." (In re Rodriguez (1975) 14 Cal.3d 639, 654, quoting In *re Lynch* (1972) 8 Cal.3d 410, 425.) In *Rodriguez* the court released petitioner from further incarceration because "it appears that neither the circumstances of his offense *nor his personal characteristics* establish a danger to society sufficient to justify such a prolonged period of imprisonment." (*Id*. at p. 655, fn. omitted, italics added.) "For the determination of sentences, justice generally requires . . . that there be taken into account the circumstances of the offense together with the character and propensities of the offender." (*Pennsylvania ex rel. Sullivan v. Ashe* (1937) 302 U.S. 51, 55, quoted with approval in *Gregg v. Georgia* (1976) 428 U.S. 153, 189.)

Other statutory factors in aggravation are listed, for example, in sections 422.76, 1170.7, 1170.71, 1170.8, and 1170.85, and may be considered to impose the upper term if stipulated to by the defendant or found true beyond a reasonable doubt at trial by a jury or the judge in a court trial.

Subdivision (c). Under *Lovelace v. Superior Court* (2025) 108 Cal.App.5th 1081, 1096–1105, only factors in aggravation statutorily declared or enumerated in subdivision (a) or (b) may be relied upon to justify the imposition of an upper term. *Lovelace* does not, however, prevent the court from relying upon nonenumerated factors in aggravation under the residual clause of subdivision (c) that "reasonably relate to the defendant or the circumstances under which the crime was committed" to justify the imposition of a middle term or in making other discretionary sentencing decisions. (*Ibid.*; rules 4.420(d), 4.408(a).)

Item number: 16

Rules Committee Action Request Form

Rules Committee Meeting Date: 4/9/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Criminal Law: Revisions to the Order for Dismissal for Military Personnel

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Revise form CR-184

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: Implement consistent and clear procedures for sealing court records: The committee will consider developing a recommendation for Judicial Council-sponsored legislation, a rule of court, and/or form revisions to promote consistency and clarity in the process for sealing court records when relief is granted under a record cleaning statute.

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

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):* 3/9/2026

☒ Office director (or designee) reviewed on *(date):* 2/25/2026 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

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-16

Title
Criminal Law: Revisions to the Order for Dismissal for Military Personnel

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes
Revise form CR-184

Proposed Effective Date
January 1, 2027

Proposed by
Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

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

Executive Summary and Origin

The California Department of Justice (DOJ) suggests removal of an item on *Order for Dismissal (Military Personnel)* (form CR-184/MIL-184) that allows a court to order that the DOJ be notified of a sealing order under Penal Code section 1170.9(h)(4)(D). The Criminal Law Advisory Committee proposes revising the form to remove the item, and to make additional technical amendments to improve readability and replace gendered pronouns.

Background

Penal Code section 1170.9(h)[1] allows a defendant to petition the court for restorative relief from a criminal record if the defendant (1) was, or currently is, a member of the United States military; (2) acquired a criminal record due to a mental health disorder stemming from service in the military; and (3) was granted probation and has substantially complied with the conditions of probation. If the court finds that the defendant satisfies each of the requirements, the court may:

- Deem all conditions of probation, other than court-ordered victim restitution, satisfied and terminate probation prior to the expiration of the term of probation;
- Reduce eligible felonies to misdemeanors under section 17(b); and
- Grant relief in accordance with section 1203.4.

[1] All further references are to the Penal Code unless otherwise specified.

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

In addition, a defendant granted a dismissal under section 1170.9(h) is released from all penalties and disabilities resulting from the conviction, with certain exceptions, and:

- The court has discretion to order the sealing of police records of the arrest and court records of the dismissed action, which are thereafter viewable by the public only in accordance with a court order;
- The defendant is not obligated to disclose the arrest or the set-aside conviction when information concerning prior arrests or convictions is requested to be given under oath, affirmation, or otherwise, except in response to a direct question in a questionnaire or application for any law enforcement position; and
- The dismissal is a bar to any future action based on the conduct in the dismissed action, though the set-aside conviction may be pleaded and proved as a prior conviction in any subsequent prosecution or for administratively revoking or suspending the defendant's driving privilege.

Effective January 1, 2016, the Judicial Council approved *Petition for Dismissal (Military Personnel)* (form CR-183) and *Order for Dismissal (Military Personnel)* (form CR-184/MIL-184) to implement relief under section 1170.9(h).

Items 7 and 8 of form CR-184 were included in response to a public comment received in 2015. The commenter expressed concern that veterans granted relief under section 1170.9(h) were improperly being denied jobs based on background checks that indicated prior arrests and convictions. The commenter proposed that form CR-184 include a checkbox for the court to order the sealing of police and court records in the dismissed action and another checkbox for the court to inform the DOJ that the court had ordered the records sealed.[2] In response, the committee added items 7 and 8 to form CR-184. Item 7 states that the court orders, in accordance with Penal Code section 1170.9(h)(4)(D), the sealing of police records of the arrest and court records of the dismissed action, to be viewable by the public only in accordance with a court order. Item 8 orders the DOJ to be notified of the sealing order.

The California DOJ recently notified trial courts that it is not sealing state summary criminal history information when relief is granted under section 1170.9(h)(4)(D) and has suggested removing item 8 from form CR-184/MIL-184.[3] Although item 8 does not require the DOJ to take any action when notified of the section 1170.9(h)(4)(D) sealing order, it appears that the DOJ interprets this notification as an order to seal the state summary criminal history information

[2] See Judicial Council of Cal., Advisory Com. Rep., *Criminal Procedure: Petition and Order for Dismissal (Military Personnel)* (Oct. 14, 2015), p. 3, *https://jcc.legistar.com/View.ashx?M=F&ID=4093830&GUID=3DE2959C-F7CF-44B3-B8CF-062CBCF9B6EC*.

[3] In 2025, the Department of Justice communicated to trial courts that it determined that relief under section 1170.9(h)(4)(D) does not apply to state summary criminal history information and that it would not process sealing orders under the section. The letter stated that any previously sealed records would be unsealed. The DOJ stated that it conducted a review of section 1170.9(h)(4)(D) in response to the inability of local law enforcement agencies from accessing state summary criminal history information for the purposes of pleading and proving prior convictions in subsequent criminal cases, administratively revoking or suspending a driver's license, verifying DNA, and enforcing firearm prohibitions.

related to the case. However, section 1170.9(h) does not direct the DOJ to seal state summary criminal history information based on an order sealing arrest and court records under section 1170.9(h)(4)(D). This contrasts with other record cleaning statutes that include specific directions on how the DOJ should update its records when a record cleaning remedy is granted.[4] Additionally, courts have reported that the DOJ now sends back form CR-184/MIL-184 when item 8 is checked and a copy of the order is sent to the DOJ, which may create additional and unnecessary processing work for courts. The committee is also concerned that item 8 may mislead defendants into believing that the DOJ is sealing state-level criminal records that the DOJ has indicated it is not sealing.[5]

The Proposal

The committee proposes removing item 8 from form CR-184, revising the caption at the top of the form to remove the item on date of birth, and additional changes to improve readability and replace gendered pronouns.

Because item 8 is not statutorily required, has led to confusion, and may cause a workload issue for courts, the committee agrees with the DOJ's suggestion to remove item 8. Moreover, the underlying concern about background checks affecting employment even after section 1170.9(h) relief is granted is likely to be addressed in other ways.[6]

The committee also proposes revising the caption at the top of form CR-184/MIL-184. To improve readability, the proposed caption is in title case instead of all caps, which allows the font size to be increased for almost all caption elements. Additionally, the first line of text reads "Party Without Attorney or Attorney" instead of "Attorney or Party Without Attorney" to emphasize that parties without attorneys must fill in the caption. The committee proposes removing the item on date of birth in the caption, as it appears unnecessary and is not a standard item on criminal forms. The committee requests specific comments on whether the date of birth item is helpful for the petitioner when interacting with the military or otherwise.

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[4] See, e.g., § 236.14(k)(1)(B) (court shall order Department of Justice to seal and destroy records if court grants vacatur relief of convictions or arrests); § 236.15(k) (court shall order Department of Justice to seal arrest records within a specified period of time if court grants vacatur relief of convictions or arrests); § 851.92(b)(2)(B) (when an arrest record is sealed pursuant to specific sections, the state summary criminal history shall include a note stating "arrest relief granted"); § 1203.425(a)(2)(B) (if automatic conviction record relief is granted, the state summary criminal history information shall include a note stating "relief granted").

[5] In contrast to item 8, item 7 of CR-184 follows the statutory language of section 1170.9(h)(4)(D) to allow a court to order sealing of police records of the arrest and court records of the dismissed action.

[6] Most employment background checks are conducted based on local court records. Under section 1170.9(h)(3)(C), a court may grant relief under section 1203.4 to dismiss the case. Effective January 1, 2023, a court is prohibited from disclosing information concerning a conviction granted relief under section 1203.4 except to the defendant and to authorized criminal justice agencies. (See § 1203.425(a)(3)(A).) These restrictions did not exist at the time form CR-184 was originally approved.

Finally, the committee proposes technical revisions to improve readability in the prelude to the order and proposed items 8 and 9 and replace gendered pronouns in proposed items 8 and 9.

Alternatives Considered

Because item 8 does not require the DOJ to take any action once notified of the sealing order, the committee discussed whether removal was in fact necessary. However, the committee determined that removal provided a more clear and beneficial approach to the courts and court users.

Fiscal and Operational Impacts

Expected costs include training, case management system updates, and the production of new forms. The revisions should reduce operational demands by reducing correction requests between the DOJ and the courts.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Is the date of birth item on the current version of the form helpful for the petitioner?

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

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

Attachments and Links

1. Form CR-184/MIL-184, at pages 5–6
2. Link A: Pen. Code, § 1170.9, *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1170.9&lawCode=PEN*

DRAFT

Party Without Attorney or Attorney	State Bar No.:		FOR COURT USE ONLY
Name:			
Firm Name:			
Street Address:			
City	State:	Zip Code:	
Telephone No.:	Fax No.:		
Email Address:			
Attorney for (*name*):			
People of the State of California v. Defendant:			
Order for Dismissal (Military Personnel) **(Pen. Code, §§ 17(b), 1170.9(h))**			Case Number:

03/11/2026
DRAFT
Not approved by
the Judicial Council

The court finds from the records on file in this case, and from the foregoing petition, that granting restorative relief is in the interests of justice, and that the petitioner *(the defendant in the above-entitled criminal action)* is eligible for the requested relief. The court ORDERS the following:

1. ☐ The court deems all conditions of probation, other than victim restitution, to be satisfied, including fines, fees, assessments, and programs.

2. ☐ The court terminates probation prior to the expiration of the term of probation, if the term of probation has not yet expired.

3. The court **GRANTS** the petition for reduction of a felony to a misdemeanor (maximum punishment of 364 days per Pen. Code, § 18.5) under Penal Code section 17(b) and reduces the following felony convictions to misdemeanors:
   - ☐ ALL FELONY CONVICTIONS in the above-entitled action; or
   - ☐ Only the following felony convictions in the above-entitled action *(specify charges and date of conviction)*:

4. The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) for the following felony convictions:
   - ☐ ALL FELONY CONVICTIONS in the above-entitled action; or
   - ☐ Only the following felony convictions in the above-entitled action *(specify charges and date of conviction)*:

5. The court **GRANTS** the petition for dismissal regarding the following convictions in accordance with Penal Code section 1203.4, as specified in Penal Code section 1170.9(h)(3)(C), and it is ordered that the pleas, verdicts, or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed:
   - ☐ ALL CONVICTIONS in the above-entitled action; or
   - ☐ Only the following convictions in the above-entitled action *(specify charges and date of conviction)*:

6. The court **DENIES** the petition for dismissal regarding the following convictions under Penal Code section 1170.9(h):
   - ☐ ALL CONVICTIONS in the above-entitled action; or
   - ☐ Only the following convictions in the above-entitled action *(specify charges and date of conviction)*:

People of the State of California v. Defendant:	Case Number:

7. ☐ The court ORDERS, in accordance with Penal Code section 1170.9(h)(4)(D), the sealing of police records of the arrest and court records of the dismissed action, hereafter viewable by the public only in accordance with a court order.

8. If this order is granted under the provisions of Penal Code section 1170.9(h):

   a. The petitioner is released from all penalties and disabilities resulting from the offense(s) of which they have been convicted in the dismissed action.
   b. Dismissal of the conviction does not *automatically* relieve a person from the requirement to register as a sex offender under Penal Code section 290. (See, e.g., Pen. Code, § 290.5.)
   c. The petitioner is not obligated to disclose the arrest on the dismissed action, or the conviction that was set aside when information concerning prior arrests or convictions is requested to be given under oath, affirmation, or otherwise, except when he or she is required to disclose the arrest, the conviction that was set aside, and the dismissed action in response to any direct question contained in any questionnaire or application for any law enforcement position.
   d. The dismissal of the action shall be a bar to any future action based on the conduct charged in the dismissed action.
   e. In any subsequent prosecution for any other offense, a conviction that was set aside in the dismissed action may be pleaded and proved as a prior conviction and shall have the same effect as if the dismissal had not been granted.
   f. A conviction that was set aside in the dismissed action may be considered a conviction for the purpose of administratively revoking or suspending or otherwise limiting the petitioner's driving privilege on the ground of two or more convictions.
   g. The petitioner's DNA sample and profile in the DNA data bank shall not be removed by a dismissal.
   h. Dismissal of an accusation, information, or conviction does not authorize the petitioner to own, possess, or have in his or her custody or control any firearm or prevent their conviction pursuant to Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.

9. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17(b) or 1170.9(h) does *not* release the petitioner from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if they were found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296 (a).

FOR COURT USE ONLY

Date:

_____

Judicial Officer

Item number: 17

Rules Committee Action Request Form

Rules Committee Meeting Date: 4/9/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Family Law: Financial Disclosure Forms

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Adopt forms FL-150(A), FL-150(C), FL-150(D), and FL-150(F); approve forms FL-150(B) and FL-150(E); revise forms FL-150, FL-155, and FL-397; revoke form DV-570

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)*:*
Sarah Jacobvitz, 415-865-4533, sarah.jacobvitz@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: 4. Family Law: Amend rules and create and revise forms regarding income (New Project)

Project Summary: The committee will consider revisions to Income and Expense Declaration (form FL-150), Financial Statement (Simplified) (form FL-155), Request for Income and Benefit Information from Employer (form FL-397), and any other relevant rules and forms to implement changes required by recent federal legislation (One Big Beautiful Bill Act (H.R. 1, 119th Cong., 1st Sess. (2025)) and to improve useability. The recommendation may include the adoption of new attachment forms.

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

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):* 2/18/2026

☒ Office director (or designee) reviewed on *(date):* 3/2/2026 by *(name):* Anna Maves

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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courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-17

Title

Family Law: Financial Disclosure Forms

Proposed Rules, Forms, Standards, or Statutes

Adopt forms FL-150(A), FL-150(C), FL-150(D), and FL-150(F); approve forms FL-150(B) and FL-150(E); revise forms FL-150, FL-155, and FL-397; revoke form DV-570

Proposed by

Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date

January 1, 2027

Contact

Sarah Jacobvitz, 415-865-4533
sarah.jacobvitz@jud.ca.gov

Executive Summary and Origin

Recent federal legislation, (H.R. No. 1, 119th Cong., 1st Sess. (2025)) made changes to federal law, including modifying the tax treatment of certain income attributable to tips and overtime for tax years 2025–2028. To implement House Resolution No. 1 (H.R. No. 1) and to respond to identified concerns, the Family and Juvenile Law Advisory Committee proposes revising three family law forms used by parties to provide financial disclosures and to request information from an adverse party's employer. The committee also proposes adopting four mandatory attachment forms, approving two optional attachment forms, and revoking an optional information sheet to facilitate more comprehensive and accurate financial disclosure.

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

Background

History and origins of the financial disclosure forms

Income and Expense Declaration **(form FL-150)**[1]

The enactment of Government Code section 68511 in 1968 and the Family Law Act in 1969 permitted the council to create mandatory forms for use in Family Law proceedings; the Income and Expense Declaration was one of the first such forms.[2] It is used in child support, spousal support, and other family law proceedings for parties to disclose information about their income to each other and to the court as required by law.

Early versions of the form consisted of a cover sheet with basic information about the litigant and two attachment forms: one for income, and one for expenses.[3] Effective January 1, 1986, the council adopted a third attachment form for use only in child support cases.[4] These four forms—the *Income and Expense Declaration*, the *Income Information* attachment, the *Expense Information* attachment, and the *Child Support Information* attachment—were separately numbered. Effective January 1, 2003, the council approved a recommendation by the committee to renumber all family law forms.[5] As a part of this proposal, the four one-page forms were combined into one four-page form: *Income and Expense Declaration* (form FL-150).

However, despite being combined, the content of form FL-150 did not change to the typical format of a standalone form. For example, instead of being on page 4 at the end of the form, the declarant's signature remained on page 1, formerly the cover page for the attachments.[6] In addition, the form retains an instruction for parties without children to skip the last page of the form (formerly the *Child Support Information* attachment), even though that page was later revised to include item 20, a write-in space for other information, which may be relevant to parties even if they do not have children.

The last major substantive revision to the form was effective January 1, 2004, with the inclusion of additional income types and questions regarding a party's earning capacity.[7]

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[1] Minor revisions and technical changes to the form throughout the years are not enumerated herein.

[2] Judicial Council of Cal., Staff Rep., *Judicial Council Approved Legal Forms* (Apr. 30, 1969).

[3] Judicial Council of Cal., Advisory Com. Rep., *Family Law Forms and Rules* (May 9, 1985), pp. 5–8.

[4] Judicial Council of Cal., Advisory Com. Rep., *New and Revised Forms: Family Law, Parentage Determination, and Probate* (Oct. 23, 1985), pp. 25–25c.

[5] Judicial Council of Cal., Advisory Com. Rep., *Family Law: Renumber All Forms (renumber forms 1281-1299.77, forms commencing with UIFSA and OMB, and form MC-150; revoke forms 1295.11a, 1297.90, 1297.91, 1297.92, and 1297.93)* (Aug. 20, 2002), p. 7.

[6] *Id.* at pp. 43–46.

[7] Judicial Council of Cal., Advisory Com. Rep., *Family Law: Financial Declarations (revise forms FL-150 and FL-155)* (Sept. 10, 2003), pp. 1–2.

In 2018, the committee circulated a proposal to revise form FL-150 to implement federal legislation regarding tax treatment of spousal support.[8] In that invitation to comment, the committee solicited suggestions for how to improve the form. Several commenters submitted suggestions, including simplifying the language and including space for other types of income.[9]

One commenter wrote, "[f]or many pro per litigants, the FL-150 is one of the most confusing forms used during a family law case. Given that the majority of family law cases involve a pro per litigant on one or both sides of a case, ensuring that pro per litigants have sufficient information on how to properly complete the form is essential."[10] The committee agreed to consider the suggested improvements in a future cycle.

***Financial Statement (Simplified)* (form FL-155)**

In 1992, the Legislature mandated that the council (1) develop a simplified income and expense form for determining child support under the guideline formula, and (2) develop factors to use to determine when the simplified income and expense form may be used instead of form FL-150, the standard income and expense form.[11] To implement this legislation, effective July 1, 1995, the council approved *Financial Declaration (Simplified)*.[12]

Form FL-155 was substantively revised once, effective January 1, 2004.[13] During the public comment period for that revision, a commenter suggested eliminating the form, noting "[m]any county courts will not accept the simplified financial form."[14] However, the committee decided not to eliminate the form because it determined that it was required pursuant to Family Code section 4068(b).[15]

***Request for Income and Benefit Information from Employer* (form FL-397)**

Effective January 1, 2001, the council adopted the *Request for Income and Benefit Information from Employer* form to implement Family Code section 3664 that allows parties to request income and benefit information directly from an adverse party's employer when that party fails

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[8] Judicial Council of Cal., Advisory Com. Rep., *Family Law: Income and Expense Declaration* (Aug. 8, 2018), *jcc.legistar.com/View.ashx?M=F&ID=6612075&GUID=069F8632-359B-49AD-9EBE-1FE83AEC4129*.

[9] *Id.* at pp. 4–5.

[10] *Id.* at p. 20.

[11] Fam. Code, § 4068(b).

[12] *Financial Declaration (Simplified)* was originally approved as form 1285.52 but was renumbered to form FL-155 in 2002. *See* Judicial Council of Cal., Advisory Com. Rep., *Family Law: Renumber All Forms (renumber forms 1281-1299.77, forms commencing with UIFSA and OMB, and form MC-150; revoke forms 1295.11a, 1297.90, 1297.91, 1297.92, and 1297.93)* (Aug. 20, 2002), p. 7.

[13] Judicial Council of Cal., Advisory Com. Rep., *Family Law: Financial Declarations (revise forms FL-150 and FL-155)* (Sept. 10, 2003).

[14] *Id.* at p. 30.

[15] *Id.* at p. 3.

to comply with a request for a postjudgment income and expense declaration.[16] This form was renumbered to form FL-397 effective January 1, 2003 without substantive change.[17] It has not been revised since.

New federal tax treatment for certain income attributable to tips and overtime

House Resolution No. 1 (H.R. No. 1), enacted July 4, 2025, changed provisions of the Internal Revenue Code of 1986 (see Link A). Specifically, sections 70201 and 70202 exempt certain income attributable to tips and overtime from federal taxation for tax years 2025–2028.

The Proposal

To implement H.R. No. 1 and to respond to identified concerns, the Family and Juvenile Law Advisory Committee proposes revising two mandatory forms and one optional form used for parties to provide and request income information. The committee also proposes adopting four mandatory forms, approving two optional forms, and revoking one optional form.

The proposed revisions are intended not only to implement federal tax changes but also to clarify the scope, organization, and level of detail required for financial disclosures in support proceedings. The revisions would more clearly delineate (1) earned income, (2) unearned income, (3) variable or fluctuating income, (4) public benefits, (5) household composition, (6) tax filing status, (7) basic monthly living expenses, and (8) attorney's fees and litigation costs. The attachments are structured to collect more detailed information where necessary without overburdening parties whose circumstances are straightforward.

Implementation of H.R. No. 1

To determine both the income available for spousal support and the appropriate amount of child support under the uniform guideline formula pursuant to Family Code section 4055, it is important for the court and parties to understand the tax treatment of all income listed on forms *Income and Expense Declaration* (form FL-150) and *Request for Income and Benefit Information from Employer* (form FL-397).

Form FL-150 requires the party who completes the form to list all income received within a specified time period. Form FL-397 prompts an employer to disclose all income paid to an employee for a specified time period. Neither form currently has separate line items for income from tips and overtime—rather, both forms group all income from salary or wages into one total. Because certain tips and overtime income are now subject to different federal tax treatment under H.R. No. 1, the committee proposes including separate line items for tips and overtime on both

[16] Judicial Council of Cal., Advisory Com. Rep., *Family Law Rule and Forms for Processing Support Cases (adopt Cal. Rules of Court, rule 1280.15; adopt Forms 1296.87, 1296.88, 1296.89, and 1292.17; and amend Form 1296.91)* (Sept. 5, 2000), p. 2.

[17] Judicial Council of Cal., Advisory Com. Rep., *Family Law: Renumber All Forms (renumber forms 1281-1299.77, forms commencing with UIFSA and OMB, and form MC-150; revoke forms 1295.11a, 1297.90, 1297.91, 1297.92, and 1297.93)* (Aug. 20, 2002), p. 13.

forms. Proposed form FL-150 also includes instructions not to include tips and overtime income in the section where the party lists income from salary or wages.

Specifically, proposed form FL-150 would revise the "Income from Employment" section to require the declarant to separately identify: (1) base hourly wages or salary; (2) overtime compensation; and (3) tip income.

Proposed form FL-397 would similarly revise the employer reporting section to require itemization of wages, overtime, and tips (if reported through payroll) paid during the specified reporting period. This additional specificity is intended to ensure accurate calculation of support obligations under Family Code section 4055.

Financial Statement (Simplified) (form FL-155) would require similar revisions to implement H.R. No. 1 if the council were to retain the current eligibility requirements for the form, which permit some parties who receive salary or wage income to use the form. However, as described above, a commenter noted that many courts still require litigants to complete form FL-150, even when they may use form FL-155 based on the guidelines established by the council. To improve the process of using form FL-155, the committee proposes changing the eligibility requirements on form FL-155 to more limited situations. This will increase the likelihood that courts will accept optional form FL-155 instead of requiring litigants who qualify to use that form to use form FL-150. The proposed change would not allow parties with income from salary or wages to use form FL-155 and would therefore not require any specific changes to implement H.R. No. 1.

Form Improvements to Respond to Identified Concerns

***Revisions to mandatory Income and Expense Declaration* (form FL-150)**

In addition to implementing H.R. No. 1, the proposal includes many revisions to form FL-150 to respond to identified concerns regarding accessibility of the form and completeness of the disclosure. General improvements throughout the proposed form include:

- Changing the form from a standard to a plain language format. This would eliminate the need for self-represented litigants to complete a standard caption on form FL-150, which may cause confusion, and would increase the font size from 9 point to 11 point. The plain language format also includes additional white space on each page, which improves readability.

- Updating the form to a typical standalone format, including moving the signature line to the end of the form and instructing users to skip individual applicable items rather than entire pages.

- Reorganizing the form to group related information more logically, such as putting a party's education and training before their current employment and their tax filing information before information about who is in their household.

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- Add instructions for proposed new attachment forms for information applicable only in certain cases. This would allow courts to receive more of the information they need from parties before the hearing, while also maintaining the length of the base form and removing information that is unlikely to be relevant to many parties.

- Removing information that can be found elsewhere in the court record. For example, proposed form FL-150 would eliminate a section for parties to write in a description of their parenting schedule.

- Removing, to the extent possible, duplicative information on the form. For example, proposed form FL-150 (1) lists income from employment only in item 5 instead of in items 2 and 5 as on current form FL-150; and (2) removes a question regarding whether there has been a recent change in income, as parties may provide that information in the "other" item on the form.

- Updating item 3 regarding a party's education and training to make the information requested consistent with *Earning Capacity Factors Attachment* (form FL-302).

- Updating item 5 regarding a party's income to include the addition of more types of income such as seasonal income.

- Updating item 10 regarding expenses to require that parties only list their basic expenses instead of every monthly expense as on current form FL-150. Item 10 of proposed form FL-150 also lists only "average monthly expenses," eliminating the option for parties to provide "proposed needs," which are not useful to the court in determining a party's current financial situation. In addition, the proposed form modernizes terminology in item 10, such as referring to costs for "internet" instead of "e-mail" (as on the current form), including a line for HOA dues as part of housing expenses, and including "solar lease" as an example of a utility expense.

- Updating item 14 regarding the other party's income to direct parties to include the type of income, name of employer or business, and whether the other party is currently receiving the income.

In addition to these changes, the committee proposes removing current items 11(b) and 11(c) on form FL-150, which require disclosure of (1) stocks, bonds, and other assets easily sold; and (2) all other property, real and personal. The committee recognizes that the questions may be difficult to answer for many litigants, as they involve providing a one-line estimate of net worth and determining which assets may be easily sold. Given this difficulty, the committee considered that it would be more useful for courts to order parties to complete additional disclosure forms, such as *Property Declaration* (form FL-160) or *Schedule of Assets and Debts* (form FL-142), if necessary. However, the committee also recognizes that judicial officers rely on the information provided in form FL-150 when making determinations regarding support, attorney's fees, or sanctions and may prefer to keep information regarding assets on that form so as not to delay the

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proceedings. Therefore, the committee is seeking specific comment on whether to remove these additional questions regarding assets from form FL-150.

Three mandatory attachment forms to form FL-150 regarding income

The committee proposes three new mandatory attachment forms relating to item 5 of form FL-150 regarding a party's income:

- *Variable Income Attachment* (form FL-150(A)). This attachment would require disclosure of all variable compensation received during the preceding 36 months, including bonuses, commissions, and stock-based compensation like Restricted Stock Units and Employee Stock Purchase Plans.

- *Disability, Worker's Compensation, and Unemployment Benefits Attachment* (form FL-150(C)). This attachment would require disclosure of the type of benefit received, the gross monthly amount, whether the benefit is taxable, whether the benefit is received for a long-term or short-term disability and the specific date the benefit started.

- *Miscellaneous Income Attachment* (form FL-150(D)). This attachment would provide a list of miscellaneous income sources, including investment dividends, interest, trust distributions, recurring gifts, stipends, royalties, gambling or lottery winnings, or other recurring financial support. For each source, the declarant would be required to identify the payor, frequency, gross amount, and time period received within the 24 months preceding the date that the form is filed.

These proposed attachment forms would be mandatory to provide courts with more information regarding these types of income prior to hearings on child and spousal support. This should improve court efficiencies by shortening the time needed for hearing and reducing the need for continuances. It may also reduce the financial burden of the litigation on the parties. Parties would only be required to complete attachments relevant to their circumstances (i.e. if they receive the type of income specified).

Two optional attachment forms to form FL-150

The committee proposes two optional forms as follows:

- *Profit and Loss Statement Attachment* (form FL-150(B)) would provide a profit and loss statement template for self-employed parties or those with real property income to report gross receipts, ordinary and necessary business expenses, depreciation (if applicable), and net income. This attachment would be used when the party does not have their own profit and loss statement and does not file an IRS Schedule C or Schedule E. This form would be optional to allow parties to use their federal tax form or their own profit and loss statement instead.

- *Additional Expenses Attachment* (form FL-150(E)) would provide a standard format for parties to itemize lifestyle related or discretionary expenses not included in the base

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average monthly basic expense section on form FL-150 such as subscription services, gym memberships, pet care, travel, or other recurring expenditures. Parties may choose to do this, for example, if they would like to prove a need for more spousal support based on lifestyle or a nonguideline support order. Courts may also order parties to complete this attachment if they would like additional information about a party's expenses. This attachment would be optional because this information is not relevant in many cases.

Adoption of Lawyer's Fees Attachment **(form FL-150(F))**

Parties who pay attorney's fees would be required to complete proposed *Lawyer's Fees Attachment* (form FL-150(F)). The proposed form differs from the section regarding attorney's fees on current form FL-150 in two main respects. First, the current form only requires completion if a party is requesting attorney's fees. The proposed form would require completion for all parties who have or had a paid attorney in their case. The committee is proposing this change based on feedback received from a superior court that this information should be mandatory for parties with paid attorneys because it provides critical information to bench officers relevant to a party's financial situation, including incentives to promote settlement.

Second, proposed form FL-150(F) also provides additional information beyond what is on current form FL-150 regarding attorney's fees by soliciting information regarding fees paid to a former attorney rather than just a current attorney. This would provide the court with a fuller understanding of a party's financial situation, especially if there are outstanding unpaid fees to a former attorney.

Parties who have never paid attorney fees would not be required to complete this form.

Revisions to optional form Financial Declaration (Simplified) **(form FL-155)**

Current *Financial Declaration (Simplified)* (form FL-155) permits parties to use the form if both of the following conditions are met:

1. Neither party is requesting spousal support, domestic partner support, family support, or attorney's fees; and

2. The party completing the form is not self-employed and does not receive any income other than certain public benefits, salary or wages, retirement, or interest income.

However, the current form does not contain all the information required for courts to make a support determination in many cases, even where parties meet the eligibility requirements. Among other things, the form does not require information regarding a party's education and earning capacity, financial hardship, and a mandatory disclosure of monthly expenses. Also, many courts do not accept optional form FL-155. As a result, a party who files optional form FL-155 thinking that they have met the income disclosure requirements may later be ordered to complete form FL-150. This may result in delays and increase litigation costs and burdens on the parties.

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Therefore, the committee proposes narrowing the eligibility for form FL-155 to the following:

1. Neither party is requesting spousal support, domestic partner support, family support, or attorney's fees; and

2. The party completing the form has:

    a. No income other than a means-tested public benefit[18];

    b. No income and has applied for a means-tested public benefit; or

    c. No income and is currently in jail, prison, or detention.

Limiting eligibility to these situations would allow parties who do not need to provide additional information, such as those who qualify for a means-tested benefit and therefore are unlikely to be subject to a potential seek-work order, to complete a simpler form with less information. The proposed revision would also promote uniformity in court practice by reducing circumstances in which parties qualify to use form FL-155 but are nonetheless directed to complete form FL-150.

As the committee is proposing to narrow the eligibility requirements, the committee proposes removing sections of the form that would no longer be relevant, leaving only the following sections: basic caption information and age of each party, income, tax filing information, other household members (if any), children in common (if any), adverse party's income (if known), other (write-in), number of pages attached, and signature under penalty of perjury. For the same reasons stated above with respect to form FL-150, the committee also proposes changing the form from a standard to a plain language format.

The committee believes that the proposed revisions to form FL-155 would streamline the proceedings for parties who qualify to use the form while eliminating eligibility for those who need to provide more information for the court to make a support determination.

***Revisions to Request for Income and Benefit Information From Employer* (form FL-397)**
Form FL-397 is a mandatory form used to request information directly from an adverse party's employer in cases where that party has not responded to a post-judgment request for an *Income and Expense Declaration* (form FL-150). In addition to other information, it prompts the employer to fill out information regarding the gross amounts they paid to the employee in the previous month and the previous twelve months. In addition to the revisions identified above to implement AB 747, the committee proposes bolding the gross income time periods requested on the form to highlight the specific timeframe for the information requested.

[18] A means-tested public benefit is a "public benefit for which the eligibility of an individual, household, or family unit for benefits, or the amount of such benefits, or both, are determined on the basis of the income, resources, or financial need of the individual, household, or unit …." *Interpretation of "Federal Means-Tested Public Benefit" in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (U.S. Dept. of Justice, Office of Legal Counsel (Dec. 16, 2025), justice.gov/olc/media/1421356/dl.)

***Revocation of Which Financial Form — FL-155 or FL-150?* (form DV-570)**

Which Financial Form — FL-155 or FL-150? (form DV-570) is an optional information sheet that lists the eligibility criteria for using form FL-155. The committee proposes revoking this form, because form FL-155 already lists the eligibility criteria for using it. Eliminating form DV-570 would reduce redundancy and minimize the risk of inconsistent guidance between the information sheet and the form itself.

Alternatives Considered

The committee did not consider taking no action because H.R. No. 1 requires that income attributable to overtime and tips be separately listed on the forms. Although the committee considered proposing only narrow revisions to implement H.R. No. 1, without additional changes or adoptions of new forms, it ultimately concluded that the proposed forms would better address identified concerns and provide the parties and the court with more accurate financial disclosures. In reaching this determination, the committee considered the public comments received in previous years, the history and evolution of the forms (including form FL-150's origin as four separate forms combined into one) and their importance to family law proceedings, and the length of time since their last substantive redesign.

Fiscal and Operational Impacts

Courts would incur costs to train court employees, reprint hard copies of the forms, and update case management systems, including updates necessary to incorporate the new attachment forms. However, courts and litigants are expected to benefit from having more modern and user-friendly forms that are both easier to use and provide the opportunity for a more complete financial disclosure, accounting for both more modern expenses and forms of income. The committee anticipates that clearer forms and more structured attachments may reduce continuances and post-hearing corrections, thereby promoting long-term efficiencies despite initial implementation costs.

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Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Should form FL-150 retain questions regarding assets that are easily liquidated and real and personal property (items 11(b) and 11(c) on current form FL-150)?

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

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

Attachments and Links

1. Forms DV-570, FL-150, FL-150(A), FL-150(B), FL-150(C), FL-150(D), FL-150(E), FL-150(F), FL-155, and FL-397, at pages 12–34
2. Link A: H.R. No. 1, One Big Beautiful Bill Act, 119th Cong., 1st Sess. (2025), *congress.gov/bill/119th-congress/house-bill/1/text*

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DV-570 Which Financial Form — FL-155 or FL-150?

(1) Answer these questions: (If *any* answer is yes, go to (2).)

a. Are you self-employed? ☐ Yes ☐ No

b. Are you asking for spousal support or a change in spousal support? ☐ Yes ☐ No

c. Is your spouse (husband or wife) asking for spousal support or a change in spousal support? ☐ Yes ☐ No

d. Are you asking the other person to pay your attorney fees? ☐ Yes ☐ No

e. Is the other person asking you to pay his or her attorney fees? ☐ Yes ☐ No

f. Do you have income that is ***not*** listed below? ☐ Yes ☐ No

- Welfare (CalWORKS, TANF, GR, or GA)
- Salary from your job
- Disability
- Unemployment
- Worker's Compensation
- Social Security
- Retirement

REVOKED
January 1, 2027

(2) If you answered yes to at least one question, you *must* use *Income and Expense Declaration* (form FL-150). This form can be hard to fill out. Ask the Family Law Facilitator for help.

(3) If you answered no to ***all*** of the above, you can use *Simplified Financial Statement* (form FL-155) or *Income and Expense Declaration* (form FL-150). But form FL-155 is easier to fill out.

FL-150 Income and Expense Declaration

Clerk stamps date here when form is filed.

FOR COURT USE ONLY

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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 Information About You

a. Your Name:

_____ Age: _____

Your Lawyer *(if you have one for this case)*

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead.)*

Address: _____

City: _____ State: ____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Information About the Other Party

Name: _____ Age: _____

3 Your Education

You have *(check all that apply)*:

a. ☐ completed high school or the equivalent.

b. ☐ attended college.

(1) Number of years completed: _____

(2) Degree earned, if any *(type and major)*: _____

c. ☐ attended graduate school.

(1) Number of years completed: _____

(2) Degree or degrees earned, if any *(type and major)*: _____

d. ☐ a professional or occupational license or licenses:

_____

e. ☐ other education or training *(example: vocational training)*:

_____

_____

_____

Case Number:

4 Information About Your Work

(Fill in the information about your most recent employment.)

a. Schedule: ☐ Full time or ☐ part time

b. Number of hours per week: _____

c. Employer's information (name, address, and telephone number):

_____

_____

_____

d. Job title: _____

e. ☐ If no longer employed, date job ended: _____

f. ☐ Seasonal employment. *(Check here if you only work this job for part of the year.)*
Months you usually work: _____

g. ☐ Multiple jobs. *(Check here if you have more than one job. Attach a piece of paper and provide the information in this item for each additional job. You may use form MC-025.)*

5 Your Current Income

*(Check all that apply and list **gross** amounts before taxes and deductions for each source of income.)*

a. ☐ Salary or wages *(Do not include tips, overtime, or seasonal employment.)*

(1) ☐ Every week: $_____

(2) ☐ Every two weeks: $_____

(3) ☐ Semi-monthly: $_____

(4) ☐ Once per month: $_____

Average Monthly Total: $_____

Average Monthly

b. ☐ Tips: $_____

c. ☐ Overtime: $_____

d. ☐ Seasonal employment *(List your total yearly income divided by twelve.):* $_____

e. ☐ Commissions, bonuses, stock-based compensation, or other variable income. *(If you check this box, you must fill out and attach form FL-150(A) (*Variable Income Attachment*).):* $_____

Case Number:

Average Monthly

5 f. ☐ Self-employment or rental property income. *(For every business or rental property you own, you must fill out and attach one of the following for each of the last two years: (1) form FL-150(B) (*Profit and Loss Statement Attachment*), (2) your IRS Schedule C or Schedule E (black out your Social Security number or tax ID number), or (3) your own profit and loss statement.):* $_____

g. ☐ Disability, unemployment compensation, or worker's compensation (SSDI, SDI, private insurance, paid family leave). *(If you check this box, you must fill out and attach form FL-150(C) (*Disability, Worker's Compensation, and Unemployment Benefits Attachment*).):* $_____

h. ☐ Military allowances

(1) ☐ Basic allowance for housing (BAH): $_____

(2) ☐ Basic allowance for subsistence (BAS): $_____

i. ☐ Public assistance (CalWORKs, GA/GR, Tribal TANF, SSI) *(name of benefit program or programs):* _____ $_____

j. ☐ Food assistance such as CalFresh (SNAP) or WIC: $_____

k. ☐ Court-ordered spousal support or domestic partner support. *(Do not include child support. Check all that apply.):* $_____

(1) ☐ From this relationship.

(2) ☐ This support is federally taxable.

(3) ☐ This support is taxable by California.

(For more information on when your support is taxable, see selfhelp.courts.ca.gov/divorce/spousal-support/taxes*).*

l. ☐ Child support you receive for children of other relationships *(Do not include support you receive from the person in* **2***.):* $_____

m. ☐ Retirement income *(check all that apply)*

(1) ☐ Social Security retirement (not SSI): $_____

(2) ☐ Taxable retirement payment *(example: pension, traditional 401(k)):* $_____

(3) ☐ Non taxable retirement payment *(example: Roth 401(k)):* $_____

n. ☐ Other income (dividends, interest, trust income, investments income, royalty payments, inheritance, gifts, etc.). *(If you check this box, you must fill out and attach form FL-150(D) (*Miscellaneous Income Attachment*)):* $_____

Total Average Monthly Income *(including salary and wages):* **$**_____

Important! *Attach copies of your pay stubs for the last three months and proof of any other income (examples: federal 1099 forms, benefit award letter). Take a copy of your latest federal tax return to your court hearing. Black out your Social Security number, tax identification number, and bank account number on any documents you turn in or bring with you to court.*

Case Number:

6 Your Current Deductions

(Check all that apply.) Average Monthly

a. ☐ Medical, hospital, dental, and other health insurance premiums for you and your children *(do not include stepchildren):* $_____

b. ☐ Required union dues: $_____

c. ☐ Required retirement payments *(not Social Security, FICA, 401(k), or IRA):* $_____

d. ☐ Voluntary retirement payments *(not Social Security or FICA):* $_____

e. ☐ Court-ordered child support that you pay for children of other relationships: $_____

f. ☐ Court-ordered spousal or domestic partner support that you pay for a different relationship *(check all that apply):* $_____

(1) ☐ This support is federally tax deductible.

(2) ☐ This support is deductible on California state taxes.

(For more information on when your support payments are tax deductible, see selfhelp.courts.ca.gov/divorce/spousal-support/taxes.)

g. ☐ Necessary job-related expenses not reimbursed by your employer: $_____
(Explain):

_____

_____

Total Average Monthly Deductions: $_____

7 Cash and Bank Accounts

Total you have in cash and checking, savings, credit union, money market, and other deposit accounts: $_____

8 Tax Information

a. Year you last filed your taxes: _____

b. Your tax filing status *(Check one):* ☐ Single ☐ Head of household ☐ Married, filing separately
☐ Married, filing jointly with (name): _____

c. State where you file taxes *(Check one):* ☐ California ☐ Another state: _____

d. Number of exemptions, including yourself, that you claim on your taxes: _____

Case Number:

9 Your Household

The following people are members of your household:

	Name	Age	Relationship to you	Person's gross monthly income	Pays some of the household expenses?
a.				$	☐ Yes ☐ No
b.				$	☐ Yes ☐ No
c.				$	☐ Yes ☐ No
d.				$	☐ Yes ☐ No

☐ *Check here if there are additional people. List them on a separate sheet of paper, write "Attachment 9" at the top, and attach it to this form.*

10 Your Expenses

a. **Basic expenses.** Your average monthly expenses:

(1) Home:

(a) ☐ Rent or ☐ mortgage: $

If mortgage:

(i) Average principal: $

(ii) Average interest: $

(b) Real property taxes: $

(c) Homeowner's or renter's insurance *(if not included above):* $

(d) Maintenance and repair: $

(e) HOA dues: $

(2) Health-care costs not paid by insurance: $

(3) Child care: $

(4) Food *(groceries, eating out, household supplies):* $

(5) Utilities *(gas, electric, water, trash, solar lease):* $

(6) Phone and internet: $

(7) Other transport expenses *(insurance, gas, repairs, bus, registration fees, etc.):* $

(8) Monthly payments listed in 10b *(itemize below in 10b and insert total here):* $

(9) **Total Basic Expenses:** $

b. Debt payments *(Examples: car payments, student loans, personal loans. Do not include one-time payments or credit card payments for ongoing expenses you already listed above.):*

Paid to	For	Amount	Balance	Date of last payment
		$	$	
		$	$	
		$	$	

c. ☐ Other expenses. *(If you would like to provide information about additional expenses, check here and fill out and attach form 150(E) (*Additional Expenses Attachment*).)*

d. Amount of expenses paid by others: $

Case Number:

(11) Your Children With the Person in (2)

(Skip to (12) if you do not have children with the person in (2).)

a. Child's first name	Age	Percent of time with you	Percent of time with other parent	Timeshare unknown
				☐
				☐
				☐
				☐

☐ *Check here if there are additional children. List them on a separate sheet of paper, write "Attachment 11a" at the top, and attach it to this form.*

b. Do you have private health insurance available to you for the children in (11)a?

☐ No

☐ Yes, and they are on that insurance plan. The monthly cost is $_____.

☐ Yes, but they are not on that insurance plan. The monthly cost to add them would be $_____.

c. Amount you pay monthly for the children in (11)a *(Check all that apply and attach proof of each expense to this form, if you have it. You may list expenses again that you already listed in (10).):*

(1) ☐ Childcare so that you can work or get job training: $_____.

(2) ☐ Children's health care not covered by insurance: $_____.

(3) ☐ Children's education expenses or other special needs: $_____.
(Explain): _____

(4) ☐ Travel expenses for visitation: $_____.
(Explain): _____

(12) Medical Hardship

(Complete this item if you have extraordinary health expenses.)

Describe any extraordinary health expenses that you have. List specific amounts and how long they will continue:

_____

_____

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 12" at the top.*

(13) ☐ Your Lawyer's Fees

(Check here if you have a paid lawyer for this case or had one in the past. Complete FL-150(F) (Lawyer's Fees Attachment) *and attach it to this form. If you have or had only a free lawyer such as a legal aid or pro bono attorney, you do not need to check this box or include the attachment.)*

Case Number:

14 Other Party's Income

a. Give your best estimate of the other party's income based on the information you have. If you do not have any information, write "unknown" under Type of income.

Type of income *(ex: job , self-employment, disability)*	Amount per month	Employer or business name	Current or past income?
	$		☐ current or ☐ past Date stopped:
	$		☐ current or ☐ past Date stopped:

☐ *Check here if there are additional types of income. List them on a separate sheet of paper, write "Attachment 14a" at the top, and attach it to this form.*

b. Your estimate in 14a is based on:

*(If you think the other party could be earning more money than they do now, you can ask for an order based on what they **should** be earning. To do that, you may fill out form FL-302 (*Earnings Capacity Attachment*) (for child support) or form FL-157 (*Spousal or Domestic Partner Support Declaration Attachment*) (for spousal support) and attach it to this form, to your form FL-300 (*Request for Order*), or to your FL-320 (*Responsive Declaration to Request for Order*).)*

15 Other

Is there anything else you want the court to know about your financial situation?

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 15" at the top.*

16 Additional Pages

If you used additional paper or forms, enter the total number of extra pages attached to this form: _____

17 Signature Under Penalty of Perjury

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*

FL-150(A) Variable Income Attachment

Case Number:

This form is attached to form FL-150.

(This form is used to report variable income such as bonuses (item ①), commissions (item ②), and stock-based compensation (item ③). If you have other types of variable income, provide an amount and explanation in item ④.)

① ☐ Bonuses *(Complete this section if you receive bonuses as part of your compensation.)*

a. Amount

(1) Bonus income

Time period			Total bonuses received
Previous 12 months *(specify dates):*	_____	to _____	$_____
13–24 months ago *(specify dates):*	_____	to _____	$_____
25–36 months ago *(specify dates):*	_____	to _____	$_____

(2) Information about your most recent bonus.

(a) When did you get the bonus? *(date):* _____

(b) How much was the bonus? $_____

b. Type

(1) Amount *(check all that apply):*

(a) ☐ Fixed amount *(specify):* $_____

(b) ☐ Variable. Range (minimum to maximum) you can receive: $_____ to $_____

(2) Frequency *(check all that apply):*

(a) ☐ Annual performance bonus. Month received: _____

(b) ☐ Quarterly bonus. Months received: _____

(c) ☐ One-time bonus (example: signing, retention). Date received: _____

(d) ☐ Other *(specify type):* _____. Date received: _____

(3) Your bonuses are? *(check all that apply):*

(a) ☐ Guaranteed

(b) ☐ Conditional *(describe conditions):*

_____

_____

_____

c. Is there any other information you want the court to know about your bonus income?

_____

_____

Case Number:

2 ☐ Commissions *(Complete this section if you receive commissions as part of your compensation.)*

a. Amount

(1) Commission income

Time period			Total commission received
Previous 12 months *(specify dates):*	_____	to _____	$_____
13–24 months ago *(specify dates):*	_____	to _____	$_____
25–36 months ago *(specify dates):*	_____	to _____	$_____

(2) What is your average monthly commission income? $_____

b. Frequency

How often are commissions paid? *(check one):*

(1) ☐ Every week
(2) ☐ Every two weeks
(3) ☐ Every month
(4) ☐ Every quarter
(5) ☐ Other *(specify):* _____

c. Sources of commissions *(check all that apply):*

(1) ☐ Product sales
(2) ☐ Service sales
(3) ☐ Referrals (example: advertisement clicks on social media platform)
(4) ☐ Leads
(5) ☐ Other *(specify):* _____

d. Commission structure *(check all that apply):*

(1) ☐ Percentage of sale
(2) ☐ Flat rate per deal
(3) ☐ Tiered bonus system
(4) ☐ Other *(specify):* _____

e. Typical size of deals or sales that generate commissions: $_____

f. Performance thresholds or quotas that affect your commission (if any):

_____

_____

g. Other information you want the court to know about your commission income:

_____

_____

Case Number:

3 ☐ **Stock-Based Compensation** *(Complete this section if you receive stock-based compensation. If this compensation is reported on your W-2 or if you receive a 1099-B, attach those documents to this form. Black out your Social Security number and account numbers.)*

a. Name of company that offers stock-based compensation: _____

b. ☐ Restricted Stock Units (RSUs)

(Provide information for the last 36 months.)

Grant date	Number of RSUs granted	Most recent fair market value per share	Vesting date	Settlement date	Net proceeds
_____	_____	$_____	_____	_____	$_____
_____	_____	$_____	_____	_____	$_____
_____	_____	$_____	_____	_____	$_____
_____	_____	$_____	_____	_____	$_____

☐ *Check here if there are additional grants. List them on a separate sheet of paper, write "Attachment 3b" at the top, and attach it to this form.*

c. ☐ Employee Stock Purchase Plans (ESPPs)

(1) Participation details

(a) ESPP participation start date *(date):* _____

(b) Amount of contribution *(check one):*

(i) ☐ Percentage of salary: _____%

(ii) ☐ Monthly amount: $_____

(c) Describe the terms of any ESPP lookback provisions:

_____

_____

_____

_____

☐ *Check here if there is not enough space for your answer. Put your complete answer on a separate sheet of paper, write "Attachment 3c(1)(c)" at the top, and attach it to this form.*

(d) Discount rate offered: _____%

(2) Offering and purchase information

(a) ESPP offering periods *(example: January to June):*

_____

Case Number:

3 c. (2) (b) Provide information for each purchase of ESPP shares within the last 36 months:

Purchase date	Amount contributed during that period	Discounted purchase price per share	Number of shares
_____	$_____	$_____	_____
_____	$_____	$_____	_____
_____	$_____	$_____	_____
_____	$_____	$_____	_____

☐ *Check here if there are additional purchases. List them on a separate sheet of paper, write "Attachment 3c(2)(b)" at the top, and attach it to this form.*

(3) Sale information

Provide information for each sale of ESPP shares within the last 36 months:

Sale date	Number of shares	Sale price per share	Original purchase price per share	Qualified or unqualified position?
_____	_____	$_____	$_____	☐ Qualified ☐ Unqualified
_____	_____	$_____	$_____	☐ Qualified ☐ Unqualified
_____	_____	$_____	$_____	☐ Qualified ☐ Unqualified
_____	_____	$_____	$_____	☐ Qualified ☐ Unqualified

☐ *Check here if there are additional sales. List them on a separate sheet of paper, write "Attachment 3c(3)" at the top, and attach it to this form.*

(4) Anything else you want the court to know about your ESPP:

_____

_____

d. ☐ Stock options. If you have exercised any stock options in the last 36 months, please describe and attach investment banking statements showing the proceeds:

_____

_____

_____

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, write "Attachment 3d" at the top, and attach it to this form.*

4 ☐ **Other Variable Income** *(If you have any other variable income, please explain and specify amount.)*

_____

_____

_____

_____

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, write "Attachment 4" at the top, and attach it to this form.*

FL-150(B) Profit and Loss Statement Attachment

Case Number:

This form is attached to form FL-150.

*(You must complete a separate profit and loss statement for each business or rental property you own. Do not combine information about multiple entities on one form. Instead of filling out this form, you may attach your IRS Schedule C, IRS Schedule E, or your own profit and loss statement to form FL-150 (*Income and Expense Declaration*). Be sure to black out any Social Security numbers or bank account information.)*

1 ☐ Business Information *(Check here and fill out this item if you are self-employed or own a business that is not a rental property.)*

a. Business name: _____

b. Business address: _____

c. Type of business: _____

d. Year you started the business: _____

e. You are the *(choose one):* ☐ Owner or sole proprietor ☐ Business partner
☐ Other *(explain):* _____.

2 ☐ Rental Property Information *(Check here and fill out this item for rental properties.)*

a. Property address: _____

b. Number of units: _____

c. Percentage of the property you own: _____%

d. Do you live at the rental property? ☐ No ☐ Yes

3 Profit and Loss Statement

a. Accounting method *(check one):*

(1) ☐ Cash

(2) ☐ Accrual

b. Reporting period for amounts below *(check one):*

(1) ☐ Calendar year: _____

(2) ☐ Business is new or rental property was recently acquired and amounts for a complete year are not available. Amounts below are from *(date):* _____ to *(date):* _____.

c. Business or rental income

(1) ☐ Gross sales or revenue: $_____

(2) ☐ Rental income: $_____

(3) ☐ Other income *(source or type):* _____ $_____

(4) **Total income:** $_____

Case Number:

3 d. Business or Rental Expenses *(Do not include any personal expenses.)*

(1) Expenses that apply to both businesses and rentals

(a) ☐ Advertising $_____

(b) ☐ Commissions and fees $_____

(c) ☐ Depreciation $_____

(d) ☐ Insurance $_____

(e) ☐ Interest on loans $_____

(f) ☐ Legal and professional services (example: accounting) $_____

(g) ☐ Maintenance or repairs $_____

(h) ☐ Supplies $_____

(i) ☐ Utilities $_____

(2) ☐ Expenses that apply only to businesses *(Do not fill out this section for rental properties.)*

(a) ☐ Car or truck expenses $_____

(b) ☐ Contract labor $_____

(c) ☐ Employee benefit programs $_____

(d) ☐ Employee wages $_____

(e) ☐ Licenses $_____

(f) ☐ Office expenses $_____

(g) ☐ Pension or profit-sharing plans $_____

(h) ☐ Rent or lease for vehicles, machinery, or equipment $_____

(i) ☐ Rent or lease for other business property $_____

(j) ☐ Travel $_____

(k) ☐ Other (Examples: depletion, deductible taxes, deductible meals.) $_____
(Explain): _____

(3) ☐ Expenses that apply only to rentals *(Do not fill out this section for businesses that are not rental properties.)*

(a) ☐ Auto and travel $_____

(b) ☐ Cleaning $_____

(c) ☐ Homeowner's association (HOA) or condo fees $_____

(d) ☐ Management fees $_____

(e) ☐ Property taxes $_____

(f) ☐ Other (Example: lease.) *(Explain):* _____ $_____

(4) **Total expenses:** $_____

e. Net profit or loss *(total income minus total expenses):* $_____

FL-150(C)

Disability, Workers' Compensation, and Unemployment Benefits Attachment

Case Number:

This form is attached to form FL-150.

1 ☐ Disability Benefits

a. ☐ Short-term disability benefits

(1) Type

(a) ☐ California State Disability Insurance (SDI)

(b) ☐ California Paid Family Leave (PFL)

(c) ☐ California Workers' Compensation

(d) ☐ Private disability insurance *(insurance provider):* _____

(e) ☐ Other *(name of program):* _____

(2) Monthly amount: $_____

(3) Start date: _____

(4) Current expected end date: _____

(5) Have you applied to extend your benefits?

☐ No

☐ Yes

b. ☐ Long-term disability benefits

(1) Type

(a) ☐ Social Security Disability Insurance (SSDI)

(b) ☐ Veteran's Affairs (VA) Disability Compensation

(c) ☐ California Workers' Compensation

(d) ☐ Private disability insurance *(insurance provider):* _____

(e) ☐ Other *(name of program):* _____

(2) Monthly amount: $_____

(3) Start date: _____

2 ☐ Unemployment Benefits

a. State providing benefits

(1) ☐ California

(2) ☐ Another state: _____

b. Weekly amount: $_____

c. Start date: _____

d. Expected end date: _____

FL-150(D) Miscellaneous Income Attachment

Case Number:

This form is attached to form FL-150.

*(Include any income received in the past 24 months that you have not listed somewhere else on your form FL-150 (*Income and Expense Declaration.*)*

(1) Type of Income you Receive *(For anything you check here, provide details in (2).)*

a. ☐ Recurring gifts of money *(from friends, family, or anyone else)*

b. ☐ Court settlement or lawsuit award *(not including child, spousal, family, or domestic partner support)*

c. ☐ Gambling or lottery winnings

d. ☐ Prizes or awards with monetary value

e. ☐ Trust distributions

f. ☐ Inheritance of money *(do not include real estate or property)*

g. ☐ Royalties *(examples: creative works, intellectual property, mineral rights, etc.)*

h. ☐ Stipends *(examples: education, training, volunteer programs)*

i. ☐ Scholarships or grants for personal living expenses *(do not include those for tuition or educational expenses)*

j. ☐ Interest income

k. ☐ Dividend income

l. ☐ Long-term capital gains

m. ☐ Short-term capital gains

n. ☐ Annuity payments

o. ☐ Other *(describe):* _____

(2) Details About Each Type of Income in (1)

(For each type of income that you checked in (1), fill out the details below.)

Type listed in (1)	Name of person or entity who paid you	Amount received	Frequency *(monthly, one time, etc.)*	Time period
_____	_____	$_____	_____	Start date: _____
	_____			☐ End date: _____
_____	_____	$_____	_____	Start date: _____
	_____			☐ End date: _____
_____	_____	$_____	_____	Start date: _____
	_____			☐ End date: _____

☐ *Check here if there are additional types of income. List them on a separate sheet of paper, write "Attachment 2" at the top, and attach it to this form.*

FL-150(E) Additional Expenses

Case Number:

This form is attached to form FL-150.

Average monthly amount

1 Laundry and cleaning

(examples: dry cleaning, laundromat, coin-operated laundry, housekeeping service): $_____

2 Subscriptions and electronic services

(examples: news, magazines, streaming services): $_____

3 Personal care and memberships

(examples: haircuts, clothes, shoes, chiropractic care, gym membership): $_____

4 Enrichment programs for your child

(Not childcare. Examples: camps, clubs, sports lessons): $_____

5 Education

(examples: school tuition, class fees, books, school supplies, training, tutoring): $_____

6 Life insurance and other special insurance

(examples: disability insurance, long-term care insurance): $_____

7 Entertainment and travel

(examples: movies, concerts, sporting events, vacations, timeshare fees): $_____

8 Pet care

(examples: food, grooming, pet insurance, veterinary fees): $_____

9 Gifts or donations to charity $_____

10 Other expenses

(List any expense that you have not already included. Examples: storage fees, accounting, financial planning) (describe): _____ $_____

Total Additional Expenses: $_____

☐ *(Check here if you have more expenses. Attach a piece of paper and write "Additional expenses" at the top. Describe each expense and list the average monthly amount for each expense.)*

FL-150(F) Lawyer's Fees Attachment

Case Number:

This form is attached to form FL-150.

(If you complete item 1, your current lawyer must sign in item 1.)

1 ☐ Your Current Lawyer in This Case

a. To date, you have paid your current lawyer this amount for fees and costs: $_____

b. The source of this money was:

_____

_____

c. You still owe the following fees and costs to your current lawyer *(specify total owed):* $_____

d. Your current lawyer's hourly rate is: $_____

I confirm this fee arrangement.

Date: _____

_____ ▶ _____

Type or print name of current lawyer *Signature of current lawyer*

2 ☐ Your Previous Lawyer or Lawyers

(Complete this item if you previously paid for a lawyer in this case who no longer represents you.)

a. How much did you pay your previous lawyer or lawyers for work they did on this case? $_____

b. Names of previous lawyers: _____

c. The source of this money was:

_____

_____

d. Do you still owe your previous lawyer or lawyers any money for work they did on this case?

☐ No

☐ Yes. Amount: $_____

FL-155 Financial Statement (Simplified)

Clerk stamps date here when form is filed.

FOR COURT USE ONLY

DRAFT
Not Approved by the Judicial Council

You may only use this form if you are not requesting or responding to a request for spousal support, domestic partner support, family support, or attorney's fees, **and at least one** of these is true:

1. Your only income is a public benefit based on need, including CalWORKs, TANF, SSI, CAPI, GA/GR, or any other "means-tested" benefit. Benefits that *do not* qualify include SSDI, SDI, unemployment, and veterans benefits; or

2. You have no income and you have a pending application for a benefit based on need (as described above); or

3. You have no income and you are currently in jail, prison, or detention.

If you do not meet these requirements, use form FL-150 (*Income and Expense Declaration*) instead.

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 Information About You

a. Your Name: _____ Age: _____

Your Lawyer *(if you have one for this case)*

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different address where you can receive mail instead.)*

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Information About the Other Party

Name: _____ Age: _____

3 Your Income

(Check one):

a. ☐ No income and have a pending application for public benefits.

Name of program: _____

Case Number:

3 b. ☐ Public benefits *(check all that apply)*

	Average Monthly
(1) ☐ CalWORKs or TANF:	$
(2) ☐ SSI or CAPI:	$
(3) ☐ General Assistance (GA/GR):	$
(4) ☐ Food assistance *(examples: CalFresh, WIC):*	$
(5) ☐ Other means-tested public benefit *(name of program):*	$
Average Monthly Benefits:	**$**

c. ☐ No income and currently in jail, prison, or detention.

4 Tax Information

a. What year did you last file your taxes? _____

b. What is your tax filing status? *(Check one):* ☐ Single ☐ Head of household
☐ Married, filing separately ☐ Married, filing jointly with *(name):* _____

c. In what state do you file your taxes? *(Check one):* ☐ California ☐ Another state: _____

d. How many exemptions, including yourself, do you claim on your taxes? _____

5 Other Members of Your Household *(if any)*

Name	Age	Relationship to you

☐ *Check here if there are additional people. List them on a separate sheet of paper, write "Attachment 5" at the top, and attach it to this form.*

6 Your Children With the Person in ② *(if any)*

Child's first name	Age	Percent of time with you	Percent of time with other parent	Timeshare unknown
				☐
				☐
				☐
				☐

☐ *Check here if there are additional children. List them on a separate sheet of paper, write "Attachment 6" at the top, and attach it to this form.*

Case Number:

7 Other Party's Income

a. Give your best estimate of the other party's income based on the information you have. If you do not have any information, write "unknown" under type of income.

Type of income *(ex: job, self-employment, disability.)*	Amount per month	Employer or business name	Current or past income?
	$		☐ current or ☐ past Date stopped:
	$		☐ current or ☐ past Date stopped:

☐ *Check here if there are additional types of income. List them on a separate sheet of paper, write "Attachment 7a" at the top, and attach it to this form.*

b. Your estimate in 7 a is based on:

*(If you think the other party could be earning more money than they do now, you can ask for an order based on what they **should** be earning. To do that, you may fill out form FL-302, Earnings Capacity Attachment, and attach it to this form; your FL-300, Request for Order; or your FL-320, Responsive Declaration to Request for Order.)*

8 Other

Is there anything else you want the court to know about your financial situation?

☐ *Check here if there is not enough space for your answer. Put your complete answer on a separate sheet of paper, write "Attachment 8" at the top, and attach it to this form.*

9 Additional Pages

If you used additional paper or forms, enter the number of extra pages attached to this form: _____

10 Signature Under Penalty of Perjury

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*

FL-397

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, state bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional):* EMAIL ADDRESS *(Optional):* ATTORNEY FOR *(Name):*	DRAFT Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
REQUEST FOR INCOME AND BENEFIT INFORMATION FROM EMPLOYER	CASE NUMBER:

To *(employer name):*

1. This notice is served on you, under California Family Code section 3664(b), in regard to your employee *(name):*

2. I previously served a request for an *Income and Expense Declaration* (form FL-150) after judgment on your employee and:
   a. ☐ There was no response within 35 days
      or
   b. ☐ The response was incomplete as to wage information.

3. I request that the information sought be sent to me on or before *(date):* , which is at least 15 days from the date of this request.

4. I request that you, as the employer of the above employee, provide the following information (indicated by checked boxes below). If you wish, you may return a copy of this form with the information filled out or provide the information on a separate form.
   a. ☐ Occupation of employee:
   b. ☐ (1) Presently employed: ☐ Yes ☐ No
      (2) If employed, current employment status: ☐ Full time ☐ Part time
      (3) If not presently employed:
         a. Date of separation:
         b. Reasons for separation:
   c. ☐ Starting date of employment:
   d. ☐ Gross amount paid in the **previous month** for:
      (1) ☐ Salary or wages (including commissions and bonuses):
      (2) ☐ Tips:
      (3) ☐ Overtime:
   e. ☐ Gross amount paid in the **previous 12 months** for:
      (1) ☐ Salary or wages (including commissions and bonuses):
      (2) ☐ Tips:
      (3) ☐ Overtime:
   f. ☐ Federal income tax withheld for the previous month:
   g. ☐ State income tax withheld for the previous month:

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:

h. ☐ Social Security and Medicare Tax ("FICA" and "MEDI") deducted for the previous month:

i. ☐ Any other deductions from the paycheck for the previous month *(for each deduction state purpose and amount):*

j. ☐ Benefits provided:

(1) ☐ Vision insurance ☐ Not available ☐ Not enrolled ☐ Enrolled *(specify value to employee):*

(2) ☐ Life insurance ☐ Not available ☐ Not enrolled ☐ Enrolled *(specify value to employee):*

(3) ☐ Health insurance ☐ Not available ☐ Not enrolled ☐ Enrolled *(specify value to employee):*

(4) ☐ Contributions toward retirement plan ☐ Not available ☐ Not enrolled ☐ Enrolled *(specify asset value to employee):*

(5) ☐ Use of company assets (vehicle, housing, health club facility, etc.)
☐ Not available ☐ Not enrolled ☐ Enrolled *(specify value to employee):*

k. ☐ Attach a copy of the employee's three most recent pay stubs.

5. You are entitled to have me pay the reasonable costs of copying the information in this request.

6. Under Family Code section 3664(f), your compliance with this request is voluntary except upon order of the court or upon agreement of the parties, employers, and employee affected.

Date:

(TYPE OR PRINT NAME)

▶ (SIGNATURE OF REQUESTING PARTY)

NOTICE TO EMPLOYEE

I have served a copy of the attached *Request for Income and Benefit Information From Employer* on your employer under Family Code section 3664(b).

Under Family Code section 3664(c), you are notified that:

1. The information sought by me is limited to the income and benefits provided to you by your employer.
2. The information may be protected by right of privacy.
3. If you object to the production of this information by the employer to me, you must notify the court, in writing, of this objection prior to the date specified in paragraph 3 of the attached request.
4. If, upon your objection, I do not agree, in writing, to cancel or narrow the scope of my request, you should consult an attorney regarding your right to privacy and how to protect this right.
5. You may have other rights provided by Family Code section 3664 and otherwise.

NOTICE TO REQUESTING PARTY

Under Family Code section 3664(e), service of this request on the employer and of the copy of the request on the employee must be by certified mail, postage prepaid, return receipt requested, to the last known address of the party to be served, or by personal service.

Item number: 18

Rules Committee Action Request Form

Rules Committee Meeting Date: 04/09/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Family Law: Adoption Order

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Revise form ADOPT-215

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)*:*
Sarah Jacobvitz, 415-865-4533, sarah.jacobvitz@jud.ca.gov
Alison Hart, 415-865-7843, alison.hart@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: 1. 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.

j. Senate Bill 450 (Menjivar). Adoption: state court jurisdiction (Stats. 2025, ch. 757) This bill clarifies that California state courts have jurisdiction over a proceeding for the adoption of a minor if the minor was born in this state and either of the following apply: a proceeding to free the minor from the custody and control of one or both parents is not required to make the minor available for adoption; or the proceeding to free the minor from the custody and control of one or both parents to make the minor available for adoption is being brought in this state. This bill also requires an adoption order to include the names of the adoptive parent or parents and that any existing parent who will maintain their parental rights after the finalization of the adoption. This bill clarifies that a failure to include an existing parent or parents on the adoption order in compliance with this provision shall not be construed to terminate the parental rights and responsibilities otherwise maintained under existing law by an existing parent or parents. This bill requires a petitioner for an independent adoption to be responsible for providing any additional documentation or information necessary to complete an adoption investigation if the out-of-state home study report is not substantially commensurate with California standards or is otherwise missing required information.

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

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):* 2/10/2026

☒ Office director (or designee) reviewed on *(date):* 2/23/2026 by *(name):* Anna Maves

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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-18

Title
Family Law: Adoption Order

Proposed Rules, Forms, Standards, or Statutes
Revise form ADOPT-215

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Sarah Jacobvitz, 415-865-4533
sarah.jacobvitz@jud.ca.gov
Alison Hart, 415-865-7843
alison.hart@jud.ca.gov

Executive Summary and Origin

Senate Bill 450 (Stats. 2025, ch. 757) amended California adoption law to require adoption orders to include the names of all adoptive parents and any existing parents maintaining parental rights. To implement SB 450, the Family and Juvenile Law Advisory Committee proposes revising *Adoption Order* (form ADOPT-215), the mandatory Judicial Council form used for all orders for the adoption of a minor child.

Background

California law provides multiple statutory pathways for adoption, including agency, independent, intercountry, stepparent, and confirmatory stepparent adoptions.[1] Although the statutory requirements vary depending on the type of adoption, all orders for adoption of a minor child are issued on *Adoption Order* (form ADOPT-215). The Judicial Council adopted this form in October 1998 as part of a proposal establishing mandatory uniform adoption forms for minor children subject to adoption proceedings.

[1] Fam. Code, §§ 8700 et seq., 8900 et seq., 9000 et seq., 9000.5.

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

Form ADOPT-215 currently includes fields for the names of the adoptive parent or parents and any parent who will maintain parental rights only when the child will have more than two parents.[2] The current form also includes a field indicating who was present at the hearing. Except for the hearing item, the form does not include a designated space to include the name of a parent who will maintain their rights when the child will have two legal parents after adoption.

Confirmatory stepparent adoptions arise when the minor child was born during a marriage or domestic partnership and either one of the spouses or partners gave birth to the child or the child was born through gestational surrogacy under specified statutory circumstances.[3] In those matters, one spouse or domestic partner adopts the child and the other maintains parental rights. A hearing is generally not required in confirmatory stepparent adoptions.[4] Therefore, under the current version of the form, the name of the parent maintaining parental rights in confirmatory stepparent adoptions would not ordinarily appear on the order unless a judicial officer attaches an additional page to the order with that information.

Senate Bill 450, which went into effect January 1, 2026, added Family Code section 8626, which requires every adoption order to include the names of both the "adoptive parent or parents and any existing parent or parents who will maintain their parental rights after the finalization of the adoption."[5]

The Proposal

To implement SB 450, the Family and Juvenile Law Advisory Committee proposes revising form ADOPT-215. The proposal also includes nonsubstantive revisions to improve clarity, organization, and usability.

Implementation of Senate Bill 450

To comply with Family Code section 8626, the revised form reorganizes page 1 to include a section listing the names of all parents following adoption, including the adopting parent or parents and any existing parent or parents who will maintain parental rights after finalization of the adoption. These sections allow parties to list up to three adoptive parents and up to three parents who are keeping their parental rights. This revision implements the requirements of Family Code section 8626 that requires adoption orders to expressly include the names of the child's legal parents following adoption. Listing all parents on the face of the order is intended to

[2] In the current version of form ADOPT-215, adopting parents are listed in item 1 and parents maintaining existing parental rights are listed in item 12.

[3] Fam. Code, § 9000.5.

[4] Fam. Code, § 9000.5(b)(1)(C).

[5] Fam. Code, § 8626. The legislation also clarifies that the failure to include an existing parent or parent on the adoption order "shall not be construed to terminate the parental rights and responsibilities otherwise maintained under existing law by an existing parent or parents." Further, the legislation clarifies the jurisdictional requirements for adoption cases.

reduce ambiguity, facilitate the creation of accurate court records, and improve consistency across adoption types.

Reorganization and usability improvements

In addition to implementing SB 450, the proposal includes several nonsubstantive revisions intended to improve usability and clarity for courts and court users. These revisions include:

- Adding instructions at the top of the form specifying which items will be completed by form users and which items will be completed by the court;
- Reorganizing the form so that all parents are listed on page 1;
- Removing address fields for parents, as address information is captured elsewhere in the court record;
- In item 3c, removing the address line for place of birth and requiring only the city, state, and country of birth, when known, to align with the information requested in form ADOPT-200;
- In item 5a, removing the write-in field used to name a parent keeping parental rights who appeared at the hearing and including a checkbox to indicate the appearance of an attorney for the parent or parents keeping their parental rights, to conform with the manner in which the appearance of other parties and attorneys are listed in this item;
- In item 5b, simplifying the language that explains when a hearing may not be required;
- Reorganizing the content on pages 2 and 3 by separating court findings from court orders to improve readability and align with the structure of other Judicial Council order forms; and
- On page 3, adding a clarifying instruction for clerks regarding how to identify orders involving the adoption of an Indian child to support compliance with mailing requirements to the Bureau of Indian Affairs.

Alternatives Considered

The committee did not consider taking no action because SB 450 requires adoption orders to include the names of all adoptive parents and any parents maintaining parental rights. The committee considered proposing only the revisions necessary to implement SB 450. However, the committee concluded that incorporating additional nonsubstantive improvements at the same time would promote clarity and usability for courts, justice partners, and the public.

Fiscal and Operational Impacts

Courts may incur costs associated with training court employees, printing revised forms, and updating case management systems. However, courts and litigants will benefit from having

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clearer orders that expressly include the names of the adopted child's parents following adoption, which may reduce confusion and administrative inefficiencies.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

Attachments and Links

1. Form ADOPT-215, at pages 5–7
2. Link A: Sen. Bill 450 (Stats. 2025, ch. 757), *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB450*

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ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
ADOPT-215.03.17.26.FH

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

(Complete 1–4. The court will complete the rest of this form.)

1 Adopting parent or parents

a. Name: _____
b. Name: _____
c. Name: _____
d. Lawyer, if any *(name, address, telephone number, email address, and State Bar number):* _____
_____
_____

2 Parent or parents keeping parental rights

a. Name: _____
b. Name: _____
c. Name: _____
d. Lawyer, if any *(name, address, telephone number, email address, and State Bar number):* _____
_____
_____

3 Information about the child

a. Child's name **after** adoption
First name: _____ Middle name: _____
Last name: _____

b. Date of birth *(month, day, year):* _____ Age: _____

c. Place of birth *(if known, city, state, and country):* _____

4 Name of adoption agency *(if any):* _____

(Court will fill out section below)

5 Court Hearing

a. ☐ **Court hearing information**
Hearing date: _____ Judicial officer: _____

People present at the hearing:
☐ Adopting parent or parents ☐ Lawyer for adopting parent or parents
☐ Child ☐ Child's lawyer
☐ Parent keeping parental rights ☐ Lawyer for parent or parents keeping parental rights
☐ Other people present *(list each name and relationship to child):* _____
_____

b. ☐ **No court hearing** *(Check this box only if this is an adoption confirming parentage. Fam. Code § 9000.5)*

6 Court Findings

a. ☐ Child's name **before** adoption
First name: _____ Middle name: _____
Last name: _____
(Complete for nonrelative agency, independent, intercountry, or stepparent adoption. If this is an adoption of a dependent child by a relative filed under Family Code section 8714.5, complete only if requested by the adopting relative or by the child being adopted, if 12 years old or older.)

b. The child *(check all that apply):*
(1) ☐ Is 12 years old or older and agrees to the adoption.
(2) ☐ Is under 12 years old.
(3) ☐ Is not required to consent because this is a tribal customary adoption.

c. The court has reviewed the report and other documents and evidence and finds that:
(1) Proper notice to all persons with actual or possible parental rights has been provided and their voluntary or nonvoluntary participation is documented in the court file.
(2) Each adopting parent:
(A) Is at least 10 years older than the child or meets the criteria in Family Code section 8601(b);
(B) Will treat the child as their own;
(C) Will support and care for the child;
(D) Has a suitable home for the child; *and*
(E) Agrees to adopt the child.
(3) The adoption is in the child's best interest.

d. ☐ The child is an Indian child. The court finds that this adoption meets the placement requirements of the Indian Child Welfare Act or that there is good cause to give preference to the adopting parent or parents. *(The clerk will fill out 8.)*

e. ☐ The child will have more than two parents. An agreement waiving termination of parental rights, signed by the existing parents and the adopting parent or parents, was filed with the court. *(Do not check this box if this is for an intercountry adoption.)*

7 Court Order

a. The child's name after adoption is listed in 3.

b. The adopting parent or parents listed in 1 and the child listed in 3 are now parent and child under the law, with all the rights and duties of the parent-child relationship. For a tribal customary adoption, the court adopts all the rights and duties set out in the tribal customary adoption order and Welfare and Institutions Code section 366.24.

7 c. ☐ Tribal customary adoption
The tribal customary adoption order of the *(name of tribe):* _____
dated _____ containing _____ pages is attached and fully incorporated into this order.

d. ☐ Adoption under the Hague Adoption Convention
Verification of Compliance with Hague Adoption Convention Attachment (form ADOPT-216) is attached and fully incorporated into this order.

e. ☐ The court approves the *Contact After Adoption Agreement* (form ADOPT-310)
☐ As submitted ☐ As amended on form ADOPT-310

f. ☐ The court grants the request of the adopting parents for the court to make this order effective as of *(date):* _____, as doing so serves public policy and the best interest of the child.

Date: _____ _____
Judicial Officer

(Instructions to court clerk: Complete this section if 6 d *is checked.)*

8 Clerk's Certificate of Mailing

For the adoption of an Indian child, the clerk certifies:

a. I am not a party to this adoption.

b. I placed a filed copy of the following forms in a sealed envelope, marked "Confidential":
☐ *Adoption Request* (form ADOPT-200) ☐ *Adoption of Indian Child* (form ADOPT-220)
☐ *Adoption Order* (form ADOPT-215) ☐ *Contact After Adoption Agreement* (form ADOPT-310)

c. The envelope was mailed by U.S. mail, with full postage,
from *(place):* _____ on *(date):* _____
to: Chief, Division of Social Services
Bureau of Indian Affairs
1849 C Street, NW
Mail Stop 310-SIB
Washington, DC 20240

d. Date: _____ Clerk, by: _____, Deputy

Item number: 19

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Family Law: Revise Summons Forms to Implement AB 1297 and Improve Consistency Across Summons Forms

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Revise forms FL-110, FL-210, FL-710, and SUR-110

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee (FamJuv)

Staff contact (name, phone, and email)*:*
Gabrielle D. Selden, 415-865-8085, gabrielle.selden@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026 Project description from annual agenda: Assembly Bill 1297, (Stephani) Automatic temporary restraining orders (Stats. 2025, ch.48). Starting January 1, 2027, this bill adds to the temporary restraining order entered in a proceeding for nullification or dissolution of a marriage, or legal separation, a prohibition on allowing insurance coverage to lapse for nonpayment of premiums or failure to renew, when the policy is for the benefit of parties to the marriage or minor children for whom support may be ordered.

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.

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

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):* 3/13/2026

☒ Office director (or designee) reviewed on *(date):* 3/19/26 by *(name):* Anna

Maves 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-19

Title
Family Law: Revise Summons Forms to Implement AB 1297 and Improve Consistency Across Summons Forms

Proposed Rules, Forms, Standards, or Statutes
Revise forms FL-110, FL-210, FL-710, and SUR-110

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Gabrielle D. Selden, 415-865-8085
gabrielle.selden@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes revising two family law summons forms, effective January 1, 2027, to implement Assembly Bill 1297 (Stats. 2025, ch. 48). For certain family law proceedings, AB 1297 will expand the automatic temporary restraining order related to insurance to prohibit parties from allowing an insurance plan to lapse for nonpayment of premiums or failing to renew insurance. Forms FL-110 and FL-710 would be revised to reflect these changes. In addition, the committee proposes revising some language on these summons forms to plain language and making technical changes. The committee proposes similar plain language and technical revisions on forms FL-210 and SUR-110 for consistency across the summons forms used in family law proceedings.

Background

On January 1, 2027, AB 1297 (Link A) will change Family Code section 2040, relating to Standard Family Law Restraining Orders (known as "automatic temporary restraining orders") in proceedings for dissolution of marriage, nullity of marriage, and legal separation. The change in the legislation affects the prohibitions related to insurance found on page 2, item 2 of *Summons*

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

(form FL-110) and *Summons—Joint Petition* (form FL-710).[1] The bill adds to the existing automatic temporary restraining orders that both parties are prohibited from allowing an insurance plan to lapse for nonpayment of premiums or for failure to renew.

The Proposal

The proposal is needed to conform the forms to the law and would also implement the committee's continuing priority of increasing usability of rules and forms for courts and litigants.

The committee proposes revisions to two summons forms, *Summons* (form FL-110) and *Summons—Joint Petition* (form FL-710), to comply with AB 1297.

Apart from the changes to the forms required to implement AB 1297, the committee proposes revising forms FL-110, FL-710, and two additional summons forms, *Summons* (form FL-210) and *Summons—Gestational Carrier Agreement* (form SUR-110), to make technical changes so the forms comply with the law and are easier to read and understand, as described below.[2]

Revisions to implement AB 1297

Summons (form FL-110) and *Summons—Joint Petition* (form FL-710) would be revised to add the new prohibitions in Family Code section 2040 against allowing insurance to lapse for nonpayment or failure to renew insurance. These new prohibitions are reflected in forms FL-110 and FL-710 on page 2 (in item 2). Specifically, if added to the current language in item 2, they prohibit both parties from (see underlined text):

> "cashing, borrowing against, canceling, <u>allowing to lapse for nonpayment of premiums, failing to renew</u>, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor children;"

Technical changes to forms

The committee proposes various technical revisions to forms FL-110 and FL-710, as well as two summons forms (forms FL-210 and SUR-110) used in parentage-related matters to improve usability and make minor corrections. The revisions include the following:

- Reformatting the Notice area in the heading on page 1 of each summons to make them easier to read, as described below (note: the proposed changes that simply move text on the page are not highlighted on the forms):

[1] Item 2 currently prohibits parties from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor children.

[2] AB 1297 does not apply to forms FL-210 and SUR-110 because they are forms used to seek a judgment to determine a parent and child relationship under Family Code sections 7500–7962.

    - Centering the title of the forms with the translation immediately below;
    - Reformatting the Spanish translations in the caption area to appear in-line with English text;
    - Elongating the fillable space for each party's name; and
    - Relocating the case number box beneath the court file stamp box; (achieved by shortening the court seal box at the bottom of the page).

- On page 1 of forms FL-110 and FL-210, the link to the California Courts webpage would be updated, the name of the website would be changed to "the Self-Help Guide to the California Courts," and the link to lawhelpca.org/es would be used as the correct site for Spanish translation of lawhelpca.org.

- Page 2 of parentage forms FL-210 and SUR-110 would be reformatted into two vertical columns with several rows of information, similar to the formatting used on page 2 of forms FL-110 and FL-710.

- The Spanish translations of the content in the table on page 1 and all of the content on page 2 would be changed from italics to regular font so that it is easier to read. The other translations would remain italicized to better distinguish that text from the English.

Plain-language revisions to forms

In addition to the above proposed changes, the committee proposes replacing statutory language with plain-language text so that parties will better understand the prohibitions listed on page 2 of the forms. The changes would include the following:

- Simplifying terminology on page 2 of the forms relating to restraining orders. Specifically, the term "Automatic Temporary Court Orders" would replace "Standard Family Law Restraining Order" on the dissolution and legal separation forms (forms FL-110 and FL-710) and would replace "Standard Restraining Order" on the parentage forms (forms FL-210 and SUR-110). This change is intended to avoid possible confusion between the restraining orders that are included in the summons forms and the domestic violence or other restraining orders issued under the Domestic Violence Prevention Act of the Family Code. (The committee seeks specific comment about this proposed revision.)

- Revising or deleting the introductory paragraph on page 2 of forms FL-110, FL-210, FL-710, and SUR-110 regarding when the automatic temporary court orders apply to the parties.

    - Form FL-110 would be revised as follows: "Petitioner must follow these orders after filing this form. Respondent must follow these orders once the respondent receives (is served with) OR accepts service of this form."

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- Form FL-210 and SUR-110 would have no introductory paragraph to avoid repeating information that appears in a separate area below the list of automatic temporary court orders.

- Form FL-710, the joint petition for dissolution or legal separation, would be revised as follows: "Each petitioner must follow these orders after this form is filed." This language acknowledges that there are two petitioners in this action and no respondent.

- Replacing the exact language of the prohibitions listed in Family Code section 2040 (that are incorporated into current forms FL-110 and FL-710) with plain-language text. The committee proposes that *Temporary Restraining Order* (form DV-110), items 18 and 20, serve as model plain-language text for consistency in the forms (Link B). The proposed change reduces the required reading level from 10th grade to 9th grade and includes new subject headings for improved organization of the information on the page.

The following is an example of the above proposed plain-language changes to the text on page 2 of form FL-110:

Current language:

Standard Family Law Restraining Orders

Starting immediately, you and your spouse or domestic partner are restrained from:

1. removing the minor children of the parties from the state or applying for a new or replacement passport for those minor children without the prior written consent of the other party or an order of the court;

2. cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor children

Proposed change (<u>with AB 1297 language</u>):

Automatic Temporary Court Orders

Petitioner must follow these orders after filing this form. Respondent must follow these orders once the respondent receives (is served with) this form OR accepts service of this form.

1. **Travel restrictions for minor children:** You cannot (a) remove any minor children you have with the other party from the state of California or (b) apply for a new or replacement passport for those children without first getting written permission from the other party or a court order.

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2. **Health and other insurance:** You cannot cash, borrow, against, cancel, transfer, allow to expire for nonpayment of premiums, fail to renew, dispose of, or change the beneficiaries of any insurance or other coverage that benefits you and the other party and any minor children you have together.

Alternatives Considered

The committee did not consider the alternative of taking no action because AB 1297 makes changes to the automatic temporary restraining orders applicable in certain Family Law proceedings; those orders are included on the summons forms. To ensure the forms are legally accurate, they must be revised to reflect the changes made by AB 1297.

The committee considered making only the revisions to the summons forms required to implement AB 1297, which would entail proposing very few changes. However, the committee decided that it would be an opportune time to review the forms to improve clarity and usability. With the high percentage of self-represented litigants in family law, clarity and usability are especially important. The committee also sought to improve consistency across all the summons forms issued by the family court, specifically by using subject headings and replacing statutory language with plain-language text on page 2 of each summons.

The committee believes that the proposal to redraft the forms (especially page 2 of the summonses that contain restraining orders) using plain language would serve Goal I of the Strategic Plan for California's Judicial Branch by improving the parties' ability to understand their obligations on filing the action with the court and on legal service of the summons. The committee requests specific comment from the public about the proposed use of plain-language text for the automatic temporary court orders. The proposal would also serve Goal 4 (Access, Fairness, Diversity, and Inclusion), as it includes "ensur[ing] that court procedures and processes are fair, inclusive, and understandable."

Fiscal and Operational Impacts

The committee anticipates the impact to the courts will include the cost to educate judicial officers and court staff about the changes in the law and revise forms and forms packets produced to assist self-represented litigants. Additional impacts to the courts could also include those that might be identified by commenters.

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Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- On forms FL-110 and FL-710, should the term "Standard Family Law Restraining Orders" be replaced with the "Automatic Temporary Court Orders"? (*Please explain your answer.*)
- On forms FL-210 and SUR-110, should the term "Standard Restraining Order" be replaced with "Automatic Temporary Court Orders"? *(Please explain your answer.)*

In addition to the above questions, the advisory committee seeks comments from *courts* on the following cost and implementation matters:

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

Attachments and Links

1. Forms FL-110, FL-210, FL-710, and SUR-110, at pages 7–14
2. Link A: Assembly Bill 1297, *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1297*
3. Link B: Form DV-110, *courts.ca.gov/sites/default/files/courts/default/2024-11/dv110.pdf*

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SUMMONS (Family Law)
CITACIÓN (Derecho familiar)

FL-110

NOTICE TO RESPONDENT *(Aviso al demandado)*
Respondent's name *(Nombre del demandado)*

You have been sued. Read the information below and on the next page.
Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name *(Nombre del demandante)*

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

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NOT APPROVED BY THE JUDICIAL COUNCIL

v. 03.17.2026

CASE NUMBER *(NUMERO DE CASO)*:

Deadline: You have **30 calendar days** after this *Summons* and *Petition* (form FL-100) are served on you to file a *Response* (form FL-120) with the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you. If you do not file your *Response* on time, 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 attorney fees and costs. For legal advice, contact a lawyer immediately. Get help finding a lawyer at the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), at the California Legal Services website (lawhelpca.org), or by contacting your local county bar association.	**Fecha límite:** Tiene **30 días de calendario** después de haber recibido la entrega legal de esta *Citación y Petición* (formulario FL-100) para presentar una *Respuesta* (formulario FL-120) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo. Si no presenta su *Respuesta* a tiempo, la corte puede dar órdenes que afecten su matrimonio o pareja de hecho, sus bienes y la custodia de sus hijos. La corte también le puede ordenar que pague manutención, y honorarios y costos legales. Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), en el sitio web de los Servicios Legales de California (lawhelpca.org/es) o poniéndose en contacto con el colegio de abogados de su condado.
Follow Automatic Temporary Court Orders: You must follow the orders listed on page 2 of this form. Both spouses or domestic partners must follow the automatic court orders until the petition is dismissed, a judgment is entered, or the court changes the orders. They are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.	**Seguir las órdenes temporales automáticas de la corte:** Tiene que seguir las órdenes enumeradas en la página 2 de este formulario. Ambos cónyuges o miembros de la pareja de hecho tienen que seguir las órdenes automáticas de la corte hasta que se despida la petición, se emita un fallo o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas órdenes puede hacerlas acatar en cualquier lugar de California.
Fee Waiver: If you cannot pay the filing fee, ask the clerk for a fee waiver form**.** The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.	**Exención de cuotas:** Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.

[SEAL]

1. The name and address of the court are *(El nombre y dirección de la corte son):*

2. The name, address, and telephone number of the petitioner's attorney, or the petitioner without an attorney, are: *(El nombre, dirección y número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son):*

Date *(Fecha):* Clerk, by *(Secretario, por)* _____, Deputy *(Asistente)*

Automatic Temporary Court Orders

Petitioner must follow these orders after filing this form. Respondent must follow these orders once the respondent receives (is served with) OR accepts service of this form.

1. **Travel restrictions for minor children:** You cannot (a) remove any minor children you have with the other party from the state of California or (b) apply for a new or replacement passport for those children without first getting written permission from the other party or a court order.
2. **Health and other insurance:** You cannot cash, borrow against, cancel, transfer, allow to expire for nonpayment of premiums, fail to renew, dispose of, or change the beneficiaries of any insurance or other coverage that benefits you and the other party, and any minor children you have together.
3. **Property and extraordinary expenses:** You cannot transfer, borrow against, sell, use as collateral, hide, or get rid of any property (community, quasi-community, or separate), without written permission from the other party or a court order, except in the usual course of business, for life necessities, or to pay for court costs or reasonable lawyer fees for this case. You must notify the other party of any proposed extraordinary expenses at least five business days before incurring these expenses and provide a detailed record to the court if these expenses are paid.
4. **Death benefits:** You cannot create a nonprobate transfer (examples: trust or choice of beneficiary) or change a nonprobate transfer that impacts the property being transferred, without the written consent of the other party or a court order. Exception: This does not apply to wills, creating an unfunded trust, or disclaiming the right to an inheritance. If you file with the court and serve notice on the other party, you may revoke (cancel) a nonprobate transfer or eliminate a right of survivorship. You must file with the court and serve the notice before the change takes effect.

Órdenes temporales automáticas de la corte

El demandante tiene que seguir estas al presentar este formulario. El demandado tiene que seguir estas órdenes en cuanto reciba (se cumpla la entrega legal de) O accepte la entrega legal de este formulario.

1. **Restricciones de viajar con los hijos menores:** No pueden (a) llevarse del estado de California a los hijos menores de las partes, o (b) solicitar un pasaporte nuevo o de repuesto para los hijos menores, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte.
2. **Seguro de salud u otro tipo de seguro**: No pueden cobrar, pedir prestado, cancelar, transferir, permitir el lapso por no pagar las primas, no renovar, deshacerse o cambiar el nombre de los beneficiarios de cualquier seguro u otro tipo de cobertura que tenga como beneficiario(s) a las partes y su(s) hijo(s) menor(es).
3. **Propiedad y gastos extraordinarios:** No pueden transferir, pedir prestado, vender, usar como garantia, ocultar o deshacerse de cualquier manera de cualquier propiedad (ya sea comunitaria, cuasicomunitaria o separada), sin el consentimiento escrito de la otra parte o una orden de la corte, excepto en el curso habitual de actividades comerciales o por las necesidades de la vida; o pagar los costos de la corte o los honorarios o costos razonables del abogado en este caso. Tienen que avisar a la otra parte de cualquier gasto extraordinario por lo menos cinco días hábiles antes de realizarlo y rendir cuenta a la corte si se realizan estos gastos.
4. **Beneficios por fallecimento:** No pueden crear una transferencia no testamentaria (ejemplos: un fideicomiso o elección del beneficiario) o cambiar una transferencia no testamentaria de manera que afecte la propiedad sujeta a transferencia, sin el consentimiento por escrito de la otra parte o una orden de la corte. Excepción: No aplica a testamentos, fideicomisos que no han sido financiados, o renunciar el derecho a una herencia. Si presenta un aviso ante la corte y cumple la entrega legal de dicho aviso a la otra parte, se puede revocar (cancelar) una transferencia no testamentaria o eliminar el derecho de superviviencia. Es necesario presentar ante la corte y hacer la entrega legal del aviso antes de que el cambio entre en vigor.

Need affordable health care? If you or someone in your household needs affordable health insurance, Covered California offers free or reduced-cost coverage for eligible persons. For more information, go to coveredca.com or call 1-800-300-1506.

¿Necesita seguro de salud a un costo más asequible? Si usted o alguien en su hogar necesita seguro de salud a un costo asequible, Covered California ofrece cobertura gratuita o por un costo reducido para personas elegibles. Para obtener más información, visite coveredca.com/espanol/ o llame al 1-800-300-0213.

WARNING: California law provides that, for purposes of division of property upon dissolution of a marriage or domestic partnership or upon legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language in the deed that characterizes how title is held (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

ADVERTENCIA: De acuerdo a la ley de California, las propiedades adquiridas por las partes durante su matrimonio o pareja de hecho en forma conjunta se consideran propiedad comunitaria para fines de la división de bienes que ocurre cuando se produce una disolución o separación legal del matrimonio o pareja de hecho. Si cualquiera de las partes de este caso llega a fallecer antes de que se divida la propiedad comunitaria de tenencia conjunta, el destino de la misma quedará determinado por las cláusulas de la escritura correspondiente que describen su tenencia (por ej., tenencia conjunta, tenencia en común o propiedad comunitaria) y no por la presunción de propiedad comunitaria. Si quiere que la presunción comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.

SUMMONS
(Parentage—Custody and Support)
CITACIÓN
(Paternidad—Custodia y Manutención)

NOTICE TO RESPONDENT *(Aviso al demandado)*
Respondent's name *(Nombre del demandado)*

You have been sued. Read the information below and on the next page.
Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name *(Nombre del demandante)*

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

DRAFT
Not approved by
the Judicial Council

v.03.17.26

CASE NUMBER *(NUMERO DE CASO)*:

Deadline: You have **30 calendar days** after this *Summons* and *Petition* (form FL-200) are served on you to file a *Response* (form FL-220 or FL-270**)** at the court and have a copy served on each petitioner. A letter, phone call, or court appearance will not protect you.	**Fecha límite:** Tiene **30 días calendarios** después de haber recibido la entrega legal de esta *Citación* y *Petición* (formulario FL-200) para presentar una *Respuesta* (formulario FL-220 o FL-270) ante la corte y efectuar la entrega legal de una copia a cada demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.
If you do not file your *Response* on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs.	Si no presenta su *Respuesta* a tiempo, la corte puede hacer órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.
For legal advice, contact a lawyer immediately. Get help finding a lawyer at the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), at the California Legal Services website (lawhelpca.org), or by contacting your local county bar association.	Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), en el sitio web de los Servicios Legales de California (lawhelpca.org/es), o poniéndose en contacto con el colegio de abogados de su condado.
Follow Automatic Temporary Court Orders: You must follow the orders listed on page 2.	**Seguir las órdenes temporales automáticas de la corte:** Tienen que seguir las órdenes enumeradas en la página 2.
FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form**.** The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.	**EXENCIÓN DE CUOTAS:** Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.

[SEAL]

1. The name and address of the court are: *(El nombre y dirección de la corte son:)*

2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, are: *(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son:)*

Date (Fecha): _____ Clerk, by *(Secretario, por)* _____, Deputy *(Asistente)*

Automatic Temporary Court Orders

Travel restrictions for minor children

You cannot:

1. Remove any minor children who are listed on the petition or response from the state of California; or
2. Apply for a new or replacement passport for those children without first getting written permission from the other party or a court order.

Órdenes temporales automáticas de la corte

Restricciones de viajar con los hijos menores

No pueden:

1. Levarse del estado de California a los hijos menores listados en la peticion o la respuesta; o
2. Solicitar un pasaporte nuevo o de repuesto para los hijos menores, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte;

When the automatic temporary court orders begin

These court orders take effect against the petitioner when the petition is filed with the court. They take effect against the respondent when the respondent is personally served with the *Summons* and *Petition* OR when the respondent waives and accepts service.

Cuándo comienzan las órdenes temporales automáticas de la corte

Estas órdenes de la corte entrarán en vigencia para el demandante en cuanto se presente la petición ante la corte. Para el demandado entran en vigencia una vez que éste reciba la notificación personal de la *Citación* y *Petición,* o una vez que renuncie su derecho a recibir dicha notificación y se dé por notificado.

When the automatic temporary court orders end

These court orders remain in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

Cuándo terminan las órdenes temporales automáticas de la corte

Estas órdenes de la corte continuarán en vigencia hasta que se emita un fallo final, se despida la petición o la corte dé otras órdenes.

Enforcing the automatic temporary court orders

These orders are enforceable anywhere in California. Any law enforcement officer who has received or seen a copy of these orders can enforce them.

Hacer acatar las órdenes temporales automáticas de la corte

Se puede hacer acatar estas órdenes en cualquier lugar de California. Cualquier agencia del orden público que haya recibido o visto una copia de estas órdenes las puede hacer acatar.

Need affordable health care? If you or someone in your household needs affordable health insurance, Covered California offers free or reduced-cost coverage for eligible persons. For more information, go to coveredca.com or call 1-800-300-1506.

¿Necesita seguro de salud a un costo más asequible? Si usted o alguien en su hogar necesita seguro de salud a un costo asequible, Covered California ofrece cobertura gratuita o por un costo reducido para personas elegibles. Para obtener más información, visite coveredca.com/espanol/ o llame al 1-800-300-0213.

SUMMONS—JOINT PETITION
CITACIÓN—PETICIÓN CONJUNTA

FL-710

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

DRAFT
Not approved by
the Judicial Council
v. 03/17/2026

CASE NUMBER *(NUMERO DE CASO)*:

NOTICE TO JOINT PETITIONERS
AVISO A LOS DEMANDANTES CONJUNTOS

The joint petitioners named below are parties to a formal legal proceeding and are immediately subject to certain obligations as a result. Read the information below and on the next page.

Los demandantes conjuntos nombrados a continución son partes de un procedimento formal y legal y , como resultado, están sujetos inmediatamente a ciertas obligaciones. Lea la información a continuación y en la página siguiente.

Name of petitioner 1:
Nombre del demandante 1:

Name of petitioner 2:
Nombre del demandante 2:

Follow Automatic Temporary Court Orders: You must follow the orders listed on page 2 of this form. Both spouses or domestic partners must follow the automatic court orders until the petition is dismissed, a judgment is entered, or the court changes the orders. They are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them. Revocation of the joint petition by filing an amended petition or an amended response does not terminate these restraining orders.	**Seguir las órdenes temporales automáticas de la corte:** Tienen que seguir las órdenes enumeradas en la página 2 de este formulario. Ambos cónyuges o miembros de la pareja de hecho tienen que seguir las órdenes automáticas de la corte hasta que se despida la petición, se emita un fallo o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas órdenes puede hacerlas acatar en cualquier lugar de California. La revocación de la petición conjunta efectuada con la presentación de una petición enmendada o una respuesta enmendada no pone fin a estas órdenes de restricción.
FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. If your financial situation changes, the court may order you to pay back all or part of the fees and costs the court waived.	**EXENCIÓN DE CUOTAS:** Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. Si mejora su situación económica, la corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y los costos que eximió la corte.

1. The name and address of the court are *(El nombre y dirección de la corte son):*

[SEAL]

2. The name, address, and telephone number of the attorney for petitioner 1, or petitioner 1 without an attorney, are: *(El nombre, dirección y número de teléfono del abogado del demandante 1, o del demandante 1 si no tiene abogado, son):*

3. The name, address, and telephone number of the attorney for petitioner 2, or petitioner 2 without an attorney, are: *(El nombre, dirección y número de teléfono del abogado del demandante 2, o del demandante 2 si no tiene abogado, son):*

Date *(Fecha):* Clerk, by *(Secretario, por)* _____, Deputy *(Asistente)*

Automatic Temporary Court Orders

Each petitioner must follow these orders after this form is filed:

1. **Travel restrictions for minor children:** You cannot (a) remove any minor children you have with the other party from the state of California or (b) apply for a new or replacement passport for those children without first getting written permission from the other party or a court order.
2. **Health and other insurance:** You cannot cash, borrow against, cancel, transfer, allow to expire for nonpayment of premiums, fail to renew, dispose of, or change the beneficiaries of any insurance or other coverage that benefits you and the other party, and any minor children you have together.
3. **Property and extraordinary expenses:** You cannot transfer, borrow against, sell, use as collateral, hide, or get rid of any property (community, quasi-community, or separate), without written permission from the other party or a court order, except in the usual course of business, for life necessities, or to pay for court costs or reasonable lawyer fees for this case. You must notify the other party of any proposed extraordinary expenses at least five business days before incurring these expenses and provide a detailed record to the court if these expenses are paid.
4. **Death benefits:** You cannot create a nonprobate transfer (examples: trust or choice of beneficiary) or change a nonprobate transfer that impacts the property being transferred, without the written consent of the other party or a court order. Exception: This does not apply to wills, creating an unfunded trust, or disclaiming the right to an inheritance. If you file with the court and serve notice on the other party, you may revoke (cancel) a nonprobate transfer or eliminate a right of survivorship. You must file with the court and serve the notice before the change takes effect.

Órdenes temporales automáticas de la corte

Cada demandante tiene que estas órdenes después de presentar este formulario:

1. **Restricciones de viajar con los hijos menores:** No pueden (a) llevarse del estado de California a los hijos menores de las partes, o (b) solicitar un pasaporte nuevo o de repuesto para los hijos menores, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte.
2. **Seguro de salud u otro tipo de seguro**: No pueden cobrar, pedir prestado, cancelar, transferir, permitir el lapso por no pagar las primas, no renovar, deshacerse o cambiar el nombre de los beneficiarios de cualquier seguro u otro tipo de cobertura que tenga como beneficiario(s) a las partes y su(s) hijo(s) menor(es).
3. **Propiedad y gastos extraordinarios:** No pueden transferir, pedir prestado, vender, usar como garantia, ocultar o deshacerse de cualquier manera de cualquier propiedad (ya sea comunitaria, cuasicomunitaria o separada), sin el consentimiento escrito de la otra parte o una orden de la corte, excepto en el curso habitual de actividades comerciales o por las necesidades de la vida; o pagar los costos de la corte o los honorarios o costos razonables del abogado en este caso. Tienen que avisar a la otra parte de cualquier gasto extraordinario por lo menos cinco días hábiles antes de realizarlo y rendir cuenta a la corte si se realizan estos gastos.
4. **Beneficios por fallecimento:** No pueden crear una transferencia no testamentaria (ejemplos: un fideicomiso o elección del beneficiario) o cambiar una transferencia no testamentaria de manera que afecte la propiedad sujeta a transferencia, sin el consentimiento por escrito de la otra parte o una orden de la corte. Excepción: No aplica a testamentos, fideicomisos que no han sido financiados, o renunciar el derecho a una herencia. Si presenta un aviso ante la corte y cumple la entrega legal de dicho aviso a la otra parte, se puede revocar (cancelar) una transferencia no testamentaria o eliminar el derecho de superviviencia. Es necesario presentar ante la corte y hacer la entrega legal del aviso antes de que el cambio entre en vigor.

Need affordable health care? If you or someone in your household needs affordable health insurance, Covered California offers free or reduced-cost coverage for eligible persons. For more information, go to coveredca.com or call 1-800-300-1506.

¿Necesita seguro de salud a un costo más asequible? Si usted o alguien en su hogar necesita seguro de salud a un costo asequible, Covered California ofrece cobertura gratuita o por un costo reducido para personas elegibles. Para obtener más información, visite coveredca.com/espanol/ o llame al 1-800-300-0213.

WARNING: California law provides that, for purposes of division of property upon dissolution of a marriage or domestic partnership or upon legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language of how title is held in the deed (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

ADVERTENCIA: De acuerdo a la ley de California, las propiedades adquiridas por las partes durante su matrimonio o pareja de hecho en forma conjunta se consideran propiedad comunitaria para fines de la división de bienes que ocurre cuando se produce una disolución o separación legal del matrimonio o pareja de hecho. Si cualquiera de las partes de este caso llega a fallecer antes de que se divida la propiedad comunitaria de tenencia conjunta, el destino de la misma quedará determinado por las cláusulas de la escritura correspondiente que describen su tenencia (por ej., tenencia conjunta, tenencia en común o propiedad comunitaria) y no por la presunción de propiedad comunitaria. Si quiere que la presunción comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.

SUMMONS—Gestational Carrier Agreement

CITACIÓN—Acuerdo de portadora gestacional

NOTICE TO RESPONDENT *(Aviso al demandado)*

Respondent's name *(Nombre del demandado)*

You have been sued. Read the information below and on the next page.
Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name *(Nombre del demandante)*

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

v. 03.17.26

CASE NUMBER: *(Número de caso)*

Deadline: You have **30 calendar days** after this *Summons* and *Petition* (form SUR-100) are served on you to file a *Response* (form SUR-120) at the court and have a copy served on each petitioner. A letter, phone call, or court appearance will not protect you.	**Fecha límite:** Tiene **30 días calendarios** después de haber recibido la entrega legal de esta *Citación* y *Petición* (formulario SUR-100) para presentar una *Respuesta* (formulario SUR-120) ante la corte y efectuar la entrega legal de una copia a cada demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.
If you do not file your *Response* on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs.	Si no presenta su *Respuesta* a tiempo, la corte puede hacer órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.
For legal advice, contact a lawyer immediately. Get help finding a lawyer at the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), at the California Legal Services website (lawhelpca.org), or by contacting your local county bar association.	Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), en el sitio web de los Servicios Legales de California (lawhelpca.org/es), o poniéndose en contacto con el colegio de abogados de su condado.
Follow Automatic Temporary Court Orders: You must follow the orders listed on page 2.	**Seguir las órdenes temporales automáticas de la corte:** Tienen que seguir las órdenes enumeradas en la página 2.
FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form**.** The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.	**EXENCIÓN DE CUOTAS:** Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.
A "gestational carrier agreement" is also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962.	Un <<acuerdo de portadora gestacional>> también se llama <<un acuerdo de reproducción asistida para portadoras gestacionales>> en las secciones 7606 y 7962 del Código de Familia.

[SEAL]

1. The name and address of the court are: *(El nombre y dirección de la corte son:)*

2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, are: *(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son:)*

Date (Fecha): _____ Clerk, by *(Secretario, por)* _____, Deputy *(Asistente)*

Automatic Temporary Court Orders

Travel restrictions for minor children

You cannot:

1. Remove any minor children who are listed on the petition or response from the state of California; or
2. Apply for a new or replacement passport for those children without first getting written permission from the other party or a court order.

Órdenes temporales automáticas de la corte

Restricciones de viajar con los hijos menores

No pueden:

1. Levarse del estado de California a los hijos menores listados en la peticion o la respuesta; o
2. Solicitar un pasaporte nuevo o de repuesto para los hijos menores, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte.

When the automatic temporary court orders begin

These court orders take effect against the petitioner when the petition is filed with the court. They take effect against the respondent when the respondent is personally served with the *Summons* and *Petition* OR when the respondent waives and accepts service.

Cuándo comienzan las órdenes temporales automáticas de la corte

Estas órdenes de la corte entrarán en vigencia para el demandante en cuanto se presente la petición ante la corte. Para el demandado entran en vigencia una vez que éste reciba la notificación personal de la *Citación* y *Petición,* o una vez que renuncie su derecho a recibir dicha notificación y se dé por notificado.

When the automatic temporary court orders end

These court orders remain in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

Cuándo terminan las órdenes temporales automáticas de la corte

Estas órdenes de la corte continuarán en vigencia hasta que se emita un fallo final, se despida la petición o la corte dé otras órdenes.

Enforcing the automatic temporary court orders

These orders are enforceable anywhere in California. Any law enforcement officer who has received or seen a copy of these orders can enforce them.

Hacer acatar las órdenes temporales automáticas de la corte

Se puede hacer acatar estas órdenes en cualquier lugar de California. Cualquier agencia del orden público que haya recibido o visto una copia de estas órdenes las puede hacer acatar.

Need affordable health care? If you or someone in your household needs affordable health insurance, Covered California offers free or reduced-cost coverage for eligible persons. For more information, go to coveredca.com or call 1-800-300-1506.

¿Necesita seguro de salud a un costo más asequible?

Si usted o alguien en su hogar necesita seguro de salud a un costo asequible, Covered California ofrece cobertura gratuita o por un costo reducido para personas elegibles. Para obtener más información, visite coveredca.com/espanol/ o llame al 1-800-300-0213.

Item number: 20

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Family Law: Domestic Violence Training Standards for Court-Appointed Child Custody Investigators and Evaluators

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend rules 5.215 and 5.230

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)*:*
Gabrielle D. Selden, 415-865-8085, gabrielle.selden@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: Item 5. Project Summary: The committee will consider amendments to rule 5.230 (domestic violence training standards for court-appointed child custody investigators and evaluators) to add a new training topic to the 12 hours of advanced training for child custody investigators and evaluators.

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

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):* 02/20/2026

☒ Office director (or designee) reviewed on *(date):* 02/24/2026 by *(name):* Anna Maves, Principal Managing Attorney, Center for Families, Children & the Courts

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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-20

Title
Family Law: Domestic Violence Training Standards for Court-Appointed Child Custody Investigators and Evaluators

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rules 5.215 and 5.230

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Gabrielle D. Selden, 415-865-8085
gabrielle.selden@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes amending two California Rules of Court in response to legislation. Assembly Bill 1974 (Stats. 2024, ch 303) amended Family Code section 1816 by expanding the advanced training requirements for court-appointed child custody investigators and evaluators. To align the rules with the statute, the committee proposes revising rules 5.215 and 5.230 to reference Family Code section 1816 directly rather than duplicating the statute's list of required training topics. The proposed changes would ensure that these court professionals are directed to the most current training requirements and eliminate the need to amend the rules whenever the Legislature amends the statutory list. The committee also proposes additional substantive and technical amendments to improve legal accuracy and readability.

Background

Family Code section 1816 (Link A) provides the basic, advanced, and continuing education requirements for court-appointed child custody investigators and evaluators. Subsection (d) requires child custody investigators, evaluators, and mediators to complete 16 hours of advanced

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

training within a 12-month period, 12 hours of which must cover five specific topics enumerated in the statute.[1]

Assembly Bill 1974 amended the fifth topic—"[t]he unique issues in a family and psychological assessment in a domestic violence case"—by adding a new subtopic. This amendment requires court-appointed child custody investigators and evaluators to receive training on the risks associated with access to firearms and strategies to mitigate those risks.[2]

The legislative change affects rules 5.215 and 5.230. Rule 5.215, Domestic violence protocol for Family Court Services (Link B), references rule 5.230 for the applicable advanced training requirements. Rule 5.230, Domestic violence training standards for court-appointed child custody investigators and evaluators (Link C), in turn mirrors the advanced training requirements listed in Family Code section 1816.

The Proposal

The committee proposes the following substantive and technical amendments to rules 5.215 and 5.230:

Rule 5.215

To comply with AB 1974, the committee proposes amending the current content of subdivision (j)(2) (*Advanced domestic violence training*) by replacing the reference to rule 5.230 with a reference to Family Code section 1816. The committee also proposes removing outdated language in this subdivision relating to staff members employed by Family Court Services on January 1, 2002.

In addition, the committee proposes reorganizing subdivision (d)(6) (Separate sessions) into two subparts: (A) cases involving a history of domestic violence between the parties, and (B) cases in which domestic violence between the parties is discovered after the mediation or evaluation has begun. This reorganization is intended to clarify the procedures that Family Court Services staff must follow in each circumstance. As part of this revision, the committee also proposes making the language gender neutral by replacing the phrase "his or her lack of cooperation" in the last sentence of the current rule with "evidence of a party's lack of cooperation" in proposed subdivision (d)(6)(A)(iii).

The committee proposes amending subdivision (f)(2)(a) *(Procedures for identification)* to clarify that the procedures for identifying domestic violence should not be limited to determining if there are *existing* emergency protective orders or domestic violence restraining orders

[1] The topics under Family Code section 1816(d)(5) are (1) the appropriate structuring of the child custody evaluation process; (2) the relevant section of local, state, and federal laws, rules, or regulations; (3) the range, availability, and applicability of domestic violence resources available to victims; (4) the range, availability, and applicability of domestic violence intervention available to perpetrators; and (5) the unique issues in a family and psychological assessment in a domestic violence case.

[2] Fam. Code § 1816(d)(5)(L).

concerning the parties or their minor children. The committee proposes striking the word "existing" from the rule to underscore that child custody mediators and evaluators may consider all such orders, whether they are currently in effect or have expired. This change makes the subdivision consistent with the overall goal of understanding the history of domestic violence between the parties. However, the committee requests specific comment about this proposed amendment to allay any concern that striking "existing" in (f)(2)(a) would have any unintended consequences.

Finally, the committee proposes reformatting the content of subdivision (i)(1) (*Language accessibility)* into smaller subparts (A)–(D). The restructuring is intended to improve clarity by emphasizing that Family Court Services must consider multiple factors to ensure the availability of safe and accessible services for the parties. The committee does not anticipate that this reformatting will create confusion; however, it seeks specific comment on the proposed changes in subdivisions (d)(6) and (i)(1).

Rule 5.230

The committee proposes amending rule 5.230 to eliminate duplicative statutory language and to clarify that the training requirements for court-appointed child custody investigators and evaluators are governed by Family Code section 1816. Specifically, subdivision (d) (Mandatory training) would be redrafted to provide a brief, high-level description of the training obligation and to incorporate by reference the basic, advanced, and annual update training requirements set forth in Family Code section 1816, rather than restating those requirements in the rule. As part of this revision, subdivisions (d)(1) and (d)(2), which currently repeat the detailed statutory training standards, would be stricken.

The committee also proposed deleting subdivision (g) (Previous training accepted). This provision references portions of subdivision (d) proposed for removal and duplicates the prior training credit provision already contained in Family Code section 1816(h).

In addition, the committee proposes making technical, nonsubstantive amendments to ensure that the rule's statutory references are current and legally accurate. Specifically:

- Subdivision (a) currently references subdivisions (d) and (e) of Family Code section 3111, which were amended effective 1998 and are no longer applicable. The committee proposes replacing those references with Family Code section 1816.
- Subdivision (b) would be amended to replace the reference to Family Code section 3111 with a reference to Family Code section 1816. Additionally, the last sentence in this subdivision, beginning "Effective January 1, 1998…" would be stricken as obsolete.
- Subdivision (c) would be amended to align the definition of "child custody evaluator" with the definitions in rules 5.220 and 5.225. Because only one term is defined, the title of the subdivision would be amended from "Definitions" to "Definition."

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Alternatives Considered

The committee considered amending only rule 5.230 to add the new training topic required by AB 1974. However, to promote efficiency and consistency, the committee rejected this approach and instead proposes amending both rules as described above.

In developing the proposal, the committee also reviewed all title 5 rules of court that reference Family Code sections 1816 and 3111, including rules 5.210, 5.220, and 5.225, to determine whether amendments to the rules other than 5.215 and 5.230 were necessary. The committee concluded that no additional rule amendments are required.

The committee further considered whether revisions were needed to the *Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications* (form FL-325) (Link D) and *Declaration of Private Child Custody Evaluator Regarding Qualifications* (form FL-326) (Link E). The committee determined that no changes to these forms are necessary to comply with AB 1974.

Fiscal and Operational Impacts

The impact associated with courts include costs related to educating judicial officers and court staff about the changes in the law, as well as implementing related procedural updates. Courts may also incur costs associated with participating in or accessing training programs developed to support implementation of the amendments to Family Code section 1816.

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Request for Specific Comments

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

1. Does the proposal appropriately address the stated purpose?
2. The committee has proposed reformatting rule 5.215(d)(6) and (i)(1) to make these subdivisions easier to read and understand. Would there be any risk of potential confusion caused by renumbering and relettering the existing content as proposed?
3. The committee proposes striking the word "existing" from rule 5.215(f)(2)(a). Would this amendment have any unintended consequences? (If so, please explain why the rules should not be amended as proposed.)

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

1. Would the proposal provide cost savings? If so, please quantify.
2. 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?
3. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
4. How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 5.215 and 5.230, at page 6–12
2. Link A: Assembly Bill 1974, *leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1974*
3. Link B: Cal. Rules of Court, rule 5.215, *courts.ca.gov/cms/rules/index/five/rule5_215*
4. Link C: Cal. Rules of Court, rule 5.230, *courts.ca.gov/cms/rules/index/five/rule5_230*
5. Link D: form FL-325, *https://courts.ca.gov/sites/default/files/courts/default/2024-11/fl325.pdf*
6. Link E: form FL-326, *courts.ca.gov/sites/default/files/courts/default/2024-11/fl326.pdf*

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Rules 5.215 and 5.230 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 5.215. Domestic violence protocol for Family Court Services

(a)–(c) * * *

(d) Family Court Services: Description and duties

(1)–(5) * * *

(6) *Separate sessions*

~~In a Family Court Services case in which there has been a history of domestic violence between the parties or in which a protective order as defined in Family Code section 6218 is in effect, at the request of the party who is alleging domestic violence in a written declaration under penalty of perjury or who is protected by the order, the Family Court Services mediator, counselor, evaluator, or investigator must meet with the parties separately and at separate times. When appropriate, arrangements for separate sessions must protect the confidentiality of each party's times of arrival, departure, and meeting with Family Court Services. Family Court Services must provide information to the parties regarding their options for separate sessions under Family Code sections 3113 and 3181. If domestic violence is discovered after mediation or evaluation has begun, the Family Court Services staff member assigned to the case must confer with the parties separately regarding safety-related issues and the option of continuing in separate sessions at separate times. Family Court Services staff, including support staff, must not respond to a party's request for separate sessions as though it were evidence of his or her lack of cooperation with the Family Court Services process.~~

(A) In a Family Court Services case in which there has been a history of domestic violence between the parties, or in which a protective order is in effect, the following procedures apply:

(i) Family Court Services must provide information to the parties regarding their options for separate sessions under Family Code sections 3113 and 3181.

(ii) At the request of the party who is protected by a protective order, or who is alleging domestic violence in a written declaration under penalty of perjury, the Family Court Services mediator, counselor, evaluator, or investigator must meet with the parties separately and at separate times.

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(iii) Family Court Services staff, including support staff, must not respond to a party's request for separate sessions as though it were evidence of the party's lack of cooperation with the Family Court Services program.

(iv) When appropriate, arrangements for separate sessions must protect the confidentiality of each party's times of arrival, departure, and meeting with Family Court Services.

(B) If domestic violence is discovered after mediation or evaluation has begun, then:

(i) The Family Court Services staff member assigned to the case must confer with the parties separately regarding safety-related issues and the option of continuing in separate sessions at separate times; and

(ii) If the mediation or evaluation will continue in separate sessions at separate times, the procedures in (6)(A) must be applied.

(7)–(8) * * *

(e) * * *

(f) Screening

(1) * * *

(2) *Procedures for identification*

Procedures for identifying domestic violence may include, but are not limited to: (a) determination of an ~~existing~~ emergency protective order or domestic violence restraining order concerning the parties or minor; (b) review of court papers and declarations; (c) telephone interviews; (d) use of an intake form; (e) orientation; (f) information from attorneys, shelters, hospital reports, Child Protective Services, police reports, and criminal background checks; and (g) other collateral sources. Questions specific to incidents of domestic violence should request the following information: date of the parties' separation, frequency of domestic violence, most recent as well as past incidents of domestic violence, concerns about future domestic violence, identities of children and other individuals present at domestic violence

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incidents or otherwise exposed to the domestic violence, and severity of domestic violence.

(3) * * *

(g)–(h) * * *

(i) Accessibility of services

To effectively address domestic violence cases, the court must make reasonable efforts to ensure the availability of safe and accessible services that include, but are not limited to:

(1) *Language accessibility*

(A) Whenever possible, Family Court Services programs should be conducted in the languages of all participants, including those who are deaf.

(B) When the participants use only a language other than spoken English and the Family Court Services staff person does not speak their language, an interpreter—certified whenever possible—should be assigned to interpret at the session.

(C) A minor child of the parties must not be used as an interpreter.

(D) An adult family member may act as an interpreter only when appropriate interpreters are not available. ~~When a~~ Before a family member ~~is acting~~ acts as an interpreter, Family Court Services staff should attempt to establish, away from the presence of the potential interpreter and the other party, whether the person alleging domestic violence is comfortable with having that family member interpret for the parties.

(2) * * *

(j) Training and education

(1) * * *

(2) *Advanced domestic violence training*

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~~Family Court Services staff must complete 16 hours of advanced domestic violence training within the first 12 months of employment and 4 hours of domestic violence update training each year thereafter. The content of the 16 hours of advanced domestic violence training and 4 hours of domestic violence update training must be the same as that required for court-appointed child custody investigators and evaluators as stated in rule 5.230. Those staff members employed by Family Court Services on January 1, 2002, who have not already fulfilled the requirements of rule 5.230 must participate in the 16-hour training within one year of the rule's effective date.~~

Family Court Services staff must complete 16 hours of advanced domestic violence training within the first 12 months of employment and 4 hours of domestic violence update training each year thereafter. The content of the 16 hours of advanced domestic violence training and 4 hours of domestic violence update training must be the same as that required for court-appointed child custody investigators and evaluators as stated in subdivisions (d) and (e) of Family Code section 1816.

(3) * * *

Rule 5.230. Domestic violence training standards for court-appointed child custody investigators and evaluators

(a) Authority

This rule of court is adopted under Family Code sections 211 and ~~3111(d) and (e)~~ 1816.

(b) Purpose

Consistent with Family Code sections 1816 and 3020 ~~and 3111~~, the purposes of this rule are to require domestic violence training for all court-appointed persons who evaluate or investigate child custody matters and to ensure that this training reflects current research and consensus about best practices for conducting child custody evaluations by prescribing standards that training in domestic violence must meet. ~~Effective January 1, 1998, no person may be a court-appointed investigator under Family Code section 3111(d) or Evidence Code section 730 unless the person has completed domestic violence training described here and in Family Code section 1816.~~

(c) Definitions~~~~**

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~~For purposes of this rule, "court-appointed investigator" is considered to be synonymous with "court-appointed evaluator" as defined in Family Code section 3110.~~ A "child custody evaluator" is a court-appointed investigator as defined in Family Code section 3110.

(d) Mandatory training

Persons appointed as child custody ~~investigators under Family Code section 3110 or Evidence Code section 730~~ evaluators, and persons who are professional staff or trainees in a child custody or visitation evaluation or investigation, must complete ~~basic training in domestic violence issues as~~ the basic, advanced, and annual update training in domestic violence issues (within the time periods) ~~specifically~~ described in Family Code section 1816. ~~and in addition~~:

~~(1) *Advanced training*~~

~~Sixteen hours of advanced training must be completed within a 12-month period, including but not limited to, the specific subjects identified in Family Code section 1816.The training must include the following:~~

~~(A) Twelve hours of instruction, as approved by Judicial Council staff, in:~~

~~(i) The appropriate structuring of the child custody evaluation process, including, but not limited to, maximizing safety for clients, evaluators, and court personnel; maintaining objectivity; providing and gathering balanced information from both parties and controlling for bias; providing for separate sessions at separate times (as specified in Family Code section 3113); and considering the impact of the evaluation report and recommendations with particular attention to the dynamics of domestic violence;~~

~~(ii) The relevant sections of local, state, and federal law or rules;~~

~~(iii) The range, availability, and applicability of domestic violence resources available to victims, including, but not limited to, battered women's shelters, specialized counseling, drug and alcohol counseling, legal advocacy, job training, parenting classes, battered immigrant victims, and welfare exceptions for domestic violence victims;~~

~~(iv) The range, availability, and applicability of domestic violence intervention available to perpetrators, including, but not limited~~

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~~to, arrest, incarceration, probation, applicable Penal Code sections (including Penal Code section 1203.097, which describes certified treatment programs for batterers), drug and alcohol counseling, legal advocacy, job training, and parenting classes; and~~

~~(v) The unique issues in family and psychological assessment in domestic violence cases, including the following concepts:~~

~~a. The effects of exposure to domestic violence and psychological trauma on children; the relationship between child physical abuse, child sexual abuse, and domestic violence; the differential family dynamics related to parent-child attachments in families with domestic violence; intergenerational transmission of familial violence; and manifestations of post-traumatic stress disorders in children;~~

~~b. The nature and extent of domestic violence, and the relationship of gender, class, race, culture, and sexual orientation to domestic violence;~~

~~c. Current legal, psychosocial, public policy, and mental health research related to the dynamics of family violence, the impact of victimization, the psychology of perpetration, and the dynamics of power and control in battering relationships;~~

~~d. The assessment of family history based on the type, severity, and frequency of violence;~~

~~e. The impact on parenting abilities of being a victim or perpetrator of domestic violence;~~

~~f. The uses and limitations of psychological testing and psychiatric diagnosis in assessing parenting abilities in domestic violence cases;~~

~~g. The influence of alcohol and drug use and abuse on the incidence of domestic violence;~~

~~h. Understanding the dynamics of high-conflict relationships and abuser/victim relationships;~~

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~~i. The importance of, and procedures for, obtaining collateral information from probation departments, children's protective services, police incident reports, restraining order pleadings, medical records, schools, and other relevant sources;~~

~~j. Accepted methods for structuring safe and enforceable child custody and parenting plans that assure the health, safety, welfare, and best interest of the child, and safeguards for the parties; and~~

~~k. The importance of discouraging participants in child custody matters from blaming victims of domestic violence for the violence and from minimizing allegations of domestic violence, child abuse, or abuse against any family member.~~

~~(B) Four hours of community resource networking intended to acquaint the evaluator with domestic violence resources in the geographical communities where the families being evaluated may reside.~~

~~(2) *Annual update training*~~

~~Four hours of update training are required each year after the year in which the advanced training is completed. These four hours must consist of instruction focused on, but not limited to, an update of changes or modifications in local court practices, case law, and state and federal legislation related to domestic violence, and an update of current social science research and theory, particularly in regard to the impact on children of exposure to domestic violence.~~

(e)–(f) * * *

~~(g) Previous training accepted~~

~~Persons attending training programs offered after January 1, 1996, that meet all of the requirements set forth in subdivision (d)(1)(A) of this rule are deemed to have met the minimum standards set forth in subdivision (d)(1)(A) of this rule, but they must still meet the minimum standards listed in subdivisions (d)(1)(B) and (d)(2) of this rule.~~

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Rules Committee Action Request Form

Rules Committee Meeting Date: 4/9/2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Family Law: Rules and Forms to Implement AB 747 and SB 85

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rule 5.72; adopt form DV-205; approve forms DV-217 and FL-116; and revise forms DV-116, DV-117, DV-205-INFO, FL-115, FL-980, FL-982, FL-985, and SUR-115

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)*:*
Sarah Jacobvitz, 415-865-4533, sarah.jacobvitz@jud.ca.gov
Kristen Schmit, 415-865-7712, kristen.schmit@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: 1. Legislative changes from the 2025 Legislative Session (New Project)
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.
…
1(e): Assembly Bill 747 (Kalra), Service of Process Accountability, Reform and Equity (SPARE) Act. (Stats. 2025, ch. 563)
…
1(i): Senate Bill 85 (Umberg) Civil actions: service of summons. (Stats. 2025, ch. 403)

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) The Civil and Small Claims Advisory Committee and the Probate and Mental Health Advisory Committee are also proposing circulating related proposals to implement the same legislation.

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):* 2/25/2026

☒ Office director (or designee) reviewed on *(date):* 3/3/2026 by *(name):* Anna Maves

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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-21

Title
Family Law: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 5.72; adopt form DV-205; approve forms DV-217 and FL-116; revise forms DV-116, DV-117, DV-205-INFO, FL-115, FL-980, FL-982, FL-985, and SUR-115

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Sarah Jacobvitz, 415-865-4533
sarah.jacobvitz@jud.ca.gov
Kristen Schmit, 415-865-7712
kristen.schmit@jud.ca.gov

Executive Summary and Origin

Assembly Bill 747 (Stats. 2025, ch. 563) and Senate Bill 85 (Stats. 2025, ch. 403) amend statutory requirements governing service of a summons in civil cases and the procedure for requesting and ordering alternative service. To implement AB 747 and SB 85, the Family and Juvenile Law Advisory Committee proposes amending one rule of court, adopting one mandatory form, approving two optional forms, and revising eight forms. The proposed new and revised forms would be used in Family Law and Domestic Violence Prevention Act[1] cases.

[1] Fam. Code, § 6200.

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

Background

Assembly Bill 747[2]

Effective January 1, 2027, Assembly Bill 747 makes numerous changes to the laws relating to service and proof of service of summons in civil actions.

Substituted service

Code of Civil Procedure section 415.20(b) governs substituted service on an individual, which is performed by leaving a copy of the summons and complaint with a competent member of the household or a person apparently in charge at the party's usual place of residence or usual place of business, and thereafter mailing a copy of the summons and complaint to the party at that address.[3] Substituted service is allowed under section 415.20(b) if personal service cannot be effected "with reasonable diligence."

AB 747 adds language to section 415.20(b) to state that a party shows "reasonable diligence" by "attempting personal delivery of the summons and complaint, in good faith, on at least three occasions on three different days at three different times."

Additionally, AB 747 replaces the phrase "by first-class mail, postage prepaid" with "by United States Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid" in section 415.20.

Proof of service of summons

Code of Civil Procedure section 417.10 specifies the required contents of proof of service of a summons within California. AB 747 adds several requirements to section 417.10(a) for a proof of service effected under sections 415.10 (personal service) and 415.20 (substituted service).[4]

Under AB 747, proof of service under these sections must include "one or more photographs of the site of each effected or attempted service of the summons and complaint," and each photograph must contain "a readable stamp that establishes and automatically records the date, time, and global positioning system (GPS) or equivalent coordinates of the effected or attempted service."[5] If a GPS, mobile, or equivalent signal is not available when service is effected or attempted, the process server must provide "a detailed statement on or with the proof of service explaining the reason for the lack of a readable GPS or equivalent stamp on the photograph."[6]

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[2] The code sections referenced in this section become effective January 1, 2027.

[3] Code of Civil Procedure section 415.20(a) relates to substituted service on a business entity and is not relevant to this proposal.

[4] Code of Civil Procedure section 417.10 is also applicable to unlawful detainer cases served pursuant to Code of Civil Procedure section 415.45, but that application is not relevant to this proposal.

[5] Code Civ. Proc., § 417.10(a)(1)(A), as added by section 9 of Stats. 2025, ch. 563.

[6] *Id*., § 417.10(a)(1)(B).

The photographs must be taken "as closely as practicable to the time of effecting or attempting service."[7]

For service at residential locations, at least one of the photographs must show the door of the residence, or the entrance to the building if the door is not reasonably accessible.[8] For service at businesses, at least one of the photographs must show the door of the business, or if the door is not reasonably accessible, the entrance of the specific office or other place of business of the person being served.[9]

A photograph is not required if "in the reasonable judgment of the process server, taking a photograph would compromise the process server's safety. In such circumstances, the process server shall document the effected or attempted service on the proof of service and provide a detailed statement explaining why taking a photograph would have compromised their safety."[10]

Senate Bill 85

Under Code of Civil Procedure section 413.30, if there is no statute governing service of summons, the court may direct that the summons be served in a manner that is reasonably calculated to give actual notice to the party being served.[11]

Senate Bill 85 amended Code of Civil Procedure section 413.30 to expressly state that it also applies when a plaintiff, despite exercising reasonable diligence, has been unable to effect service by any of the methods authorized by Code of Civil Procedure sections 413.10 through 417.40. The amendments specify that service under section 413.30 may be made by email or "other electronic technology."[12] A plaintiff seeking to establish reasonable diligence under 413.30 must "set forth facts detailing all attempts to serve the defendant by each of the methods prescribed by statute, including facts demonstrating why each method was unsuccessful at every address or location where the defendant is likely to be found."[13]

The Proposal

To implement AB 747 and SB 85, the Family and Juvenile Law Advisory Committee proposes amending one rule of court, adopting one mandatory form, approving two optional forms, and revising two mandatory forms and six optional forms.

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[7] *Id*., § 417.10(a)(5).

[8] *Id*., § 417.10(a)(2)(A).

[9] *Id*., § 417.10(a)(2)(B).

[10] *Id*., § 417.10(a)(4).

[11] Code of Civ. Proc., § 413.30 (2025) (prior to 2026 amendment).

[12] Code of Civ. Proc., § 413.30(a)(1).

[13] *Id.,* § 413.30(a)(2).

Implementation of AB 747

Revisions to* Proof of Service of Summons *(form FL-115) and* Proof of Service of Summons *(form SUR-115)

Proof of Service of Summons (form FL-115) is approved for use as proof of service of summons and petition forms in family law cases.[14] *Proof of Service of Summons* (form SUR-115) is approved for use as proof of service of summons and petition forms in gestational carrier agreement cases.

The committee proposes revising both forms to add subsections to the personal and substituted service items for a server to indicate how they met the photograph requirements of AB 747. The revised forms would require that, in cases of personal or substituted service of a summons, the server attach a photograph taken at or near the time of service showing the location where service occurred. The photograph must include a readable automatic stamp reflecting the date, time, and GPS or equivalent coordinates, unless the server explains that a signal was unavailable. The forms would also require confirmation that the photograph depicts the door or entrance of the residence or business where service occurred, or an explanation if the door was inaccessible. A safety exception on the form permits omission of the photograph if taking one would have risked the server's safety, consistent with Code of Civil Procedure section 417.10(a)(4).

For substituted service, the revised forms further would require confirmation that personal service was attempted on at least three different days at three different times and that a declaration of diligence is completed. For cases in which the server is completing form FL-115, proposed new form *Declaration of Diligence for Substituted Service of Summons* (form FL-116) may be used for this purpose. The committee also proposes revising the language regarding mailing in substituted service cases on both forms to indicate that the papers were mailed by first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested. These revisions are intended to ensure the form reflects the different types of mailing permitted by law.

In addition to these changes to implement AB 747, the committee proposes changing the numbering on these forms so that each method of service is a separately numbered item (instead of a separately lettered subitem as on the current forms). This is intended to improve clarity and readability. In making this change, the committee also proposes listing mail and acknowledgment of receipt service separately from service by certified or registered mail to addresses outside of California.[15]

On form FL-115, the committee proposes changing the structure of item 1 to list items vertically and include standard instructions such as "check one" or "check any that apply."

[14] Form FL-115 is used in family law matters other than gestational carrier agreement and governmental child support cases.

[15] Code of Civ. Proc., §§ 415.30, 415.40.

On form SUR-115, the committee proposes changing the construction of the service items to allow for situations where different respondents are served by different methods (e.g., one respondent by personal service and another by substituted service).

The committee also proposes eliminating the section for a sheriff or marshal to attest to service on both forms to facilitate the use of these forms by servers other than a sheriff or marshal. The committee is aware that many sheriffs and marshals do not use these optional proof of service forms but instead use their own forms. Removing this section allows the committee to propose the attestation under penalty of perjury as a mandatory field instead of as a box that the declarant must check. This will make it easier for servers other than the sheriff or marshal to use this form. The committee is concerned that servers unfamiliar with the court process may not understand that they must check this box, leading to deficient proofs of service. Removing the sheriff or marshal attestation would not preclude a sheriff or marshal from using the form, as sheriffs or marshals may also sign under penalty of perjury (though they are not required to do so).[16]

Declaration of Diligence for Substituted Service of Summons *(form FL-116)*
The committee proposes optional form *Declaration of Diligence for Substituted Service of Summons* (form FL-116) to provide a template for the server to document "reasonable diligence" under Code of Civil Procedure section 415.20(b), showing at least three attempts at personal service on three different days and at three different times. The sections on the form solicit the information required to meet the new photograph and reasonable diligence requirements of AB 747.[17]

Implementation of SB 85

Amendments to rule 5.72
Rule 5.72 sets forth the procedures for alternative service of a summons in family law cases when a respondent's address is unknown. The committee proposes expanding the rule to cover court-ordered alternative service under Code of Civil Procedure section 413.30. The committee proposes amending the rule to incorporate references to additional forms or court-ordered alternative service, consistent with Code of Civil Procedure section 413.30. The proposed amendments also reorganize the rule's structure to clarify (1) the general request procedure for alternative service under sections 413.30 and 415.50, (2) the additional eligibility requirements specific to service by posting, and (3) the proof of service requirements applicable to publication and other alternative means. The rule would also be amended to eliminate language in subdivision (a) that specifies the required content of the request, because that content is prescribed by statute. The rule title and subdivision headings would be revised to reflect that alternative service may include publication, posting, or other court-ordered means authorized by statute.

[16] Code of Civ. Proc., § 2015.3.

[17] Code of Civ. Proc., § 417.10.

The committee also proposes amendments clarifying the proof of service procedures following alternative service and removing duplicative phrasing in subdivision headings. For example, the committee proposes moving information that is currently in subdivision (b)(2) of the rule regarding proof of service to a new subdivision entitled "Proof of service." As discussed below, the committee also proposes changing the titles of the forms used to request and provide proof of alternative service (forms FL-980 and FL-982). The proposed rule includes references to these forms and uses their new titles.

Revisions to* Application for Order for Publication or Posting *(form FL-980)

Application for Order for Publication or Posting (form FL-980) may be used in family law cases to request service by publication or posting. As Code of Civil Procedure section 413.30 now expressly permits electronic forms of alternative service, the committee proposes revising form to include an item (4a) for petitioners to request alternative service by electronic means. In this item, the committee proposes listing examples of different types of electronic service (e.g., email, app or social media, text message) as checkbox options. The proposed item also includes a checkbox for the petitioner to request service by electronic notification as defined in Code of Civil Procedure section 1010.6(a)(1)(C). In a related proposal, the Civil and Small Claims Advisory Committee is proposing a new form, *Request for Alternative Service* (form CH-205/EA-205), which has a format for requesting electronic service that includes the statutory language of "email or other electronic technology" without providing examples as checkbox options or a checkbox option for electronic notification.[18] The committee proposes including options for specific types of electronic service to make it easier for self-represented litigants to make a detailed request for alternative service, and to ensure that the court has enough information to rule on the request.

The committee is seeking specific comments on which format for requesting electronic service—that proposed on form FL-980 or that proposed on form CH-205/EA-205—would better serve courts, justice partners, and the public in family law cases.

Form FL-980 also includes items to list the respondent's home address, work address, and other addresses where the respondent is likely to be found. The form would be revised to require the petitioner to explain how they know of the connection between those addresses and the respondent.[19] The form would then describe the different types of service authorized by the Code of Civil Procedure (personal service, substituted service, and notice and acknowledgment of receipt) and instruct the petitioner to select the types attempted and explain why the attempts were unsuccessful at the addresses they listed for the respondent. This implements new language in Code of Civil Procedure section 413.30 requiring the plaintiff to demonstrate why service by

[18] *See* related proposal entitled *Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons*. These proposals are anticipated to circulate for comment concurrently. Proposals circulating for comment will be available at: *courts.ca.gov/policy-administration/invitations-comment*.

[19] See *Yu v. Pozniak-Rice* (2025) 112 Cal.App.5th 1135, 1145.

other statutory methods "unsuccessful at every address or location where the defendant is likely to be found."

The committee also proposes changing the title of the form to *Request to Serve Summons in a Different Way* removing references to specific methods of service such as publication or posting.

In addition to the changes required to implement SB 85, the committee proposes changing the format of the form from standard to plain-language format. Plain-language format has a larger font, more white space, and a more intuitive caption. The committee believes that this will make the form more accessible for self-represented litigants.

Further, the committee proposes adding a checkbox option for petitioners in cases brought to free a child from parental custody and control to request to serve a citation by alternative means.[20]

Revisions to* Order for Publication or Posting *(form FL-982)

Currently, *Order for Publication or Posting* (form FL-982) may be used in a family law case for the court to order service by publication or posting. For the same reasons described above regarding form FL-980, the committee proposes changing the title of the form to *Order on Request to Serve Summons in a Different Way*. Like form FL-980, form FL-982 would also be revised to be in plain-language format. With proposed revisions, form FL-982 would provide clear instructions for the judicial officer to indicate whether the request for alternative service is granted, denied, or set for hearing, and to specify reasons for denial, if any.

The form would also specify the papers to be served and include checkbox options for the judicial officer to order methods of service corresponding to the approved alternative service methods requested on form FL-980 (electronic, publication, posting). These orders include detailed instructions for executing the service and complying with statutory requirements.

Revisions to* Proof of Service by Posting *(form FL-985)

The committee proposes revising form FL-985 so that it may also be used to prove service by electronic means, if authorized by the court. Consistent with the proposed revisions to forms FL-980 and FL-982, the committee proposes changing the title of the form to *Proof of Service of Summons in a Different Way* and changing the form from standard to plain-language format to improve clarity and user comprehension.

The form would contain items for the server to indicate (1) which papers they served; (2) how, when, and where they served the papers, (3) evidence supporting service, and (4) their name, contact, and other information. These changes are intended to provide clear guidance to declarants on documenting service in a way that satisfies both traditional and electronic alternative service methods, while ensuring the form aligns with forms FL-980 and FL-982.

[20] Fam. Code, §§ 7800, 7881, 7882.

Adoption of* Request to Serve Papers in a Different Way *(form DV-205)
The committee proposes adopting a mandatory form, *Request to Serve Papers in a Different Way* (form DV-205), for use in Domestic Violence Prevention Act (DVPA) cases for a protected person to request alternative service under Family Code section 6340(a)(2).

The construction of the proposed form is similar to that proposed for form FL-980. The form would include items for the protected party to select which documents they are requesting to serve by alternative means. As required by Family Code section 6340(a)(2), it would also include an item for the protected person to explain why they believe the restrained party is avoiding service and to describe their efforts to have the restrained party personally served.

The proposed form provides method-specific descriptions of substituted service, electronic service, publication, and courthouse posting, including required factual support for known residence and workplace addresses and any electronic service address. The form also allows a protected person to request authorization for electronic notification as defined in Code of Civil Procedure section 1010.6. These additions are intended to guide self-represented litigants in providing sufficient factual detail for the court to determine whether alternative service is warranted under Family Code section 6340(a)(2). However, as described above, the committee is seeking specific comment on whether this item on the form should instead follow the format of item 4(a)(2) on proposed form CH-205/EA-205 in the related proposal *Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons*.

The committee proposes that this form be mandatory because all request forms in the DV series are mandatory.

Revisions to mandatory forms* Order on Request to Continue Hearing *(form DV-116) and* Order Granting Alternative Service *(form DV-117)
Form DV-116 was adopted by the council for courts to continue a scheduled hearing date on a petition for relief brought under the DVPA. Form DV-117 was adopted as an attachment to form DV-116 for courts to order alternative service under Family Code section 6340(a)(2).

The committee proposes revising form DV-117 to be a standalone form, as litigants may wish to request alternative service without rescheduling their hearing date. The committee determined that separating the form to a standalone order instead of an attachment improves procedural clarity and allows litigants to request alternative service without simultaneously requesting a continuance. To match the simplified language proposed for forms DV-205 and FL-980, the committee also proposes changing the title of form DV-117 to *Order on Request to Serve Papers in a Different Way*.

The construction proposed for form DV-117 is similar to that proposed for form FL-980. The form would include an item for the court to indicate whether the request is granted, denied, or set for hearing and the reason for a complete or partial denial, if any.

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The form would also include items for the court to specify its orders regarding alternative service. The alternative service orders listed on form DV-117 would correspond to the alternative service methods requested on proposed form DV-205.

The form would provide detailed directives regarding substituted service, service by publication, posting, and service by electronic mail or other electronic technology, including optional authorization for electronic notification as defined in Code of Civil Procedure section 1010.6. The form would also specify mailing requirements if a physical address becomes known during publication or posting. This instruction regarding mailing is intended to provide clear guidance to self-represented litigants and to ensure compliance with statutory requirements governing alternative service.

As form DV-117 would no longer be an attachment, proposed revised form DV-116 would refer to form DV-117 as a separate order that may be issued in the case instead of as an attachment. No substantive changes to service requirements are proposed in form DV-116; references to service "as ordered by form DV-117" remain to ensure consistency when alternative service is separately ordered.

Revisions to* What if the Person I Want Protection From Is Avoiding (Evading) Service? *(form DV-205-INFO)
Proposed revisions to this form include referencing proposed new form DV-205, updating the title of form DV-117, and making other minor changes to improve organization and clarity.

Proposed Form for* Proof of Service of Papers in a Different Way *(form DV-217)
As proposed, optional form *Proof of Service in a Different Way* (form DV-217) would be used by servers to attest to service by alternative means in DVPA cases. The proposed form requires the server to specify the exact method of alternative service that they performed including substituted service, electronic service (including electronic notification), publication, or posting. The server must provide, as applicable, detailed information regarding the address used, the identity of any person who received substituted service, mailing method and date, electronic sender and recipient addresses, and the dates of posting.

Alternatives Considered

The committee did not consider taking no action because changes to the rule and forms regarding civil service of a summons in family law and DVPA cases are required to conform to the changes to the law made by AB 747 and SB 85.

On forms FL-115 and SUR-115, the committee considered including a single section addressing the photograph requirements applicable to both personal and substituted service. However, the committee decided that including the photograph requirements under each type of service would be clearer for self-represented litigants and would reflect the slight differences in the requirement, as personal service may occur at a location other than a residence or business. The committee also considered not including a proposed declaration of diligence form but decided that such a form would assist self-represented litigants in family law cases now that the

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requirements for substituted service are more complex. The committee further considered proposing form FL-116 as an attachment to form FL-115 but decided to propose it as a standalone form so that it would contain its own signature line to capture situations in which different servers attempt and effect service and so that the form would appear as a separate entry on the register of actions.

The committee also considered proposing form DV-205 as an attachment to *Request to Continue Hearing* (form DV-115) but decided to propose it as a standalone form so that parties could request alternative service without seeking to reschedule their hearing date. The committee further considered instructing litigants to use the family law proof of service form for alternative service in DVPA cases but decided to propose a separate proof of service form because the committee believes that doing so will better ensure that service is properly entered into the California Law Enforcement Telecommunications System.[21]

Fiscal and Operational Impacts

Courts would incur costs to train court employees, reprint hard copies of the forms, and update case management systems, including updates to incorporate the new forms for submitting a declaration of diligence in cases of substituted service, requesting alternative service in DVPA cases, and submitting proof of alternative service in DVPA cases. However, courts and litigants will benefit from having updated forms that reflect the new legal requirements.

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[21] Fam. Code, § 6380(b)(7).

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- The committee proposes removing the sheriff attestation on forms FL-115, FL-116, and SUR-115 as sheriffs' offices typically use their own proof of service forms. Would doing so have any unintended consequences?
- The committee proposes a format for requesting alternative service by electronic means in proposed item 4a of form FL-980 and proposed item 5b of form DV-205. In related proposal *Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons*, the Civil and Small Claims Advisory Committee proposes a different format for requesting alternative service by electronic means in proposed item 4(a)(2) of form CH-205/EA-205. Which format would better serve courts, justice partners, and the public in family law and domestic violence prevention act cases?

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

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

Attachments and Links

1. Cal. Rules of Court, rule 5.72, at pages 12-13
2. Forms DV-116, DV-117, DV-205, DV-205-INFO, DV-217, FL-115, FL-116, FL-980, FL-982, FL-985, and SUR-115, at pages 14–51
3. Link A: Assem. Bill 747 (Stats. 2025, ch. 563), *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB747*
4. Link B: Sen. Bill 85 (Stats. 2025, ch. 403), *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB85*

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Rule 5.72 of the California Rules of Court would be amended effective January 1, 2027, to read:

Title 5. Family and Juvenile Rules

Division 1. Family Rules

Chapter 4. Starting and Responding to a Family Law Case; Service of Papers

Article 4. Manner of Service

Rule 5.72. Court order for service by publication or ~~posting when respondent's address is unknown~~ other alternative means

If the respondent cannot be found to be served a summons by any method described in Code of Civil Procedure sections 415.10 through 415.40, the petitioner may request an order for service of the summons by publication or ~~posting~~ other alternative means under Code of Civil Procedure sections 415.50 and 413.30, respectively.

(a) ~~Service~~ Request for service of summons by publication or ~~posting~~ other alternative means; forms

To request service of summons by publication or ~~posting~~ other alternative means, the petitioner ~~must~~ may complete and submit to the court ~~*Application for Order for Publication or Posting*~~ *Request to Serve Summons in a Different Way* (form FL-980) and *Order ~~for Publication or Posting~~ on Request to Serve Summons in a Different Way* (form FL-982). Alternatively, petitioner may complete and submit to the court pleadings containing the same information as forms FL-980 and FL-982. ~~The petitioner must list all the reasonable diligent efforts that have been made to find and serve the respondent.~~

(b) ~~Service~~ Additional requirements for service of summons by posting~~; additional requirements~~

Service of summons by posting may be ordered only if the court finds that the petitioner is eligible for a waiver of court fees and costs.

~~(1)~~ To ~~request~~ qualify for service by posting, the petitioner must have ~~obtained~~ an order waiving court fees and costs. If the petitioner's financial situation has improved since ~~obtaining the approved order on court fee waiver~~ the fee waiver was granted, the petitioner must file a *Notice to Court of Improved Financial Situation or Settlement* (form FW-010). If the court finds that the petitioner no longer qualifies for a fee waiver, the court may order service by publication of the documents.

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~~(2) *Proof of Service by Posting* (form FL-985) (or a pleading containing the same information as form FL-985) must be completed by the person who posted the documents and then filed with the court once posting is completed.~~

(c) Proof of service

(1) In cases of service by publication, the petitioner must file proof in compliance with Code of Civil Procedure section 417.10(b). For the proof of service by mail, if any, *Proof of Service by Mail* (form FL-335) or a pleading containing the same information as form FL-335 may be used.

(2) In cases of service by alternative means other than by publication, the petitioner must file proof of service with the court after service is complete. *Proof of Service of Summons in a Different Way* (form FL-985) or a pleading containing the same information as form FL-985 may be used.

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DV-116 Order on Request to Continue Court Hearing

Clerk stamps date here when form is filed.

(Complete (1) and (2) only. The court will complete the rest of this form.)

(1) **Protected Party:** _____

(2) **Restrained Party:** _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

(3) Next Court Date

a. ☐ The request to reschedule the court date is **denied**.
Your court date is: _____

(1) Any *Temporary Restraining Order* (form DV-110) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because:

_____

_____

_____

b. ☐ The request to reschedule the court date is **granted**. The new court date is listed below. See (4)–(9) for more information.

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

Name and address of court, if different from above:

_____

_____

(4) Option to Attend Court Hearing By Phone or Videoconference

You may attend your court date remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website go to: courts.ca.gov/find.

(5) Temporary Restraining Order

a. ☐ **There is no Temporary Restraining Order (TRO) in this case until the next court date** because:

(1) ☐ A TRO was not previously granted by the court.

(2) ☐ The court terminates (cancels) the previously granted TRO because:

_____

_____

b. ☐ **A Temporary Restraining Order (TRO) is in full force and effect** because:

(1) ☐ The court extends the TRO previously granted on *(date)*: _____
It now expires on *(date)*: _____. (If no expiration date is listed, the TRO expires at the end of the court date listed in (3) b).

(2) ☐ The court changes the TRO previously granted and signs a new TRO (form DV-110).

c. ☐ Other *(specify)*: _____

Warning and Notice to the Restrained Party: If (5) b is checked, a domestic violence restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.

Case Number:

6 Reason Court Date Is Rescheduled

a. ☐ There is good cause to reschedule the court date *(check one)*:

(1) ☐ The protected party has not served the restrained party.

(2) ☐ Other *(explain):*

_____

_____

b. ☐ This is the first time that the restrained party has asked for more time to prepare.

c. ☐ The court reschedules the court date on its own motion.

7 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. ☐ **Protected party**

(1) ☐ You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) ☐ You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form DV-109, item 6 by *(date)*: _____.

(3) ☐ You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by *(date)*: _____.

(4) ☐ The court gives you permission to serve the restrained party as ordered on form DV-117.

(5) ☐ Other:

_____

_____

_____

_____

b. ☐ **Restrained party**

(1) ☐ You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) ☐ You must have the protected party personally served with a copy of this order by *(date)*: _____.

(3) ☐ You must have the protected party served with a copy of this order. This can be done by mail. You must serve by *(date)*: _____.

(4) ☐ Other:

_____

_____

_____

_____

c. ☐ **Court**

(1) ☐ Further notice is not required.

(2) ☐ The court will mail a copy of this order to all parties by *(date)*: _____.

(3) ☐ Other:

_____

_____

_____

_____

This is a Court Order.

Case Number:

8 No Fee to Serve

The sheriff or marshal will serve this order for **free**.
Bring a copy of all the papers that need to be served to the sheriff or marshal.

9 ☐ Other Orders

_____

_____

_____

_____

10 ☐ Attached pages *(All of the attached pages are part of this order.)*

a. Number of pages attached to this three-page form: _____

b. Attachments include forms *(check all that apply):*

☐ DV-110 ☐ DV-820 ☐ Other: _____

Judge's Signature

Date: _____

_____
Judge or Judicial Officer

Request for Accommodations

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

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Order on Request to Continue Court Hearing (Temporary Restraining Order) (CLETS-TRO)* (form DV-116) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

DV-117

Order on Request to Serve Papers in a Different Way

Clerk stamps date here when form is filed.

(For more information on serving your court papers in a different way, read form DV-205-INFO, What if the Person I Want Protection From is Avoiding (Evading) Service?*)*

1 Protected Party

_____

2 Restrained Party

_____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

3 After Reviewing Your Request, the Court Makes the Following Orders

a. ☐ Your request is **granted**. The court finds the protected party made diligent efforts to have the restrained party personally served but has been unsuccessful because there is reason to believe the restrained party is avoiding (evading) service.

b. ☐ The court needs more information and will decide your request at the hearing already scheduled for:

Date: _____

c. ☐ Your request is **denied** for the following reasons *(check all that apply):*

(1) ☐ You have not proved that you tried enough times to have the restrained party served.

(2) ☐ You have not proved that the restrained party is avoiding (evading) service.

(3) ☐ Other reason or additional explanation:

_____
_____
_____
_____
_____
_____
_____
_____
_____

This is a Court Order

Case Number:

4 Papers to Serve

(Check all that apply):

a. ☐ This order

b. ☐ Form DV-210

c. ☐ Form DV-116

d. ☐ All the documents indicated on form DV-109, item 6

e. ☐ Other: _____

_____

☐ Check here if there is not enough space to list all forms. Continue listing forms on an attached sheet of paper, and write "Attachment 4" at the top.

5 How and When to Serve Papers

(Check all that apply):

☐ **Substituted Service** *(check all that apply):*

a. (1) Location

(a) ☐ Home or mailing address: You must have your server (1) leave a copy of all the papers listed in 4 at the restrained party's home or usual mailing address with a competent adult who lives there, and (2) mail a copy to the restrained party to the same address.

(b) ☐ Workplace: You must have your server (1) leave a copy of all the papers listed in 4 at the restrained party's workplace with someone who seems to be in charge, and (2) mail a copy of all the papers listed in 4 to the restrained party at the same workplace.

(2) Your server must tell the person served that the papers are legal documents for the restrained person.

(3) You must have the restrained party served by *(date)*: _____

b. ☐ **Electronic mail or other electronic technology** (*check all that apply):*

(1) You must have your server send the papers listed in 4 to the restrained party in the following way:

(a) ☐ Email

(b) ☐ App or online platform *(name):* _____

(c) ☐ Text message

(d) ☐ Other *(explain):* _____

_____

_____

(2) Service must be made at the following electronic address or addresses (*examples: email address, phone number associated with app, social media account handle, or username.)*: _____

_____

This is a Court Order

Case Number:

5 b. (3) ☐ Your server may serve the papers by electronic notification. *(To serve the papers by electronic notification to the restrained party, the server sends a message (using the method checked in (1) and at the address written in (2)) that lists the titles of the papers in 4 and includes a link where the restrained party can view and download the papers.)*

(4) You must have the restrained party served by *(date)*: _____

c. ☐ **Publish summons in a newspaper**

(1) You must have form DV-210 published at least once a week for 4 weeks in a row with this newspaper:

_____

(2) If you find a current address for the restrained party while form DV-210 is published in the newspaper, you must have someone mail all the papers listed in 4 to that address.

d. ☐ **Post summons at the courthouse**

(1) You must have your server post form DV-210 for 28 days in a row at the courthouse located at *(address):*

_____

(2) You must have your server mail a copy of the papers listed in 4 to the restrained party's last known address:

_____

(3) If you find a current address for the restrained party while form DV-210 is posted, you must have your server mail all the papers listed in 4 to that address.

e. ☐ **Other**: _____

_____

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 5e" at the top.

6 ☐ Attached Pages

Attached pages are orders. Number of pages attached: _____

Judge's Signature

Date: _____

▶ _____

Judge or Judicial Officer

Request for Accommodations

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

This is a Court Order

DV-205 Request to Serve Papers in a Different Way

Clerk stamps date here when form is filed.

Use this form if:

- You have tried to have the restrained person served personally with your court papers in this case;
- You believe the restrained person is avoiding (evading) service; and
- You want to ask the court to let you serve your court papers in a different way.

Fill in court name and street address:

Superior Court of California, County of

Case Number:

1 Protected Person

a. **Your name:**

_____

b. **Address where you can receive court papers**
(This information 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: _____

c. **Your contact information** (*optional*)
(The court may use this information to contact you. You can leave it blank or provide a phone number or email address that you are okay with the restrained person knowing. If you have a lawyer, give their information.)

Telephone: _____ Fax: _____

Email Address: _____

d. **Your lawyer's information** (*if you have one*)

Name: _____ State Bar No.: _____

Firm Name: _____

2 Restrained Person

Name: _____

3 Papers to Serve

(Check all that apply)

a. ☐ Form DV-210 (*Summons (Domestic Violence Restraining Order)*)

b. ☐ Form DV-109 (*Notice of Court Hearing*); form DV-100 (*Request for Domestic Violence Restraining Order*); form DV-110 (*Temporary Restraining Order*) (if granted), a blank copy of form DV-120 (*Response to Request for Domestic Violence Restraining Order*), and any attachments.

Case Number:

3 c. ☐ Other *(list form names and numbers or titles of documents):*

4 The Restrained Person Is Avoiding (Evading) Service

Explain why you believe the restrained person is avoiding being served with your papers and describe your efforts to have them personally served with your papers:

5 How Would You Like to Have Your Papers Served?

I am asking to have the restrained person served using *(check at least one type of service that you think is reasonable, given what you know about the restrained person's location):*

a. ☐ **Substituted Service**: The server will leave a copy of the papers listed in 3 at the restrained person's home with a competent adult who lives there or at the restrained person's workplace with a person who appears to be in charge, and mail a copy of those papers to the restrained person at the same address.

(1) Where do you think the restrained person lives and why? *(List all addresses and explain why the restrained person is or might be at each address. If you do not know any addresses for the restrained person, explain what you did to find their address.)*

Case Number:

5 a. (2) Where do you think the restrained person works, or might work, and why? *(List all addresses and explain how you know that the restrained person works or might work at each address. If you do not know any work addresses for the restrained person, explain what you did to find their work address or, if they do not have a work address, how you know that.)*

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 5a(2)" at the top.

b. ☐ **Electronic Mail or Other Electronic Technology**: The server will send the papers to the restrained person in the following way:

(1) Type of service method *(check all that apply):*

(a) ☐ Email

(b) ☐ App or online platform *(name):*

(c) ☐ Text message

(d) ☐ Other *(explain):*

(2) ☐ By electronic notification. *(Check here to request an order that allows your server to serve the restrained person by sending a message (using any method checked in (1) and sent to the electronic service address written in (3)) that lists the titles of the papers being served and includes a link to where the restrained person can view and download those papers.)*

(3) Electronic service address *(examples: email address, phone number associated with app, social media account handle, or username.):*

(4) Explain how you know that the electronic service address above belongs to the restrained person.

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 5b(4)" at the top.

Case Number:

5 c. ☐ **By publication**: You will have form DV-210 (*Summons*) published at least once a week for 4 weeks in a row in a newspaper of general circulation. If you find a current address for the restrained person while form DV-210 is published in the newspaper, your server must mail the papers listed in 4 to that address.

Name of newspaper you want to publish in: _____

d. ☐ **Post papers at the courthouse**: Your server will post form DV-210 for 28 days in a row at the courthouse and will mail a copy of your papers to the restrained person's last known address. This option is only available if the court has already granted you a fee waiver in this case or you turn in a completed form FW-001 (*Request to Waive Court Fees*) with this form.

e. ☐ Other *(explain):*

_____

_____

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 5e" at the top.

6 Additional Pages

If you used additional pages or forms, enter the number of pages attached to this form: _____ .

7 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*

DV-205-INFO What if the Person I Want Protection From is Avoiding (Evading) Service?

Why do I have to serve the restrained person?

Before a judge can grant a domestic violence restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side. In most cases, the judge will require that you have someone personally deliver the papers to the person you want restrained. This is called personal service. See form DV-200-INFO for more information.

What if I already have a domestic violence restraining order?

If a judge granted you a domestic violence restraining order on form DV-130, follow the orders for service on form DV-130. It is important to follow the orders for service because this is how the restrained person will find out about the restraining orders. Once you file proof that the restrained person was served, law enforcement and the court will have proof that the restrained person knows about the orders. If you have questions about what the judge ordered in your case, go to page 3 for information about where to get legal help.

What if I can't personally serve the restrained person?

When you cannot personally serve the restrained person with a copy of form DV-100, DV-300, or DV-700 and related papers, a judge may allow you to serve the restraining order papers a different way. This is called alternative service. The judge could order you to have your server give the restrained person your court papers in more than one way. For a judge to let you serve your papers in a different way, you must show at least two things.

1 You have tried many times (usually 3 or more times) to have someone personally serve the restrained person.

Some examples of ways you can try to have the restrained person personally served:

- Serve the restrained person at home, at their workplace, or somewhere they go often.
- Search online for where they may be located.
- Check with their family and friends.

Make sure any attempts to find the restrained person are done safely.

If you have an address for the restrained person, you can ask the sheriff or marshal to serve your papers, and they will do it for free.

2 You believe the restrained person is avoiding (evading) personal service.

Be ready to explain why you think the restrained person is avoiding service. If you have people who will help you prove this to a judge, bring them to your court hearing or have them write a statement that describes what they witnessed. Form MC-030 may be used for this purpose.

Alternative service may involve more people in addition to the restrained person accessing your papers.

People with access to your papers can see your name, the fact that you want a restraining order against the other party, and possibly your statements regarding the abuse. You may want to talk to a domestic violence advocate about your safety and privacy concerns before you consider this request to serve papers a different way. Page 3 has information about where to get help with safety tips.

DV-205-INFO What if the Person I Want Protection From Is Avoiding (Evading) Service?

Examples of different ways to serve papers

Below are some examples of what a judge can order if the judge allows you to serve your papers in a different way.

1

Leave a copy and mail a copy to the restrained person's home, mailing address, or workplace

If you have the restrained person's home, mailing (not a PO box), or workplace address, this type of service requires your server to follow these steps:

1. Give the papers to someone 18 years or older who lives at the restrained person's home or mailing address, or who appears to be in charge at the restrained person's workplace;
2. Get the name of the adult who was given the papers, and tell the adult that the papers are for a request for a restraining order against the restrained person; and
3. Mail the papers to the restrained person's home, mailing, or workplace address.

This type of service is called "substituted service."

2

Send by email or electronically

If you have the restrained person's email address you can ask to send the papers (PDF copies or pictures of the papers) by email. You can also ask to serve papers electronically in other ways including by text message, messaging app, or social media. If the judge grants your request to serve electronically you must have someone else (an adult not included in the restraining order) send the papers electronically.

3

Publish in a newspaper

You would have to pay a newspaper to run a copy of form DV-210 at least once a week for at least four weeks in a row. You can request to publish form DV-210 in a specific newspaper. The judge would approve a newspaper the restrained person would be most likely to read.

4

Post in courthouse

To serve by posting, you must qualify for a fee waiver. This means that form DV-210 would be posted at the courthouse for at least 28 days. To ask for a fee waiver, complete form FW-001 and file it with the court. You do not have to request a fee waiver to serve by posting if the court has already granted you one in your case.

DV-205-INFO What if the Person I Want Protection From Is Avoiding (Evading) Service?

How do I request to serve my papers in a different way?

Before your hearing, complete form DV-205 to explain all your efforts to have the restrained person personally served and why you believe they are avoiding being served with your papers. If the judge needs more information, the judge may ask you to attend a hearing to explain your request.

You can also make the request to serve your papers in a different way at your scheduled hearing date.

What if the court grants my request to serve my papers in a different way?

First, you must find a server for all service methods except publication. A server can be anyone who is at least 18 years old and is not listed as a protected person on your restraining order. Next, have your server follow the court's orders on form DV-117. When service is complete, have your server complete form DV-217. File the completed form DV-217 with the court.

If you are ordered to serve by publishing in a newspaper, make sure you get a signed statement from the newspaper that includes a copy of what was published in the newspaper and the dates it was published. This statement is usually called "Proof of Publication." After you receive this statement, file that document with the court.

Where can I find legal help?

Free legal information is available in every county at a court self-help center. Staff can provide you with your legal options but will not tell you what you should do in your case and will not provide you with legal representation. To find your local self-help center, go to selfhelp.courts.ca.gov/find.

Where can I find other help?

For safety tips or other help, call the National Domestic Violence Hotline at 1-800-799-7233.

DV-217 Proof of Service in a Different Way

Clerk stamps date here when form is filed.

(To the server: Complete and sign this form, and give it to the person in (1).)

(1) Name of Person Asking for Service

(2) Name of Person Being Served

Fill in court name and street address:

Superior Court of California, County of

(3) Requirements for Server

I am:

- At least 18 years of age, and
- Not a party or listed as a protected person on form DV-100 (*Request for Domestic Violence Restraining Order*).

Court clerk fills in case number when form is filed.

Case Number:

(4) Papers Served

I gave the following documents to the person in (2):

a. ☐ Form DV-210 (*Summons (Domestic Violence Restraining Order)*)

b. ☐ Form DV-109 (*Notice of Court Hearing*) with form DV-100 (*Request for Domestic Violence Restraining Order*) (including all attachments) and a blank form DV-120 (*Response to Request for Domestic Violence Restraining Order*)

c. ☐ Form DV-110 (*Temporary Restraining Order*) (including all attachments)

d. ☐ Form DV-116 (*Order on Request to Continue Hearing*)

e. ☐ Form DV-117 (*Order on Request to Serve Papers in a Different Way*)

f. ☐ Other *(list form names and numbers or titles of documents):*

Case Number:

How I Served the Court Papers

(See form DV-117 for the type of service ordered by the court. Once you have served the person in (2) by the type of service ordered by the court, complete (5)–(7), as applies.)

(5) ☐ Substituted Service

a. I left the papers in (4) with or in the presence of:

Name: _____ on *(date):* _____ at (*time*): _____ ☐ a.m. ☐ p.m.

Address: _____

City: _____ State: _____ Zip: _____

I told them that the papers were legal documents for the restrained person.

b. The address listed above is the person in (2)'s *(check one):*

☐ Business. The person I left the papers with appeared to be in charge.

☐ Home or mailing. The person I left the papers with is a competent adult who lives at the address.

c. Required mailing (*Complete this section only if you also mailed the papers in (4).*)

☐ I mailed the papers in (4) to the address listed above as follows:

Type of Mailing:

☐ USPS first-class mail

☐ Priority mail with tracking

☐ Certified mail with return receipt requested

on *(date):* _____ at *(time):* _____ ☐ a.m. ☐ p.m.

(6) ☐ Electronic

a. I served the person in (2) by sending them the papers in (4) as follows:

Type of electronic service:

(1) ☐ Email

(2) ☐ App or online platform *(name):* _____

(3) ☐ Text message

(4) ☐ Other *(explain):* _____

_____

_____

Case Number:

6 b. I sent the papers from (*your electronic service address (examples: email address, phone number associated with app, social media account handle or username)):*

_____

c. I sent the papers to (*the person in 2's electronic service address (examples: email address, phone number associated with app, social media account handle or username)):*

_____

d. ☐ I sent the papers in 4 by electronic notification. *(Check here if you sent the person in 2 a message that listed the titles of the papers in 4 and included a link for them to view and download the papers.)*

e. I sent the papers on *(date):* _____ at *(time):* _____ ☐ a.m. ☐ p.m.

☐ Check here if you served by additional electronic methods. Attach a piece of paper and include the information in this item for each method of service. You may use form MC-025.

7 ☐ Posting

I served the person in 2 by posting form DV-210.

a. At *(address of courthouse)*: _____

b. From *(start date):* _____ to *(end date):* _____ *(Must be posted for at least 28 days.)*

c. ☐ I also mailed the papers in 4 to the last known address of the person in 2 at

(address): _____

on *(date mailed):* _____

8 My Information and Signature

Name: _____ Telephone: _____

Address: _____

City _____ State _____ Zip: _____

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 server's name *Server to sign here*

PARTY WITHOUT ATTORNEY *or* ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
E-MAIL ADDRESS:		
ATTORNEY FOR *(name)*:		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER:		
RESPONDENT:		
PROOF OF SERVICE OF SUMMONS		CASE NUMBER:

1. At the time of service I was at least 18 years of age and not a party to this action.

   a. I served the respondent with copies of *(check one)*:

   (1) ☐ Family Law: Form FL-100 (*Petition—Marriage/Domestic Partnership*), form FL-110 (*Summons*), and blank form FL-120 (*Response—Marriage/Domestic Partnership*)

   (2) ☐ Uniform Parentage: Form FL-200 (*Petition to Determine Parental Relationship*), form FL-210 (*Summons*), and blank form FL-220 (*Response to Petition to Determine Parental Relationship*)

   (3) ☐ Custody and Support: Form FL-260 (*Petition for Custody and Support of Minor Children*), form FL-210 (*Summons*), and blank form FL-270 (*Response to Petition for Custody and Support of Minor Children*)

   b. ☐ Additional papers *(check any that apply)*:

   (1) ☐ Form FL-105 (*Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*) and a blank copy of the form.

   (2) ☐ Form FL-140 (*Declaration of Disclosure*) and a blank copy of the form.

   (3) ☐ Form FL-142 (*Schedule of Assets and Debts*) and a blank copy of the form.

   (4) ☐ Form FL-150 (*Income and Expense Declaration*) and a blank copy of the form.

   (5) ☐ Form FL-155 (*Financial Statement (Simplified)*) and a blank copy of the form.

   (6) ☐ Form FL-160 (*Property Declaration*) and a blank copy of the form.

   (7) ☐ Form FL-300 (*Request for Order*), and blank form FL-320 (*Responsive Declaration to Request for Order*)

   (8) ☐ Other *(list form or document)*:

2. Address where I served the respondent:

PETITIONER: RESPONDENT:	CASE NUMBER:

(Complete item 3, 4, 5, 6 or 7)

3. ☐ **Personal service**

a. I personally delivered the papers to the respondent (Code Civ. Proc., § 415.10)

on *(date):* at *(time):*

b. Picture requirements for personal service (Code Civ. Proc., § 417.10(a))

(Check (1) or (2)):

(1) ☐ I am attaching a picture of where I served the papers, which I took as close as was practical to the time I served the papers.

(a) Stamp requirements for picture. *(Check one):*

☐ The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.

☐ The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal *(explain why you did not have a signal):*

(b) Door requirements for picture. Was the respondent served at a home or business?*(Check one):*

☐ No.

☐ Yes and the picture shows the door of the home or business.

☐ Yes and the picture shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I am **not** attaching a picture because taking a picture would have risked my (the server's) safety *(explain):*

PETITIONER: RESPONDENT:	CASE NUMBER:

4. ☐ **Substituted service**

(To qualify for substituted service, personal delivery must have been attempted on at least three different days at three different times.)

a. I left the papers listed in item 1 with or in the presence of:

(name): on *(date):* at *(time):*

and at the address listed in item 2. I told them that the papers were legal documents for the respondent.

b. The address listed in item 2 is the respondent's *(check one):*

☐ Business. The person listed above appeared to be in charge.

☐ Home or mailing address. The person listed in item 4a is a competent adult who lives at the address listed in item 2.

c. ☐ Required mailing *(For service to be complete, mailing must take place.)*

(1) I mailed a copy of all the forms listed in item 1 to the respondent at the address listed in item 2. The mailing was by prepaid (1) first class mail, (2) priority mail with tracking, or (3) certified mail with return receipt requested.

(2) Date of mailing:

d. Picture requirements for substituted service. (Code Civ. Proc., § 417.10(a)) *(Check (1) or (2)):*

(1) ☐ I am attaching a picture of where I served the papers, which I took as close as was practical to the time I served the papers. *(Complete (A) and (B)):*

(a) Stamp requirements for picture. *(Check one):*

☐ The picture has a stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.

☐ The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal *(explain why you did not have a signal):*

(b) Door requirements for picture. *(Check one):*

☐ The picture shows the door of the home or business.

☐ The picture shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I am not attaching a picture because taking a picture would have risked my (the server's) safety *(explain):*

e. Declaration of due diligence

*(The person who tried to personally serve the respondent must complete and sign form FL-116 (*Declaration of Diligence for Substituted Service of Summons*) or a document with the same information.)*

PETITIONER: RESPONDENT:	CASE NUMBER:

5. ☐ **Mailing with notice and acknowledgment of receipt** *(this method of service can be used for addresses inside of California or outside of California)* (Code Civ. Proc, § 415.30)

   a. I mailed the papers listed in item 1 to the respondent at the address in item 2, by first-class prepaid mail, on *(date):* from *(city):*

   b. With two copies of the form FL-117 (*Notice and Acknowledgment of Receipt*) and a postage-paid return envelope addressed to me. *(You must attach a form FL-117 (*Notice and Acknowledgment of Receipt*) signed by the respondent.)*

6 ☐ **Mailing to an address outside of California** (Code Civ. Proc., §§ 415.40, 417.20)

I mailed the papers listed in item 1 to the respondent at the address in item 2, by registered or certified mail with return receipt requested. *(You must attach a signed return receipt or other evidence of actual delivery to the respondent.)*

7. ☐ **Other type of service**

(Specify code section):

Continued on Attachment 7.

8. **Person who served papers**

   a. Name:

   b. Address:

   c. Telephone number:

   d. I am *(check one):*

      (1) ☐ Exempt from registration under Business and Professions Code section 22350(b).

      (2) ☐ Not a registered California process server.

      (3) ☐ A registered California process server

         (a) ☐ Owner ☐ Employee ☐ Independent contractor

         (b) Registration number:

         (c) County:

         (d) Fee for service was *(amount):* $

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

Date:

Name of Person Who Served Papers

Signature of Person Who Served Papers

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
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:		
PETITIONER:		
RESPONDENT:		
Declaration of Diligence for Substituted Service of Summons (Family Law)		CASE NUMBER:

Use this form if you were (1) unable to personally serve the summons and petition in this case on the respondent and (2) you tried on at least three different days at three different times.

Who should complete this form? The person who tried to serve the respondent in this case. The person must be someone at least 18 years old who is not a party in this case.

For more information, see selfhelp.courts.ca.gov/family-law-substituted-service.

1. **Person who tried to serve papers**
   a. I am at least 18 years old and am not a party to this case.
   b. Name:
   c. Address:
   d. Telephone number:
   e. I am *(check one)*:
      (1) ☐ Exempt from registration under Business and Professions Code section 22350(b).
      (2) ☐ Not a registered California process server.
      (3) ☐ A registered California process server
         (a) ☐ Owner ☐ Employee ☐ Independent contractor
         (b) Registration number:
         (c) County:
         (d) Fee for service was *(give amount)*: $

2. **Attempts to serve.** I tried in good faith to personally deliver the summons and petition in this case to the respondent on at least three different days at three different times. I tried to serve:
   a. on *(date)*: _____ at *(time)*: and at *(address)*:
   b. on *(date)*: _____ at *(time)*: and at *(address)*:
   c. on *(date)*: _____ at *(time)*: and at *(address)*:
   d. ☐ on additional dates and times, as listed below *(write the date, time, and address of each additional attempt)*.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

3. **Picture requirements.** *(For each attempt to serve you listed above, you must meet the picture requirements described here.)*

a. First attempt. For the attempt I listed in item 2a. *(Check (1) or (2)):*

(1) ☐ I am attaching a picture of where I tried to serve the summons and petition, which I took as close as was practical to the time I tried to serve the summons and petition.

(a) Stamp requirements for picture. *(Check one):*

☐ The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.

☐ The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal *(explain why you did not have a signal):*

(b) Door requirements for picture. Did you try to serve at a home or business? *(Check one):*

☐ No.

☐ Yes and the picture shows the door of the home or business.

☐ Yes and the picture shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I am **not** attaching a picture because taking a picture would have risked my (the server's) safety *(explain):*

b. Second attempt. For the attempt I listed in item 2b. *(Check one):*

(1) ☐ I am attaching a picture of where I tried to serve the summons and petition, which I took as close as was practical to the time I tried to serve the summons and petition.

(a) Stamp requirements for picture. *(Check one):*

☐ The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.

☐ The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal *(explain why you did not have a signal):*

(b) Door requirements for picture. Did you try to serve at a home or business? *(Check one):*

☐ No.

☐ Yes and the picture shows the door of the home or business.

☐ Yes and the picture shows the entrance of the home or business because the door was not accessible. *(explain why the door was not accessible):*

(2) ☐ I am **not** attaching a picture because taking a picture would have risked my (the server's) safety *(explain):*

PLAINTIFF: DEFENDANT:	CASE NUMBER:

3. c. Third attempt. For the attempt I listed in item 2c. *(Check (1) or (2)):*

(1) ☐ I am attaching a picture of where I tried to serve the summons and petition, which I took as close as was practical to the time I tried to serve the summons and petition.

(a) Stamp requirements for picture. *(Check one):*

☐ The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.

☐ The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal *(explain why you did not have a signal):*

(b) Door requirements for picture. Did you try to serve at a home or business? *(Check one):*

☐ No.

☐ Yes and the picture shows the door of the home or business.

☐ Yes and the picture shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I am **not** attaching a picture because taking a picture would have risked my (the server's) safety *(explain):*

d. ☐ Additional attempts. *(Check here if you made more than three attempts. Attach a piece of paper and write "Attachment 3d, Picture requirements—additional attempts" at the top. For each attempt you listed in item 2d, provide the same information about the picture requirements for items 3a, 3b, and 3c. You may use form MC-025.)*

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

Date:

Name of Person Who Tried to Serve Papers

Signature of Person Who Tried to Serve Papers

FL-980 Request to Serve Summons in a Different Way

Clerk stamps date here when form is filed.

Use this form if:

- You have tried to serve the other party with the summons in this case but have not been able to; and
- You want to ask for permission to serve the summons electronically, by publication in a newspaper, or by posting at a courthouse.

You may also use this form if you have tried to serve a citation for freedom from parental custody and control (terminate parental rights) and have been unable to. For more information, go to [self-help webpage to be created].

Fill in court name and street address:

Superior Court of California, County of

Case Number:

1 Person Asking to Serve Summons

a. Your name:

_____

Your Lawyer *(if you have one for this case)*

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead.)*

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Person to Be Served

Other party's name:

_____

3 Papers to Serve

What papers are you asking for permission to have served on the person in 2 in a different way? *(Check all that apply):*

a. ☐ Form FL-110 (*Summons (Family Law)*)

b. ☐ Form FL-210 (*Summons (Uniform Parentage—Petition for Custody and Support)*)

c. ☐ Form SUR-110 (*Summons (Gestational Carrier Agreement)*)

d. ☐ Form FL-600 (*Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)*)

Case Number:

(3) e. ☐ Citation for freedom from parental custody and control (Fam. Code, § 7800 et. seq.)

f. ☐ Other *(List form names and numbers or titles of documents):*

_____

_____

_____

_____

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 3f—Additional papers to serve" at the top.

(4) Type of Service

(Serving the person in (2) means legally notifying them of this case. For more information about service requirements, see selfhelp.courts.ca.gov/court-basics/service. You must choose at least one type of service that you think is likely to cause the person in (2) to see and receive the papers in (3).)

How are you asking to have the person in (2) served? *(Check all that apply):*

a. ☐ **Electronically**. Someone *(an adult who is not you)* would send the papers electronically.

(1) Type of service *(Check all that apply):*

(a) ☐ Email

(b) ☐ App or online platform *(name):* _____

(c) ☐ Text message

(d) ☐ Other *(explain):*

_____

_____

(2) ☐ By electronic notification *(Check here to request an order that allows your server to send the person in (2) a message (using the method checked in (1) and at the address written in (3)) that lists the titles of the documents in (3) and includes a link where the person in (2) can view and download them.)*

(3) Electronic service address *(examples: email address, phone number associated with app, social media account handle or username.):*

_____

(4) Explain how you know that the electronic service address above belongs to the person in (2).

_____

_____

_____

_____

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 4a(4)—Electronic service address explanation" at the top.

Case Number:

(4) b. ☐ **By publication**: You ask for an order to serve the person in (2) by publishing the summons or citation in (3) in a newspaper of general circulation. Name of newspaper you want to publish in:

_____

_____

c. ☐ **By posting**: You ask for an order to serve the person in (2) by posting the summons or citation in (3) at a courthouse. This option is only available if the court has already granted you a fee waiver in this case or you turn in a completed form FW-001 (*Request to Waive Court Fees*) with this form.

Name and address of the courthouse where you think the person in (2) is most likely to see the papers in (3), if they are posted:

_____

_____

(5) Where the Person in (2) Lives, Works, or Might Be Found

You must try hard to find the person in (2). This means that if you do not know their address you have to search for it *(examples: asking people you both know, looking online, hiring someone like a process server or private investigator to try to find them, etc.).*

a. Where do you think the person in (2) lives, or might live, and why? *(List all addresses and explain why the respondent is or might be at each address. If you do not know any addresses for the respondent, explain what you did to find their address.)*

_____

_____

_____

_____

_____

_____

b. Where do you think the person in (2) works, or might work, and why? *(List all addresses and explain how you know that the respondent works or might work at each address. If you do not know any work addresses for the respondent, explain what you did to find their work address or, if they do not have a work address, how you know that.)*

_____

_____

_____

_____

_____

_____

Case Number:

5 c. Other than their home or workplace, where do you think someone might find the person in 2? *(List all addresses and explain why the respondent is or might be at each address. If you do not know of any place where the respondent may be found, explain what you did to find the respondent.)*

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 5—Information about where the other party might be found" at the top.

6 Your Efforts to Serve the Person in 2

a. You have tried to serve the person in 2 by the following methods *(Check all that apply):*

(1) ☐ Personal service *(personal service means that someone at least 18 years old (not you) tried to give the papers in 3 to the person in 2. For more information about personal service, see* selfhelp.courts.ca.gov/court-basics/service*.)*

(2) ☐ Substituted service *(substituted service means that your server leaves the papers with an adult who lives at the home or is in charge at a workplace (like a manager). Then, your server mails a copy of the papers to the home of the person in 2. For more information on substituted service, see* selfhelp.courts.ca.gov/family-law-substituted-service*.)*

(3) ☐ *Notice and Acknowledgment of Receipt (Service by notice and acknowledgment of receipt means that your server mailed the papers in 3 to the person in 2 and also sent them form FL-117 (*Notice and Acknowledgment of Receipt*), to send back with their signature confirming that they received the papers. Once the person in 2 signs that form, service is complete and you can file your proof with the court. For more information, see* selfhelp.courts.ca.gov/divorce/start-divorce/serve-notice-acknowledgement-receipt*.)*

(4) ☐ Other *(explain):*

Case Number:

6 b. For each method you checked in item a, explain how you tried to serve the person in 2 at the places in 5 and why it was not successful.

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 6b, Attempts to serve the other party" at the top.

Case Number:

7 Attach Documents to Support Your Request

Instructions for attaching documents

- Black out sensitive information *(example: Social Security number).*
- Make a copy of the evidence for your own records. The court will keep any evidence you include with your request and you may not get it back.
- Attach your evidence to this form.

8 Additional Pages

If you used additional pages or forms, enter the number of pages attached to this form: _____.

9 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*

FL-982 Order on Request to Serve Summons in a Different Way

Clerk stamps date here when form is filed.

1 Person Asking to Serve Summons

Name:

_____

2 Person to Be Served

Name:

_____

(The person making this request must complete 1 and 2. The court will complete the rest of this form.)

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

3 After Reviewing Your Request, the Court Makes the Following Orders

a. ☐ Your request is **granted**. The court finds that the person in 1 has exercised reasonable diligence but has been unable to serve the person in 2 by any other method described in the Code of Civil Procedure. The person in 1 has demonstrated why service was unsuccessful at every address or location where the person in 2 is likely to be found.

b. ☐ The court needs more information and is scheduling a hearing on your request:

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

Name and address of court if different from above:

_____

_____

_____

c. ☐ Your request is **denied** for the following reasons *(check all that apply):*

(1) ☐ You have not proved that you have tried hard enough to find out where the person in 2 is.

(2) ☐ Other reason or additional explanation:

_____

_____

_____

_____

☐ Continued on Attachment 3c(2).

This is a Court Order

Case Number:

4 Papers to Serve *(check all that apply)*

a. ☐ Form FL-110 (*Summons (Family Law)*)

b. ☐ Form FL-210 (*Summons (Uniform Parentage—Petition for Custody and Support)*)

c. ☐ Form SUR-110 (*Summons (Gestational Carrier Agreement)*)

d. ☐ Form FL-600 (*Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)*)

e. ☐ Citation for freedom from parental custody and control (Fam. Code, § 7800 et. seq.)

f. ☐ Other:

_____

_____

_____

_____

☐ Continued on Attachment 4(f).

5 How to Serve the Papers in 4 *(check all that apply)*

a. ☐ **Electronic mail or other electronic technology**

An adult (not you) must serve the papers in 4 on the person in 2 electronically.

(1) Service must be by *(check all that apply):*

(a) ☐ Email

(b) ☐ App or online platform *(name):* _____

(c) ☐ Text message

(d) ☐ Other *(explain):*

_____

_____

(2) Service must be at the following electronic address or addresses *(examples: email address, phone number associated with app, social media):*

_____

(3) ☐ Your server may send the papers by electronic notification. *(This means the server can send the person in 2 a message (using the method checked in (1) and at the address written in (2)) that lists the titles of the papers in 4 and includes a link where the person in 2 can view and download them.)*

b. ☐ **Publish in a newspaper**

(1) You must have the summons or citation in 4 published at least once a week for 4 weeks in a row with the newspaper listed here: _____

(2) If you know the person in 2 's address, or if you find an address for the person in 2 while the summons or citation is published in the newspaper, you must have someone else mail the papers listed in 4 to that address.

This is a Court Order

Case Number:

5 b. (3) Service by publication is complete at the end of the 28th day of publication in the newspaper. For cases involving a summons, if the respondent has not filed a response, otherwise generally appeared in the case, or filed a request for order to quash the proceeding, the petitioner may file a form FL-165 (*Request to Enter Default*) starting on the 59th day after the first day of publication.

c. ☐ **Post papers at the courthouse**

(1) You must have your server post the summons or citation in 4 for 28 days in a row at the courthouse located at *(address):* _____

(2) You must have your server mail a copy of the papers listed in 4 to the person in 2's last known address:

_____

(3) If you find a current address for the person in 2 while the summons is being posted, you must have your server mail the papers listed in 4 to that address.

(4) Service by posting is complete at the end of the 28th day of posting. For cases involving a summons, if the respondent has not filed a response, otherwise generally appeared in the case, or filed a request for order to quash the proceeding, the petitioner may file a form FL-165 (*Request to Enter Default*) starting on the 59th day after the first day of posting.

d. ☐ Other:

_____

_____

6 ☐ Other Orders

_____

_____

_____

7 ☐ Attached Pages

Attached pages are orders. Number of pages attached: _____

Judge's Signature

Date: _____

▶ _____

Judge or Judicial Officer

Request for Accommodations

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

This is a Court Order

FL-985 Proof of Service of Summons in a Different Way

Clerk stamps date here when form is filed.

Use this form if the court granted your request to serve the summons in this case in a different way. Have your server complete this form after they follow the court's order to serve the other party in your case. For more information on this process, go to
[self-help webpage to be created]

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 Person Asking to Serve Summons

Name:

2 Person to Be Served

Name:

3 Requirements for Server

I am:

- 18 years of age or older; and
- Not the person in 1 or another party to the case.

4 Papers Served

I served copies of the following papers on the person in 2:

a. ☐ Form FL-110 (*Summons (Family Law)*)

b. ☐ Form FL-210 (*Summons (Uniform Parentage—Petition for Custody and Support)*)

c. ☐ Form SUR-110 (*Summons (Gestational Carrier Agreement)*)

d. ☐ Form FL-600 (*Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)*)

e. ☐ Citation for freedom from parental custody and control (Fam. Code, § 7800 et. seq.)

f. ☐ Other *(list form names and numbers or titles of documents):*

☐ Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 4f—Additional papers I served" at the top.

Case Number:

5 Type of Service

a. ☐ **Electronic**. I served the person in 2 by sending them the papers in 4 as follows:

(1) Type of electronic service:

(a) ☐ Email

(b) ☐ App or online platform *(name):* _____

(c) ☐ Text message

(d) ☐ Other *(explain):* _____

(2) I sent the papers from *(your electronic service address (examples, email address, phone number associated with app, social media account handle or username)):*

_____

(3) I sent the papers to *(the person in 2's electronic service address (e.g., email address, phone number associated with app, social media account handle or username)):*

_____

(4) I sent the papers on *(date):* _____ at *(time):* _____ ☐ a.m. ☐ p.m.

(5) ☐ I sent the papers in 4 by electronic notification. *(Check here if you sent the person in 2 a message that listed the titles of the papers in 4 and included a link for them to view and download the papers.)*

☐ I served by additional electronic methods. *(Attach a piece of paper and include the information in this item for each method of electronic service. You may use form MC-025.)*

b. ☐ **Posting**. I served the person in 2 by posting the summons or citation in 4 as follows:

(1) At *(address of courthouse):* _____

(2) From *(start date):* _____ to *(end date):* _____ *(Must be posted for at least 28 days.)*

(3) ☐ I also mailed the papers in 4 to the person in 2's last known address:

_____

_____

on *(date):* _____

6 Server's Information and Signature

Name: _____ Telephone: _____

Address: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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 server's name *Server to sign here*

PARTY WITHOUT ATTORNEY *or* 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***
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
PROOF OF SERVICE OF SUMMONS	CASE NUMBER:

(This form tells the court that the other parties to the gestational carrier agreement (also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962) were served with legal papers to start the case in family court.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served each respondent with the following:
   a. ☐ Form SUR-110 (*Summons (Gestational Carrier Agreement)*) and Form SUR-100 (*Petition to Determine Parental Relationship*)
   b. ☐ Lodging of gestational carrier agreement
      (1) ☐ Notice of lodging (not a form) ☐ Form SUR-113 (*Notice of Lodging*)
      (2) ☐ Gestational carrier agreement ☐ English translation of gestational carrier agreement
      (3) ☐ Declaration of attorney for intended parent or intended parents *(name):*
      (4) ☐ Declaration of attorney for gestational carrier (and the gestational carrier's spouse or domestic partner) *(name):*
   c. ☐ Other declarations
      (1) ☐ Declaration of intended parents *(names):* ☐ Joint declaration ☐ Individual declarations
      (2) ☐ Declaration of gestational carrier *(names):* ☐ Declaration of gestational carrier's spouse or domestic partner
      (3) ☐ Declaration of fertility physician *(name):*
   d. ☐ Other *(specify):*

3. Indicate whether the documents listed below being served (1) were prepared by petitioner's attorney for each respondent to review and sign or (2) are blank forms to be completed by each respondent:
   a. ☐ I also served each respondent with the following:
      (1) ☐ Blank forms
      (2) ☐ Forms prepared by petitioner's attorney for each respondent to review:
   b. ☐ Form SUR-120 (*Response to Petition to Determine Parental Relationship*)
   c. ☐ Other *(specify):*

PETITIONER: RESPONDENT:	CASE NUMBER:

4. Respondents served
I served the papers listed in item 2 on:
a. Name:
b. Name:
c. Name:

(For each respondent served, this proof of service must indicate the method of service (items 5-9) and provide the relevant service information.)

5. ☐ **Personal service** (Code Civ. Proc., § 415.10)

a. I personally delivered the papers to *(respondent's name):* on *(date):*
at *(time):* and at *(address):*

b. Picture requirements for personal service (Code Civ. Proc., § 417.10b)
(Check (1) or (2)):
(1) ☐ I am attaching a picture of where I served the papers on the person in item 5a, which I took as close as was practical to the time I served the papers.

(a) Stamp requirements for picture. *(Check one):*
☐ The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.

☐ The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal *(explain why you did not have a signal):*

(b) Door requirements for picture. Was the respondent served at a home or business?*(Check one):*
☐ No.
☐ Yes and the picture shows the door of the home or business.
☐ Yes and the picture shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I am **not** attaching a picture because taking a picture would have risked my (the server's) safety *(explain):*

☐ **Additional respondents were served by personal service.** (*Check here if you served more than one respondent by personal service. Attach a declaration that has the information in item 5 for each additional respondent you personally served.)*

PETITIONER: RESPONDENT:	CASE NUMBER:

6. ☐ **Substituted service.**

a. I served: *(respondent's name):* by substituted service.

b. I left the papers listed in items 2 and 3 with or in the presence of *(name):*
on *(date):* at *(time):* and at *(address):*

c. The address listed in item 6b is the person in item 6a's *(check one):*

☐ Business. The person listed in item 6b appeared to be in charge.

☐ Home or mailing address. The person listed in item 6b is a competent adult who lives at the address listed in item 6b.

d. ☐ Required mailing *(For service to be complete, mailing must take place.)*

(1) I mailed a copy of all the documents listed in items 2 and 3 to the person in item 6a at the address listed in item 6b. The mailing was by prepaid (1) first class mail, (2) priority mail with tracking, or (3) certified mail with return receipt requested.

(2) Date of mailing:

e. A declaration of diligence is attached, or filed at the same time as this form. (Code Civ. Proc., § 417.10) *(A declaration of diligence is a statement by your server that details each attempt to personally serve a respondent. Before you can use substituted service, they must try to personally serve the respondent and meet the picture requirements for each attempt.)*

f. Picture requirements for substituted service (Code Civ. Proc., § 417.10b)
(Check (1) or (2)):

(1) ☐ I am attaching a picture of where I served the papers, which I took as close as was practical to the time I served the papers.

(a) Stamp requirements for picture. *(Check one):*

☐ The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.

☐ The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal *(explain why you did not have a signal):*

(b) Door requirements for picture. *(Check one):*

☐ The picture shows the door of the home or business.

☐ The picture shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I am **not** attaching a picture because taking a picture would have risked my (the server's) safety *(explain):*

☐ **Additional respondents were served by substituted service.** *(Check here if you served more than one respondent by substituted service. Attach a declaration that has the information in item 6 for each additional respondent you served.)*

PETITIONER: RESPONDENT:	CASE NUMBER:

7. ☐ **Mailing with notice and acknowledgment of receipt** *(this method of service can be used for addresses inside of California or outside of California)* (Code Civ. Proc, § 415.30)
   a. I mailed the papers listed in items 2 and 3 to:
      (Respondent's name):
      At: *(address):*
      On: *(date):* from *(city, state):*
   b. With two copies of the form FL-117 (*Notice and Acknowledgment of Receipt*) and a postage-paid return envelope addressed to me. *(You must attach a form FL-117 (*Notice and Acknowledgment of Receipt*) signed by the respondent in item 7a.)*

   ☐ **Additional respondents were served by mail with notice and acknowledgment of receipt** (*Check here if you served more than one respondent by mail to an address in California. Attach a declaration that has the information in item 7 for each additional respondent you served.)*

8 ☐ **Mailing to an address outside of California** *(Code Civ. Proc., §§ 415.40, 417.20.)*
   a. I mailed the papers listed in items 2 and 3 to:
      (Respondent's name):
      At: *(address):*
      On: *(date):* from *(city, state):*
   b. I mailed the papers listed in items 2 and 3 by registered or certified mail with return receipt requested. *(You must attach a signed return receipt or other evidence of actual delivery to the respondent.)*

   ☐ **Additional respondents were served by mail to an address outside of California.** (*Check here if you served more than one respondent by mail to an address outside of California. Attach a declaration that has the information in item 8 for each additional respondent you served.)*

9. ☐ **Other** *(specify code section):* Continued on attachment 9.

10. **Person who served papers**
   a. Name:
   b. Address:
   c. Telephone number:
   d. I am *(check one):*
      (1) ☐ Exempt from registration under Business and Professions Code section 22350(b).
      (2) ☐ Not a registered California process server.
      (3) ☐ A registered California process server
         (a) ☐ Owner ☐ Employee ☐ Independent contractor
         (b) Registration number:
         (c) County:
         (d) Fee for service was *(amount):* $

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

Date:

Name of Person Who Served Papers

Signature of Person Who Served Papers

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Family Law: Certification, Review, and Use of Computer Software to Assist in Determining Support

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend rule 5.275

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)*:*
Marina Soto, (916) 643-6906, marina.soto@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: Item 14. The committee will develop a recommendation to amend rule 5.275 to add provisions regarding the certification and recertification processes, including (1) revocation of a calculator's certification and (2) allowing for an exception to the requirement that the California Child Support Guideline Calculator be used in title IV-D proceedings when its certification has been revoked or the calculator is deemed inaccessible for court use. The committee will also consider whether rule 5.275 should be amended to address related provisions regarding recertification of a support calculator, such as when a software developer should be granted an extension of time to provide a calculator for certification or when California's Child Support Guideline Calculator could be deemed inaccessible in other limited circumstances.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.) The amendments to rule 5.275 include both those previously approved on December 12, 2025, without benefit of public comment, and new proposed amendments.

Information for JC staff

☒ EGG reviewed on *(date):* February 18, 2026 and March 16, 2026

☒ Office director (or designee) reviewed on *(date):* February 27, 2026 and March 12, 2026 by *(name):* Anna L. Maves

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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-22

Title
Family Law: Certification, Review, and Use of Computer Software to Assist in Determining Support

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 5.275

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Marina Soto, 916-643-6906
marina.soto@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes circulating for comment amendments to rule 5.275 of the California Rules of Court that were previously approved without the benefit of public comment. The committee also proposes additional amendments to rule 5.275 to ensure the continued availability and accuracy of software used to assist courts in determining support, promoting transparency in the certification procedures, and ensuring all certified support calculators perform in a manner consistent with the Family Code and rules of court. In addition to substantive changes, the committee also proposes minor technical and grammatical changes.

Background

To assist parents, attorneys, and the courts in determining the correct support amount under California's complex child support guideline, various electronic calculators have been developed. However, Family Code section 3830 prohibits courts from using any software to assist in determining child support or spousal support unless it meets Judicial Council standards designed to ensure compliance with applicable statutes and rules of court.

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

Rule 5.275 sets forth standards as well as the requirements for the certification of support software. While parties, attorneys, and the courts are generally allowed to use any support calculator certified by the Judicial Council, rule 5.275(j) requires the use of the Department of Child Support Services' California Child Support Guideline Calculator (DCSS Calculator) in support actions involving the local child support agency.

The Judicial Council is required to test software submitted by developers to ensure it accurately calculates support and otherwise meets the standards provided in rule 5.275. In order to be certified for use by the courts, support calculator software must, among other things:

- Accurately compute each parent's net disposable income;[1]
- Calculate child support that is accurate to within 1 percent of the correct amount;[2] and
- Display, on the first page of the generated results, the range of the low-income adjustment permitted by Family Code section 4055(b)(7).[3]

Under rule 5.275(c), the Judicial Council's certification of a support calculator for use by the courts automatically expires one year from the date of its issuance, typically March 31. However, the council is authorized to provide for earlier expiration if the provisions involving the calculation of tax consequences change or other provisions involving the calculation of support change.[4] The Judicial Council also has discretion to require recertification if modifications are made to the software during the certification period.[5]

The Proposal

Recent amendments to rule 5.275

On December 12, 2025, the Judicial Council approved amendments to rule 5.275, without public comment, to allow courts and parties to use an alternate child support calculator in title IV-D child support actions (actions involving the local child support agency) to avoid the issuance of inaccurate child support orders resulting from DCSS's failure to update and submit its calculator for an out-of-cycle recertification review following retroactive changes made to federal tax law in 2025.[6] The amendments also authorized the Judicial Council to revoke certification in certain

[1] Cal. Rules of Court, rule 5.275(b)(1).

[2] Cal. Rules of Court, rule 5.275(b)(2).

[3] Cal. Rules of Court, rule 5.275(b)(6).

[4] Cal. Rules of Court, rule 5.275(c)(1).

[5] Cal. Rules of Court, rule 5.275(f).

[6] The amendments approved in December are highlighted in gray in the rule text attached at pages 10–15. The committee welcomes comments on this previously approved content (gray highlighting) in addition to the changes shown in underline and strikethrough. For a detailed discussion of the urgent circumstances that led to these amendments, see Judicial Council of Cal., Advisory Com. Rep., *Family Law: Certification and Use of Computer Software Used to Assist in Determining Support* (Nov. 25, 2025), *jcc.legistar.com/View.ashx?M=F&ID=14995251&GUID=08C83D34-171B-4EC8-9FA9-B01D63E1C43C*.

circumstances. The committee now seeks public comment on the amendments approved in December, which are summarized below.

Rule 5.275(c)

Rule 5.275(c)(1) allows the Judicial Council to advance an existing certification expiration date if there is a change in state or federal tax law that affects the calculation of tax consequences for the purposes of support. However, prior to the amendment that went into effect on December 13, 2025, the rule did not authorize the Judicial Council to revoke an existing certification for a calculator that has not been retested for accuracy when such a change occurs. To avoid ambiguity arising from a developer's failure to submit its calculator for retesting by a provided deadline, the Judicial Council took action to amend the rule to add language at subdivision (c) that allows the Judicial Council to revoke any calculator's certification if a developer fails to submit its calculator for review and testing, as requested by the council to ensure that the calculator continues to meet the accuracy standards under subdivision (b).[7]

Rule 5.275(j)

As a condition of federal funding of the child support program in California, the State of California, through DCSS, was required to develop a statewide automated case management system.[8] One of the requirements for the automated system is that it include an integrated child support calculator.[9] To be considered a statewide integrated computerized enforcement system, courts are required to use the DCSS Calculator in title IV-D support actions.[10]

In conformity with the federal mandate, rule 5.275(j) requires that the DCSS Calculator be used by the parties, attorneys, and courts in proceedings in which the local child support agency provides services. Before December 13, 2025, the rule was silent on what the parties, attorneys, and courts should do in the event DCSS fails to successfully renew its certification or the DCSS Calculator becomes inaccessible due to events such as a system outage. Given the complexity of the algebraic formula on which California's child support guideline is based, the inability of courts to use an alternate calculator in title IV-D actions due to the unavailability of the DCSS Calculator would significantly impair a court's ability to accurately, quickly, and efficiently establish or modify child support orders, contrary to state policy favoring timely and accurate

[7] Judicial Council staff would provide notice of the revocation to all court executive officers and presiding judges. A separate notice would also be sent directly to the AB 1058 child support commissioners if the revocation involved the DCSS Calculator. In addition, notice of the revocation would be provided on the California Courts public website that provides information about which calculators are certified and the status of their certification (*courts.ca.gov/programs-initiatives/families-and-children/family-law/ab-1058-child-support-program/guideline-support-calculators*).

[8] Family Support Act of 1988 (Pub.L. No. 100-485 (Oct. 13, 1988) 102 Stat. 2343); 42 U.S.C. §§ 602(a)(2), 654(16) & (24), 654a.

[9] 45 C.F.R. §§ 302.56, 302.85(a)(1), 307.10(b), 307.11; U.S. Dept. of Health & Human Services, Administration for Children and Families, Office of Child Support Services, *Automated Systems for Child Support Enforcement: A Guide for State*s (2017), p. 32, *acf.gov/sites/default/files/documents/ocse/certification_guide_2017_final.pdf*.

[10] 45 C.F.R. §§ 307.1(h), 30.10(b), 307.11.

support determinations.[11] To avoid this negative outcome, the Judicial Council approved an amendment to rule 5.275(j) that allows for the use of an alternate calculator when the certification of the DCSS Calculator has been revoked or Judicial Council staff determines that the DCSS Calculator is inaccessible for use.[12] The rule additionally provides that alternative certified software may be used until council staff notify the courts that the DCSS Calculator has been recertified or is available for use again. Rule 5.275(j)(1) was also amended to correct the name of the DCSS Calculator to the "Department of Child Support Services' California Child Support Guideline Calculator."

New proposed amendments

In addition to inviting comment on the prior amendments discussed above, the committee proposes amendments to rule 5.275 to:

- Require that guideline calculators display, as the basic guideline child support result, the lowest child support amount within the low-income adjustment range to ensure all certified support calculators perform in a manner consistent with the Family Code;
- Give Judicial Council staff the ability to grant a short extension of the certification expiration date in limited circumstances;
- Clarify that the Judicial Council's revocation authority applies when a calculator is not submitted for review and testing to ensure continued compliance with all standards under rule 5.275(b), not solely the 1 percent accuracy requirement;
- Authorize staff to require developers to submit their calculators for review when staff become aware, after certification, that a calculator is producing results inconsistent with the standards;
- Allow for the use of an alternate certified calculator in support actions involving the local child support agency when Judicial Council staff determines that review is necessary due to postcertification changes or discovered inaccuracies in the DCSS Calculator;
- Clearly identify actions that will be taken by council staff during the initial certification and recertification process.

Rule 5.275(b)(6)

Rule 5.275(b)(6) provides that one of the standards for computer software to assist in determining the appropriate amount of support is that "[t]he printout of the calculator results must display, on the first page of the results, the range of the low-income adjustment as permitted by Family Code section 4055(b)(7), if the low-income adjustment applies." The rule is silent, however, on which end of the range must be displayed on calculators as the basic guideline child support result.

[11] See Fam. Code, § 4250(a)(3).

[12] If the Judicial Council revokes the certification of the DCSS calculator or determines that the DCSS Calculator is "inaccessible," the council will follow the notification process used for revocations (see *supra* note 7), with a separate notice being sent directly to the AB 1058 child support commissioners, to notify the courts and public that an alternate calculator may be used until further notice.

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The guideline calculators vary in the basic child support amount displayed when the low-income adjustment applies: three calculators display the high end of the low-income adjustment range as the basic child support amount, while two calculators (including the currently uncertified DCSS Calculator) display the support amount at the lowest end of the range. Family Code section 4055(b)(7) provides that the low-income adjustment presumption applies to the lowest amount permitted for the adjustment. Therefore, the basic guideline child support amount displayed on the calculators should be the amount at the lowest end of the range.

To ensure support calculators correctly comply with the requirements of Family Code section 4055(b)(7), the committee proposes amending rule 5.275(b)(6) to include a requirement that a support calculator must, in its default setting, display the lowest child support amount within the low-income adjustment range as the basic guideline child support result. This amendment will also promote consistency among certified guideline calculators to avoid confusion.

The committee also proposes amending rule 5.275(b)(6) to replace "printout of the calculator results" with the phrase "generated calculator results." The change is necessary to update terminology to reflect the move away from paper to electronic documents.[13]

Rule 5.275(c)

Rule 5.275(c) currently provides for the expiration or revocation of a support calculator's certification. Although the certification of a support calculator typically expires within one year of its issuance, rule 5.275(c) gives the Judicial Council the authority to advance a certification expiration date or revoke a calculator's certification under certain circumstances. The Judicial Council does not, however, have the ability to extend the expiration date during recertification review even if circumstances would otherwise warrant an extension—for instance, when a developer is working diligently to correct an issue discovered by council staff during recertification review but the release of the corrected program and retesting cannot be completed by the existing expiration date.

Amending rule 5.275 to authorize Judicial Council staff to grant developers a short extension of the certification expiration date would benefit the courts and public because they would be able to continue to use their calculator of choice, rather than spend time becoming familiar with another support calculator program, when the recertification process for their usual calculator can be completed within an additional short amount of time with limited impact on the public and courts due to deviations in the support results.[14] Allowing a short extension would also

[13] The committee also recommends minor technical or grammatical changes in subdivisions (b)(1), (b)(4), (b)(6), (b)(8), (c)(1), and (d)(5).

[14] The committee acknowledges that this option would not have been viable in the recent situation concerning the DCSS Calculator due to the length of time DCSS was seeking an extension (six months from the time the retroactive federal tax changes for 2025 went into effect). That incident, however, illustrated the need for some flexibility in working with developers to ensure that accurate calculators can be made available to the courts and public in a timely manner during both out-of-cycle reviews and the annual recertification review that occurs in March.

provide a financial benefit to attorneys and the public because they could avoid the additional cost associated with purchasing a license for an alternate calculator.

To balance the benefit to be gained by an extension with the goal of ensuring that support obligations are being calculated accurately, the committee proposes that rule 5.275(c) be amended to authorize Judicial Council staff to grant an extension of the certification expiration date under two conditions: (1) the extension does not exceed 45 calendar days and (2) Judicial Council staff finds, after taking into consideration the extent of the inaccuracy and impact on the public and courts, that the developer is making reasonable efforts to correct any inaccuracies.[15]

The committee also proposes amending the Judicial Council's revocation authority under rule 5.275(c)(2) to allow the Judicial Council to revoke a certification if a developer fails to submit their calculator for review to ensure compliance with any of the standards under (b), and not just when the calculator fails to conform to the 1 percent accuracy standard required by (b)(2).

Rule 5.275(f)

The certification issued by the Judicial Council imposes a duty on support calculator developers to promptly notify the Judicial Council of all changes made to the calculator software during the certification period.[16] Rule 5.275(f) also authorizes the Judicial Council to require that a calculator be recertified after receipt of information concerning changes made to the software. The notice requirement and ability to require recertification due to a modification made to a calculator are essential to ensure that support calculators remain accurate after certification.

In the past, Judicial Council staff have on occasion received information from the courts and public regarding potential inaccuracies in results generated by certified support calculators. Because it is impossible to test for every possible scenario during recertification review, such information is invaluable to ensure continued accuracy. Rule 5.275 does not currently provide a mechanism for the council to require review and, if necessary, recertification of a calculator when council staff become aware that a calculator may be producing results inconsistent with the standards set by the council. The committee proposes amending rule 5.275(f) to add a new subdivision expressly authorizing Judicial Council staff to require that certified software be submitted for review and, if necessary, recertification when staff become aware that the calculator may be producing results inconsistent with the standards under subdivision (b), to ensure that the software continues to meet those standards.

Rule 5.275(j)(2)

As mentioned above, subdivision (j) was amended in December to ensure courts can continue to accurately establish or modify support orders in title IV-D actions without interruption and to

[15] If Judicial Council staff grants an extension, staff would follow the same notification process used for revocations (see *supra* note 7). The notice of extension would give the parties, attorneys, and the courts an opportunity to determine on a case-by-case basis whether to use the calculator to determine support as a permanent or temporary order, continue the matter, or use an alternate calculator pending completion of recertification review.

[16] Cal. Rules of Court, rule 5.275(f).

maintain the public's trust and confidence in the courts. Because modifications made to the DCSS Calculator or inaccuracies discovered after certification can affect the courts' ability to enter accurate support orders, the committee proposes amending rule 5.275(j)(2) to also allow for the use of an alternate certified calculator when Judicial Council staff determine that review under rule 5.275(f) is necessary.

General amendment for transparency

The committee also proposes amending various provisions in rule 5.275 to clearly identify actions that will be carried out by council staff. These clarifications reflect that Judicial Council staff are expressly authorized under the rule to develop internal testing scenarios and determine accuracy under subdivision (b)(2); provide for earlier expiration under subdivision (c)(1); grant limited extensions under subdivision (c)(3); request, under subdivision (d)(5), that a developer provide a new statement of certified public accountant as often a necessary to ensure accuracy of the calculator; require postcertification review under subdivision (f); request that a developer explain discrepancies in calculation results before denying certification under subdivision (h); and determine accessibility or review status for purposes of subdivision (j). The committee believes this amendment will further foster transparency in the process related to the certification and recertification of guideline calculators.

Alternatives Considered

The committee did not consider the alternative of taking no action with regard to the amendments approved by the Judicial Council on December 12, 2025. With regard to rule 5.275(b)(6), the committee considered not recommending a change to the rule since the low-income range is required to be displayed on the generated calculator results. However, the committee recently became aware that some inconsistency exists among the certified calculators in what is displayed as the basic child support amount. Because some support calculators incorrectly display the amount at the high end of the low-income adjustment range as the basic child support amount, the committee determined that action must be taken to ensure calculators properly comply with Family Code section 4055(b)(7). Taking no action would perpetuate inconsistency in results among the calculators and continue to foster confusion.

Understanding that a developer would only need an extension if the calculator were operating outside the standards established by the council, the committee considered whether the rule should provide a cap on a range of inaccuracy for an extension to be granted. (The committee considered something less than a 2.5 percent difference from the correct amount.) The committee decided, however, to leave the determination of whether an extension should be granted to the discretion of Judicial Council staff, as the impact of a calculator's inaccuracy can vary widely based on the circumstances and, therefore, should be considered by council staff as a whole before deciding to grant an extension. Moreover, since the public and the courts would be given notice of any extension granted to a calculator developer, a determination can also be made on a case-by-case basis of whether it is prudent to utilize the calculator and what, if any, steps need to be taken to minimize any negative impact.

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The committee considered only proposing the amendment to rule 5.275(b)(6) to clarify the requirements in the Family Code related to application of the low-income adjustment and to add the extension provision to rule 5.275(c). However, council staff occasionally receive information from the courts and public regarding potential inaccuracies in results generated by certified support calculators. The rule currently lacks a provision that would require developers to take immediate steps to correct discovered inaccuracies. The committee, therefore, determined that action should be taken to propose an amendment to rule 5.275(f) that would allow staff to require a calculator be submitted for postcertification review and possible recertification when potential inaccuracies come to the attention of Judicial Council staff.

The committee also considered whether rule 5.275(b)(5) should be amended to require that the generated calculator results display the amount ordered for additional support and the allocation percentage between parents for additional support. The Judicial Council's family law judgment and order forms currently give the courts the option of entering an amount or the allocation percentage for additional support, so the committee determined that having both displayed on the calculator results may be helpful to calculator users. However, before proposing to amend rule 5.275(b)(5) to require that both figures for additional support be displayed on the generated results, the committee decided to first seek specific public comment regarding the need for such an amendment.

Fiscal and Operational Impacts

Many courts utilize at least one certified commercial support calculator in addition to the DCSS Calculator. The committee anticipates no fiscal or operational impacts on the courts by the proposed amendments other than the possible need to train court staff in the use of an alternate calculator if one of the calculators typically utilized by the courts becomes unavailable under the provisions of rule 5.275.

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Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Would an express requirement in subdivision (b)(5) that the guideline calculators display both the amount and apportionment percentages for additional support on the generated calculator results be helpful to users? If so, please explain.

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

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

Attachments and Links

1. Cal. Rules of Court, rule 5.275, at pages 10–15
2. Link A: Fam. Code, § 4055, *leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM&sectionNum=4055*
3. Link B: Fam. Code, § 3830, *leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=9.&title=&part=1.&chapter=9.&article=*
4. Link C: Fam. Code, § 4059, *leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM&sectionNum=4059*

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Rule 5.275 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 5.275. Standards for computer software to assist in determining support

(a) Authority

This rule is adopted under Family Code section 3830.

(b) Standards

The standards for computer software to assist in determining the appropriate amount of child or spousal support are:

(1) The software must accurately compute the net disposable income of each parent as follows:

(A) Permit entry of the "gross income" of each parent as defined by Family Code section 4058;

(B) Either accurately compute the state and federal income tax liability under Family Code section 4059(a) or permit the entry of a figure for this amount; this figure, in the default state of the program, must not include the tax consequences of any spousal support to be ordered;

(C) Ensure that any deduction for contributions to the Federal Insurance Contributions Act or as otherwise permitted by Family Code section 4059(b) does not exceed the allowable amount;

(D) Permit the entry of deductions authorized by Family Code ~~sections~~ section 4059(c) through (f); and

(E) Permit the entry of deductions authorized by Family Code section 4059(g) (hardship) while ensuring that any deduction subject to the limitation in Family Code section 4071(b) does not exceed that limitation.

(2) The software must calculate a child support amount, using its default settings, that is accurate to within 1 percent of the correct amount. To determine the accuracy of the software, ~~the~~ Judicial Council staff will develop scenarios for internal use to test the software, calculate the correct amount of support for each scenario, and then calculate the amount for each scenario using the software program. Each person seeking certification of software must supply a copy of the software to the Judicial Council. If the Judicial Council does not have the computer hardware or operating system necessary to use and test the

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software, the person seeking certification of the software must make available to the Judicial Council any hardware or operating system required to use and test the software. The person seeking certification must also grant or obtain all licenses necessary for the Judicial Council to use and test the software. The Judicial Council may delegate the responsibility for the calculation and determinations required by this rule.

(3) The software must contain, either on the screen or in written form, a glossary defining each term used on the computer screen or in printed hard copy produced by the software.

(4) The software must contain, either on the screen or in written form, instructions for the entry of each figure that is required for computation of child support using the default setting of the software. These instructions must include but ~~not be limited to~~ are not limited to the following:

(A) The gross income of each party as provided for by Family Code section 4058;

(B) The deductions from gross income of each party as provided for by Family Code section 4059 and (b)(1) of this rule;

(C) The additional items of child support provided for in Family Code section 4062;

(D) The factor rebutting the presumptive guideline amount under Family Code section 4057(b)(2) (deferred sale of residence); and

(E) The income of a subsequent partner as provided for in Family Code section 4057.5.

(5) In making an allocation of the additional items of child support under (b)(4)(C) of this rule, the software must, as its default setting, allocate the expenses for each additional item of child support to each parent in proportion to the parents' net incomes, as adjusted under Family Code section 4061(c) and (d). The software must also provide, in an easily selected option, an alternative allocation of the expenses as provided for by Family Code section 4061(a).

(6) The ~~printout of the~~ generated calculator results must display, on the first page of the results, the range of the low-income adjustment as permitted by Family Code section 4055(b)(7), if the low-income adjustment applies. If the software generates more than one report of the calculator results, the range of

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the low-income adjustment ~~only~~ must be displayed on the report that includes the user inputs. The calculator must also, in its default setting, display the lowest child support amount within the low-income adjustment range as the basic guideline child support result.

(7) The software or a license to use the software must be available to persons without restriction based on profession or occupation.

(8) The sale or donation of software or a ~~license to use the~~ software license to a court or a judicial officer must include a license, without additional charge, ~~to the court or judicial officer~~ to permit an additional copy of the software to be installed on a computer to be made available by the court or judicial officer to members of the public.

(c) Expiration, ~~or~~ revocation, or extension of certification

(1) Any certification provided by the Judicial Council under Family Code section 3830 and this rule must expire one year from the date of its issuance unless another expiration date is stated in the certification. ~~The~~ Judicial Council staff may provide for earlier expiration of a certification if:

(A) The provisions involving the calculation of tax consequences change; or

(B) Other provisions involving the calculation of support change.

(2) The Judicial Council may revoke any certification provided if a calculator is not submitted, as requested, for review and testing to ensure ~~its accuracy~~ it continues to meet the standards under (b)~~(2)~~.

(3) Judicial Council staff may grant an extension of the certification expiration date of no more than 45 calendar days for any calculator if council staff find, taking into consideration the extent of the inaccuracy and impact on the public and courts, that the developer is making reasonable efforts to correct any inaccuracies.

(d) Statement of certified public accountant

If the software computes the state and federal income tax liability as provided in (b)(1)(B) of this rule, the application for certification, whether for original certification or for renewal, must be accompanied by a statement from a certified public accountant that:

(1) The accountant is familiar with the operation of the software;

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(2) The accountant has carefully examined, in a variety of situations, the operation of the software in regard to the computation of tax liability;

(3) In the opinion of the accountant the software accurately calculates the estimated actual state and federal income tax liability consistent with Internal Revenue Service and Franchise Tax Board procedures;

(4) In the opinion of the accountant the software accurately calculates the deductions under the Federal Insurance Contributions Act (FICA), including the amount for social security and for Medicare, and the deductions for California State Disability Insurance and properly annualizes these amounts; and

(5) States which calendar year the statement includes and ~~must~~ clearly indicates any limitations on the statement. ~~The~~ Judicial Council staff may request a new statement as often as ~~it determines~~ necessary for the Judicial Council to ensure accuracy of the tax computation.

(e) Renewal of certification

At least three months prior to the expiration of a certification, a person may apply for renewal of the certification. The renewal must include a statement of any changes made to the software since the last application for certification. Upon request, the Judicial Council will keep the information concerning changes confidential.

(f) Modifications to the software and postcertification review

(1) The certification issued by the Judicial Council under Family Code section 3830 and this rule imposes a duty on the person applying for the certification to promptly notify the Judicial Council of all changes made to the software during the period of certification. Upon request, the Judicial Council will keep the information concerning changes confidential. ~~The~~ Judicial Council staff may, after receipt of information concerning changes, require that the software be recertified under this rule.

(2) If Judicial Council staff becomes aware that a certified calculator may be producing results inconsistent with the standards for support calculators, council staff may require that the software be submitted for review and, if necessary, recertification to ensure the software continues to meet the standards under (b).

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(g) Definitions

As used in this chapter:

(1) "Software" refers to any program or digital application used to calculate the appropriate amount of child or spousal support.

(2) "Default settings" refers to the status in which the software first starts when it is installed on a computer system. The software may permit the default settings to be changed by the user, either on a temporary or a permanent basis, if (1) the user is permitted to change the settings back to the default without reinstalling the software, (2) the computer screen prominently indicates whether the software is set to the default settings, and (3) any printout from the software prominently indicates whether the software is set to the default settings.

(3) "Contain" means, with reference to software, that the material is either displayed by the program code itself or is found in written documents supplied with the software.

(h) Explanation of discrepancies

Before the Judicial Council denies a certificate because of failure to comply with the standards in (b)(1) or (b)(2) of this rule, ~~the~~ Judicial Council staff may request the person seeking certification to explain the differences in results.

(i) Application

A person seeking certification of software must apply in writing to the Judicial Council.

(j) Acceptability in the courts

(1) In all actions for child or family support brought by or otherwise involving the local child support agency under title IV-D of the Social Security Act, the Department of Child Support Services' California Child Support Guideline Calculator software program must be used by:

(A) Parties and attorneys to present support calculations to the court; and

(B) The court to prepare support calculations.

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(2) In the event the certification of the California Child Support Guideline Calculator is revoked under (c) or the calculator is determined by Judicial Council staff to be inaccessible or requires review under (f), the parties, attorneys, and court may use an alternate software program certified by the Judicial Council until the courts are notified by Judicial Council staff that the California Child Support Guideline Calculator has been recertified or is available for use again.

(3) In all nontitle IV-D proceedings, the court may use and must permit parties or attorneys to use any software certified by the Judicial Council under this rule.

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Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Juvenile Law: Revise Forms to Request Change to Court Order

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rule 5.570; revise forms JV-180 and JV-183; revoke form JV-740

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)*:*
Lizette Perez, 415-865-7590, lizette.perez@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: The committee will develop a recommendation to revise Request to Change Court Order (form JV-180) and Court Order on Form JV-180, Request for Court Order (form JV-183) to apply to Welfare and Institutions Code section 388 petitions improperly filed before disposition. Additionally, this proposal will review rule 5.570 to conform with concerns raised in In re L.M. (2025) A171105 (pending publication) regarding the courts' obligation to give special consideration to the views of a presumed fit parent.

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

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.) In the development of this proposal, the committee has added the revocation of form JV-740 Petition to Modify, Change, or Set Aside Previous Orders -- Change of Circumstances, as part of the update to these forms. Additionally, the committee decided to not move forward with amendments to rule 5.570 related to concerns raised by In re L.M. regarding special consideration to the views of a presumed fit parent at this time. The remaining amendments to rule 5.570 relate to the revisions to the forms to request a change to a court order.

Information for JC staff

☒ EGG reviewed on *(date):* 1/2/2026

☒ Office director (or designee) reviewed on *(date):* 1/12/2025 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-23

Title
Juvenile Law: Requests to Change Court Order

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 5.570; revise forms JV-180 and JV-183; revoke form JV-740

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Lizette Perez, 415-865-7590
lizette.perez@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes amending a rule of court, revising two forms, and revoking one form. The proposal would revise *Request to Change Court Order* (form JV-180) and *Court Order on Form JV-180,* Request to Change Court Order (form JV-183) to ask whether dependency or wardship has been declared, and to allow the court to indicate that a Welfare and Institutions Code section 388 or 778 petition is being denied on the grounds that a dependency or wardship has not yet been declared, respectively. The committee also proposes amending rule 5.570 of the California Rules of Court to mirror those proposed additions to the forms. Since rule 5.570 and JV-180 apply to both dependents and wards, the committee further proposes amending the rule to require the use of form JV-180 for petitions filed under section 778, and revoking *Petition to Modify, Change, or Set Aside Previous Order—Change of Circumstances* (form JV-740), which would no longer be necessary.

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

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Background

This proposal responds to concerns about Welfare and Institutions Code section 388 petitions improperly filed before disposition and the absence of corresponding fields on *Request to Change Court Order* (form JV-180) and *Court Order on Form JV-180*, Request for Court Order (form JV-183). A section 388 petition allows anyone who has an interest in a dependent child or nonminor dependent to request to change, modify, or set aside a previous court order based on the grounds of a change of circumstances or new evidence. Although section 388 applies only to "a child who is a dependent child of the juvenile court," some parties file section 388 petitions before dependency has been declared at disposition. While these petitions should be automatically denied without a hearing because dependency has not yet been declared, forms JV-180 and JV-183 do not include an option that allows a judicial officer to expressly make this finding.

Similarly, a petition under section 778 applies to any person having an interest in a child who is a ward to change, modify, or set aside any previous court order on grounds of a change of circumstances or new evidence. Although form JV-180 applies to dependents and wards, *Petition to Modify, Change, or Set Aside Previous Order—Change of Circumstances* (form JV-740), applicable to wards, is also available for optional use.

The Proposal

This proposal is responsive to identified concerns and is intended to create efficiencies in addressing section 388 and 788 petitions.

The committee proposes adding a new paragraph under rule 5.570(a), Contents of petition (§§ 388, 778), to require that the petition state "whether dependency or wardship has been declared" to mirror the addition to form JV-180. The proposal would also add a corresponding denial reason under rule 5.570(d), Denial of hearing.

The proposal would also amend rule 5.570(b) to require the use of form JV-180 for petitions filed under section 778 and revoke *Petition to Modify, Change, or Set Aside Previous Order—Change of Circumstances* (form JV-740) as no longer relevant because rule 5.570 and form JV-180 apply to both dependents and wards.

Finally, the committee recommends revising form JV-180 to add a new item 1 titled "Current Juvenile Court Status" and to add a denial reason to form JV-183 in new item 2a to enable a judicial officer to deny a section 388 or section 778 petition because "dependency or wardship has not yet been declared."

Alternatives Considered

The committee considered not changing the rule or forms but leaving them as is would not address the improper usage and ambiguity.

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The committee also considered whether item 1 on JV-180 should ask for the date dependency or wardship was declared. There were concerns that this may not be something a user would be able to provide. The committee considered adding "if known" after the date requested or asking for the disposition hearing date instead. Ultimately, the committee decided not to request any date information. Instead, it revised the question to a yes-or-no format and added a notice stating that the form cannot be used if dependency or wardship has not been declared. After further review, committee staff concluded that a strict yes-or-no question could effectively bar someone from using the form if they selected "no," which could lead to confusion and frustration. To avoid that result, the proposed revision to item 1 provides an affirmative option and an "I'm not sure" option. It also includes two warnings explaining that the form may only be used after dependency or wardship has been declared.

The committee further considered whether to retain *Petition to Modify, Change, or Set Aside Previous Orders—Change of Circumstances* (form JV-740) in light of the recommended changes to forms JV-180 and JV-183. Further, the committee considered not amending rule 5.570(b) to require the use of form JV-180 for petitions filed under section 778.

The committee requests specific comments on these issues.

Fiscal and Operational Impacts

The proposed changes may reduce improper filings. Juvenile courts would need to provide education and training for judicial officers and court staff regarding the changes to the forms. There may be costs associated with reproducing the new forms.

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Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Should rule 5.570(b) not be amended to include that petitions filed under section 778 must be made on form JV-180? (*Please explain your answer.*)
- Should *Petition to Modify, Change, or Set Aside Previous Orders—Change of Circumstances* (form JV-740) not be revoked? (*Please explain your answer.*)

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

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

Attachments and Links

1. Cal. Rules of Court, rule 5.570, at pages 5–6
2. Forms JV-180, JV-183, and JV-740, at pages 7–13

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Rule 5.570 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 5.570. Request to change court order (petition for modification)

(a) Contents of petition (§§ 388, 778)

A petition for modification must be liberally construed in favor of its sufficiency. The petition must be verified and, to the extent known to the petitioner, must contain the following:

(1) The name of the court to which the petition is addressed;

(2) The title and action number of the original proceeding;

(3) The name and age of the child, nonminor, or nonminor dependent;

(4) The address of the child, nonminor, or nonminor dependent, unless confidential under (c);

(5) The name and address of the parent or guardian of the child or nonminor;

(6) Confirmation that dependency or wardship has been declared;

~~(6)~~(7) The date and general nature of the order sought to be modified;

~~(7)~~(8) A concise statement of any change of circumstance or new evidence that requires changing the order or, for requests under section 388(c)(1)(B), a concise statement of the relevant action or inaction of the parent or guardian;

~~(8)~~(9) A concise statement of the proposed change of the order;

~~(9)~~(10) A statement of the petitioner's relationship or interest in the child, nonminor, or nonminor dependent, if the petition is made by a person other than the child, nonminor, or nonminor dependent; and

~~(10)~~(11) A statement whether or not all parties agree to the proposed change.

(b) 388 and 778 petitions

Once dependency or wardship has been declared, a petition under Welfare and Institutions Code section 388 or 778 must be made on ~~form~~ *Request to Change Court Order* (form JV-180).

(c) * * *

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(d) Denial of hearing

The court may deny the petition without a hearing (ex parte) if:

(1) The petition was filed before dependency or wardship has been declared.

~~(1)~~(2) The petition filed under section 388(a) or section 778(a) fails to state a change of circumstance or new evidence that may require a change of order or termination of jurisdiction or fails to show that the requested modification would promote the best interest of the child, nonminor, or nonminor dependent.

~~(2)~~(3) The petition filed under section 388(b) fails to demonstrate that the requested modification would promote the best interest of the dependent child;

~~(3)~~(4) The petition filed under section 388(b) or 778(b) requests visits with a nondependent child and demonstrates that sibling visitation is contrary to the safety and well-being of any of the siblings;

~~(4)~~(5) The petition filed under section 388(b) or 778(b) requests visits with a nondependent sibling who remains in the custody of a mutual parent who is not subject to the court's jurisdiction; or

~~(5)~~(6) The petition filed under section 388(c) fails to state facts showing that the parent has failed to visit the child or that the parent has failed to participate regularly and make substantive progress in a court-ordered treatment plan or fails to show that the requested termination of services would promote the best interest of the child.

(e)–(k) * * *

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JV-180 Request to Change Court Order

Clerk stamps date here when form is filed.

DRAFT
Not approved by the Judicial Council
JV-180 2026-03-09 AD-LP-v6

Use this form to ask the court to change an order, dismiss your case, terminate reunification services, or recognize your relationship with your sibling. After you complete the form, file it with the court clerk.

STOP You **cannot** use this form if a court has not declared a child dependent or a ward of the court at a disposition hearing.

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name:

Name of Child:

Clerk fills in case number when form is filed.

Case Number:

1 Current juvenile court status *(check one):*

- ☐ The court has declared dependency or wardship.
- ☐ I am unsure whether the court has declared dependency or wardship. *(If dependency or wardship has not been ordered, you cannot use this form.)*

2 Your information:

a. I am the *(check one):*

☐ child ☐ parent ☐ legal guardian ☐ foster parent
☐ sibling or other relative *(specify):* _____
☐ social worker ☐ probation officer ☐ attorney
☐ other _____

b. My name: _____

c. My address: _____

d. My city, state, zip code: _____

e. My telephone number: _____

f. *If you are an attorney:*

My client's name: _____
My client's address *(if confidential, see item 4):*
_____
_____
My client's relationship to the child: _____
My State Bar number: _____

3 Type of request *(check the appropriate box or boxes below and add specific details in items 7–10, as applicable):*

a. ☐ I am asking the court to change an order.

b. ☐ I am asking the court to terminate its jurisdiction.

c. ☐ I am asking the court to terminate reunification services.

d. ☐ I am asking the court to order that reunification services be resumed for six months.

e. ☐ I am asking the court to recognize my relationship with my sibling(s).

(1) I am related to my sibling(s) through *(name of parent):*

(2) I am related to my sibling(s) ☐ by blood or adoption ☐ by marriage.

Name of child: _____

Case Number:

4 *If you want to keep your address or your client's address confidential, fill out* Confidential Information (Request to Change Court Order) *(form JV-182), and do not write the address on this form.*

☐ *Check here if form JV-182 is attached.*

5 Child's information:

a. Name: _____

b. Date of birth: _____

c. Attorney *(if known):* _____

d. The child lives with or in a *(check all that apply):*

☐ parent ☐ legal guardian ☐ relative

☐ foster home ☐ group home ☐ I don't know

e. Name of the person the child lives with or the place where they live: _____

Address: _____

☐ *Check here if unknown.*

6 Information about parents, legal guardians, and others:

a. Names of parents or legal guardians:

_____

☐ *(Check here if unknown.)*

b. Address of parent/legal guardian: _____

☐ *(Check here if unknown.)*

c. Address of parent/legal guardian: _____

☐ *(Check here if unknown.)*

d. Indian tribe *(if applicable and known):* _____

e. CASA volunteer *(if applicable and known):* _____

f. Educational rights holder *(if applicable and known):* _____

g. Social worker or probation officer *(if applicable and known):* _____

If you are asking the court to recognize your relationship with your sibling but not asking the court to change an order, you may skip to item 9.

Name of child: _____

Case Number:

7 On *(date, if known):* _____ the judge made the following order that you think should be changed:

8 What has happened since that order that might change the judge's mind? *(Give new information that the judge did not have when the order was made):*

9 What new order or orders do you want the judge to make now?

10 Why would the requested order or action be better for the child?

11 ☐ *Check here if you need more space for any of the answers. Attach a sheet of paper and write "JV-180" at the top of the page.*

Number of pages attached: _____

Name of child: _____

Case Number:

12 I have had a copy of my request sent to the people listed below, as applicable. I have checked the correct box to the right of each name to show whether, as far as I know, that person agrees with my request.

If you do not have an attorney, the clerk will send notice and copies of your request to all persons required to receive notice under Welfare and Institutions Code sections 297 and 386 and rules 5.524 and 5.570 of the California Rules of Court.

	Name	Agree	Disagree	Don't Know	Not Applicable
Child *(if 10 years old, or older)*:		☐	☐	☐	☐
Child's attorney:		☐	☐	☐	☐
Parent:		☐	☐	☐	☐
Parent:		☐	☐	☐	☐
Legal guardian:		☐	☐	☐	☐
Legal guardian:		☐	☐	☐	☐
Social worker:		☐	☐	☐	☐
Probation officer:		☐	☐	☐	☐
Current caregiver/foster parent:		☐	☐	☐	☐
Preadoptive parent:		☐	☐	☐	☐
CASA volunteer:		☐	☐	☐	☐
Educational rights holder:		☐	☐	☐	☐
Indian tribe:		☐	☐	☐	☐
Indian custodian:		☐	☐	☐	☐
Sibling *(if petition filed & 10+ years old)*:		☐	☐	☐	☐
Sibling's caregiver:		☐	☐	☐	☐
Sibling's attorney:		☐	☐	☐	☐
Attorney for parent/legal guardian:		☐	☐	☐	☐
Attorney for parent/legal guardian:		☐	☐	☐	☐
County counsel:		☐	☐	☐	☐
District attorney:		☐	☐	☐	☐
Other:		☐	☐	☐	☐

13 You can ask the judge to make a decision without a court hearing if all the people named above agree with your request. ☐ *Check here if you want a decision without a hearing.*

14 If anyone disagrees with your request, please explain why *(if known)*:

_____

_____

_____

_____

15 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct to the best of my knowledge.

Date:

_____ ▶ _____

Type or print name | Signature

JV-183 Court Order on Form JV-180, *Request to Change Court Order*

Clerk stamps date here when form is filed.

DRAFT
Not approved by the Judicial Council
JV-183 2026-02-26 AD-LP-v4

The court will complete this form after reviewing form JV-180 (*Request to Change Court Order*) and either grant the request, deny the request, or set a hearing on the request.

After reading and considering form JV-180 (*Request to Change Court Order*) filed by:

Name: _____

on *(date)*: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name.

Name of Child or Nonminor dependent:

Clerk fills in case number when form is filed.

Case Number:

The Court Finds and Orders

1 ☐ All parties and attorneys agree to the request. The request is granted

a. ☐ as requested in item 9 of form JV-180.

b. ☐ as follows *(state specific modifications)*:

_____

_____

_____

_____

2 The request is denied because

a. ☐ dependency or wardship has not yet been declared.

b. ☐ the request is not signed.

c. ☐ the request does not state new evidence or a change of circumstances.

d. ☐ the proposed change of order, recognition of sibling relationships, or termination of jurisdiction does not promote the best interest of the child.

e. ☐ the request is for sibling visitation with a dependent of the court and the proposed change of order does not promote the best interest of the child.

f. ☐ the request is for sibling visitation with a nondependent of the court and the proposed change of order is contrary to the safety or well-being of one or more of the siblings.

g. ☐ the request is for sibling visitation with a nondependent of the court who remains in the custody of a mutual parent who is not subject to this court's jurisdiction.

h. ☐ Other *(state the specific reason)*:

_____

_____

_____

_____

3 The court orders a hearing on whether the court should grant or deny an evidentiary hearing. The hearing will take place on *(date):* _____ at *(time):* _____ *(circle one)* a.m./p.m. in department _____ of the Superior Court of _____ County located at _____

4 The court orders a hearing on the form JV-180 request because the best interest of the child may be promoted by the request. The hearing will take place on *(date):* _____ at *(time):* _____ *(circle one)* a.m./p.m. in department _____ of the Superior Court of _____ County located at _____

Date: _____

▶ _____
Judicial officer

CHILD'S NAME:

CASE NUMBER:

PETITION TO MODIFY, CHANGE, OR SET ASIDE PREVIOUS ORDERS—CHANGE OF CIRCUMSTANCES

1. The child is a ward of the court under Welfare and Institutions Code section ☐ 601 ☐ 602
2. Petitioner is the
   a. ☐ parent
   b. ☐ legal guardian
   c. ☐ probation officer
   d. ☐ adult relative (state relationship):
   e. ☐ attorney for the child
   f. ☐ child
   g. ☐ other interested person *(describe interest):*
3. Petitioner alleges the following changes of circumstances or new evidence regarding the child *(describe changes, numbering each change or new evidence):*
   ☐ See Attachment 3 for further grounds.
4. Petitioner requests the following modifications of prior orders:
5. Petitioner requests that the court order a hearing to be held on *(date):* at *(time):* and cause notice to be given to persons prescribed by law.

THE COURT FINDS AND ORDERS

6. Petition to modify, change, or set aside previous order filed *(date):*
   a. ☐ is denied.
   b. ☐ states a change of circumstances or new evidence.
   c. ☐ is agreed to by all parties and attorneys of record.
7. ☐ It appears that the best interest of the child may be promoted by the proposed modification.
8. ☐ The petition for modification is granted
   a. ☐ as requested in item 4.
   b. ☐ as follows *(state specific modifications):*
   ☐ Continued in Attachment 8b.
9. ☐ Other orders
10. ☐ **The matter is set for hearing**

on *(date):*	at *(time):*	in Dept.:	Room:

Date:

JUDICIAL OFFICER

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

Form Approved for Optional Use
Judicial Council of California
JV-740 [Rev. January 1, 2012]

Welfare and Institutions Code, § 600 et seq.;
Cal. Rules of Court, rule 5.504
www.courts.ca.gov

REVOKED January 1, 2027

Item number: 24

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Juvenile Law: Record Sealing Forms

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rules 5.830, 5.840, and 5.860; approve forms JV-920 and JV-921; revise forms JV-591, JV-592, JV-595-INFO, and JV-596-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: New project item 2 (p.10): Create a court form to seal juvenile records in accordance with Welfare and Institutions Code section 788, to implement Assembly Bill 1877 (Jackson) Juveniles: sealing records (Stats. 2024, ch. 811), which requires county probation officers to petition the court to seal juvenile records once a person who was the subject of a petition or cited to appear before a probation officer has reached 18 years of age, has not been convicted of a felony or of any misdemeanor involving moral turpitude, and who has attained rehabilitation to the satisfaction of the court. This project would also revise form JV-590, the order sealing the records, to incorporate orders made pursuant to Welfare and Institutions Code section 788.

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

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):* 3/2/26

☒ Office director (or designee) reviewed on *(date):* 3/4/2026 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-24

Title
Juvenile Law: Record Sealing Rules and Forms

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rules 5.830, 5.840, and 5.860; approve forms JV-920 and JV-921; revise forms JV-591, JV-592, JV-595-INFO, and JV-596-INFO

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Tony Cheng, 415-865-4268
tony.cheng@jud.ca.gov

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Executive Summary and Origin

Assembly Bill 1877 (Jackson; Stats. 2024, ch. 811) added section 788 to the Welfare and Institutions Code. Under the new section, county probation officers are required to initiate the record sealing process for individuals 18 years of age or older upon termination of juvenile court delinquency jurisdiction. The Family and Juvenile Law Advisory Committee proposes amending three rules, approving two new forms, and revising four existing forms to implement AB 1877.

Background

Before AB 1877, the juvenile record sealing process was primarily governed by sections 781, 786, and 786.5 of the Welfare and Institutions Code. Under these sections, a preliminary finding that "rehabilitation has been attained to the satisfaction of the court" (section 781) or that the youth "satisfactorily" completed either a term of juvenile probation (section 786) or informal

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diversion[1] (section 786.5) is required for a record sealing request to be granted. Section 788[2] adds an additional method to seal juvenile records for persons 18 years of age and older.

In cases where a petition has been filed "to commence proceedings to adjudge a person a ward of the court," section 788 requires the county probation officer to petition the court to seal the person's records once the person has reached 18 years of age, if the person will not remain under delinquency jurisdiction. Under this circumstance, the probation officer is required to immediately request the court "to seal the records relating to the person's case that are in custody of the juvenile court, probation officer, law enforcement agency, or any other private or public agency." (§ 788(a)(1).) The probation officer is also required to provide a copy of the request to the person and their counsel at least 30 days prior to filing it and to the prosecuting attorney at least 15 days prior. (§§ 788(a)(1), (j).)

If the person will remain under the court's delinquency jurisdiction after they have reached 18 years of age, the probation officer is required to submit the same request to the court no later than one year after the termination of jurisdiction. (§ 788(a)(2).)

The court must grant the request to seal as long as the person has not been convicted of a felony or a misdemeanor involving moral turpitude after the juvenile court's jurisdiction was terminated. (§ 788(c).) The court finding that the person has achieved rehabilitation (section 781) or satisfactorily completed a term of juvenile probation (section 786) is not required for a request for sealing under section 788 to be granted. Once sealing is granted, "the proceedings of the sealed case shall be deemed never to have occurred and the person may properly reply accordingly to any inquiry about the events." (§ 788(d).)

The Proposal

To implement AB 1877, the Family and Juvenile Law Advisory Committee proposes amending rules 5.830, 5.840, and 5.860. The committee also proposes approving two new forms, *Request to Seal Juvenile Records—Welfare and Institutions Code Section 788* (form JV-920) and *Order on Request to Seal Juvenile Records—Welfare and Institutions Code Section 788* (form JV-921), and revising four existing forms, *Acknowledgment of Juvenile Record Sealed* (form JV-591), *Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-592), *How to Ask the Court to Seal Your Records* (form JV-595-INFO), and *Sealing of Records Upon Successful Completion of Probation* (form JV-596-INFO). The committee's proposal is described in detail below.[3]

[1] Because this proposal addresses record sealing following completion of probation, the sealing of diversion records under section 786.5 is not further discussed.

[2] Unless otherwise indicated, all statutory citations are to the Welfare and Institutions Code.

[3] The committee also proposing replacing gendered language and using "must" instead of "shall" to confirm with Judicial Council style guidelines.

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Rule 5.830, Sealing records (§ 781)
Rule 5.830(a)(2) sets forth the procedure for sealing records under section 781. The committee proposes updating the subdivision to state that forms JV-595 and JV-595-INFO must be provided when records are not sealed "under section 786 or 788," instead of only "under section 786." Similarly, it proposes the same revision to state that form JV-596-INFO must be given if records are sealed under either section because records may now be sealed whether probation was successfully completed or not. Lastly, the proposal renames JV-596-INFO from *Sealing of Records for Satisfactory Completion of Probation* to *Sealing of Records After Completion of Probation* to reflect that the form should be provided after sealing under either section.

Rule 5.840, Dismissal of petition and sealing of records (§ 786)
Rule 5.840 sets forth the statutory procedure for sealing juvenile records under section 786. For the reasons set forth above, the committee recommends that subdivision (e) of the rule be amended to change the title of form JV-596-INFO from *Sealing of Records for Satisfactory Completion of Probation* to *Sealing of Records After Completion of Probation.*

Rule 5.860, Prosecuting attorney request to access sealed juvenile case files
Rule 5.860 sets forth the statutory procedure a prosecuting attorney may use to request access to sealed juvenile records when the attorney has reason to believe that accessing, inspecting, or utilizing those records may be necessary to discharge a duty to disclose favorable or exculpatory evidence to a defendant in a criminal case. The rule applies to records sealed under Penal Code section 851.7, section 781, section 786, or section 793. Because section 788 includes the same provision, the committee proposes amending the rule to include a reference to section 788 as well.

Request to Seal Juvenile Records—Welfare and Institutions Code Section 788
(form JV-920)
The committee proposes new form JV-920 as an optional form for county probation departments to petition the court to seal juvenile records under section 788. The committee recommends the form be optional so that probation departments may develop their own petitions should they wish to do so.

- Item 1 is for the name of the probation officer making the request to seal juvenile records.
- Item 2 is for the officer to specify information about the person whose records are to be sealed.
- Item 3 states the required factors for the records to be eligible for sealing under section 788. (§ 788(c).)
- Item 4 is for the officer to specify the records they request to be sealed. The form requires the officer to indicate the petition/case number of the records, the arresting agency, the incident number, the offense date (or dates if the offense occurred on more than one date), and the violations alleged for each record requested to be sealed.

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- Item 5 is for the officer to specify which agencies are in possession of the records being requested to be sealed.
- Item 6 states that the notice requirements in section 788 have been complied with. (§§ 788(a)(1), (j).)
- Item 7 is for the officer to indicate how many pages of attachments, if any, are attached to the request for sealing.
- The officer is required to sign the form under penalty of perjury.

Order on Request to Seal Juvenile Records—Welfare and Institutions Code Section 788 **(form JV-921)**

The committee proposes new form JV-921 as an optional form for a juvenile court to order sealing of records under section 788. The form can be used to grant or deny a request to seal and explain the court's reasoning for denying the request. The committee recommends the form be optional so that juvenile courts may develop their own forms or processes should they wish to.

- Item 1 is for the name of the probation officer making the sealing request on behalf of the person whose records have been requested to be sealed.
- Item 2 is for information about the person whose records are to be sealed.
- Item 3 is to memorialize the date and location of any hearing held regarding the request.
- Item 4 is for the court to indicate whether it grants or denies the request to seal. The item consists of three parts. The first part is for the court to make the required findings to order sealing. The second part is for the court to specify which records have been requested to be sealed, and for the court to indicate whether the request to seal each record is granted or denied. The third part is for the court to provide its reason for denial of the request for any of the specified records, if applicable.
- Item 5 is for the court to specify which agencies are in possession of the sealed records. The item also orders the agencies to seal the records, as well as the copy of the order itself, and to send notice to the court that it has complied with the order.
- Item 6 is for the court to indicate the deadline or deadlines for destruction of the sealed records.
- Item 7 reiterates that the sealed proceedings must be treated as if they never happened. The statement is intended to emphasize the legal effect of record sealing.
- Item 8 orders the court clerk to send a certified copy of the signed form to the person, the person's attorney, if applicable, and the agencies affected by the order.

Acknowledgment of Juvenile Record Sealed **(form JV-591)**

Form JV-591 is used by various agencies to advise the court of their compliance with a juvenile record sealing order. The instructions contained on this form state, in part, that "[u]nder Welfare and Institutions Code sections 781 and 786, agencies must advise the court of their compliance

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with the court's sealing order." Because section 788 mandates agencies to comply with the same requirement, the form would be revised to add a reference to that section in the instructions.

***Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-592)**
Form JV-592 is used by prosecuting attorneys to request access to sealed juvenile case files when they have reason to believe that accessing, inspecting, or utilizing those records may be necessary to discharge a duty to disclose favorable or exculpatory evidence to a defendant in a criminal case. The form authorizes its use when records are sealed pursuant to Penal Code section 851.7, section 781, section 793, or section 786. However, because section 788 includes this same provision under subdivision (f)(C)(i), the committee proposes that the form be revised to add a reference to section 788 in item 3 of the form. The committee proposes making minor technical changes to the form as well.

***How to Ask the Court to Seal Your Records* (form JV-595-INFO)**
Form JV-595-INFO is an information sheet that accompanies form JV-595 (*Request to Seal Juvenile Records*), which assists applicants requesting sealing under section 781.

The committee initially proposes amending the form to state, "There are several ways that records may be sealed in California," deleting the reference to the number and effective date of the sealing statutes mentioned in the current form.

The committee also proposes the addition of a new section, "What happens when my records are sealed?" to explain who has access to sealed records and the legal effect of juvenile record sealing. Similarly, the committee proposes the addition of another new section titled "What if I did not satisfactorily complete probation?" to explain how records may be sealed under section 788, even if probation was not satisfactorily completed.

In addition, the proposal revises the section of the information sheet titled "What if I owe restitution or fines?" to remove inaccurate statements about requirements to pay outstanding fines and fees.[4] As of 2018, counties have been prohibited from charging fees in juvenile court for detention, representation by counsel, electronic monitoring, probation, supervision, and drug testing.[5] As of 2020, all outstanding juvenile fees have been discharged.[6]

The current form also contains a section titled "Who does not qualify to have their records sealed?" The committee proposes the addition of a bullet point to explain that if a case was transferred to criminal court and resulted in conviction as an adult for any offense, the person convicted cannot have their records sealed. The committee also proposes adding that records related to a section 707(b) offense committed when the person was 14 years of age or older may

[4] The committee makes the same recommendation to update similar language on form JV-596-INFO.

[5] See Penal Code section 1203.1ab (drug testing); Penal Code section 1208.2 (electronic monitoring); section 903 (detention); section 903.1 (representation by counsel); section 903.2 (supervision); section 903.25 (probation); section 904 (juvenile hall).

[6] Section 223.2.

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not be sealed, unless the offense was dismissed or reduced to a misdemeanor or lesser offense not listed in 707(b).[7]

The current form does not accurately describe the disqualifying criteria regarding criminal convictions contained in sections 781 and 786 (as well as section 788), because it suggests that a felony conviction is only disqualifying if it involves moral turpitude. However, recent case law clarifies that a conviction for any felony *or* a misdemeanor involving moral turpitude is disqualifying.[8] The committee recommends clarifying this distinction.

Finally, the current form contains a section titled "Who can see my sealed records?" The current form lists eight situations in which sealed records may be accessed, as authorized under section 781. Because this section describes relatively uncommon situations in detail, the committee proposes streamlining this section to instead list the people and agencies that may be able to access the records in these situations.

Sealing of Records After Completion of Probation **(form JV-596-INFO)**

Form JV-596-INFO is an information sheet explaining the juvenile record sealing process that occurs after juvenile probation is terminated. The current form applies only to record sealing under section 786. For a record to be sealed under this section, the court must make a finding that the person has "satisfactorily completed" probation. (§ 786(a).) Because the form suggests that juvenile records may only be sealed after satisfactory completion of probation, the committee proposes that the form be revised to include record sealing procedures under section 788, which allows for sealing without the initial finding of satisfactory completion.

To provide such information, the committee proposes an additional section in the form titled "What if I did not complete probation satisfactorily?" Additionally, the committee proposes explaining a distinction between section 786, which provides discretion to seal records of other agencies, and section 788, under which records of other agencies *must* be sealed.

Finally, the current form contains a section titled "Who can see my sealed records?" The current form lists 12 situations in which sealed juvenile records may be accessed, as authorized under section 786(g). Records sealed under section 788, however, may only be accessed in three situations, two of which are already listed on the form. (§ 788(f)(1)(A)–(C).) The third allows access when the court needs to verify the prior jurisdictional status of a ward who petitions to resume jurisdiction pursuant to section 388(c). Because this situation does not apply to a record sealed under section 786, the committee proposes adding additional language on the information sheet to explain this nuance of section 788.

[7] The same is true for sealing under section 786. (§ 786(d).)

[8] See *In re Brandon H.* (2024) 103 Cal.App.5th 1277, 1285 (a person does not qualify for juvenile record sealing under section 786 if they "suffered … a new finding of wardship (i.e., adjudication) for a felony offense" (quoting *In re J.S.* (2024) 100 Cal.App.4th 246, 259–260).

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Alternatives Considered

The committee considered taking no action but chose to advance this proposal because it will help probation departments and juvenile courts comply with the new record sealing process mandated by AB 1877. In addition, without the recommended proposal several existing forms would be inaccurate or misleading.

The committee discussed whether to add a finding to form JV-921 concerning the one-year limitation in section 788(a)(2) for probation to file a petition to seal. Because section 788 does not require the court to make a specific determination that the petition was filed timely, the committee decided not to make it a required finding. The committee also felt that the courts have other ways, such as sanctions, to address missed deadlines.

The committee also discussed whether section 788 would apply in circumstances other than when a person had not successfully completed probation as the statute does not specifically require this finding. As the other sealing laws under sections 781, 786 and 786.5 appear to address all other sealing requests, the committee was not aware of any other circumstances where section 788 would apply.

Fiscal and Operational Impacts

Fiscal and operational impacts are likely to be minor, as the proposal is limited to the adoption of two optional forms and revisions to a mandatory form and three optional forms. Expected costs including training, case management system updates, and the production of new forms, are derived from the legislation.

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Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Should the one-year filing requirement under section 788(a)(2) be included in the list of eligibility findings on form JV-921?
- Should information be added to either form JV-920 or JV-921, specifically including a section to list juvenile records sealed prior to the filing of a request for sealing under section 788?

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

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

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Attachments and Links

1. Cal. Rules of Court, rules 5.830, 5.840, and 5.860, at pages 9–10
2. Forms JV-591, JV-592, JV-595-INFO, JV-596-INFO, JV-920, and JV-921, at pages 11–22
3. Link A: Welf. & Inst. Code, § 781, *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=781.&nodeTreePath=3.1.2.29&lawCode=WIC*
4. Link B: Welf. & Inst. Code, § 786, *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=786.&nodeTreePath=3.1.2.29&lawCode=WIC*
5. Link C: Welf. & Inst. Code, § 786.5, *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=786.5.&nodeTreePath=3.1.2.29&lawCode=WIC*
6. Link D: Welf. & Inst. Code, § 788, *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=788&lawCode=WIC*

Rules 5.830, 5.840, and 5.860 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Title 5. Family and Juvenile Rules

Division 1. Family Rules

Chapter 13. Cases Petitioned Under Sections 601 and 602

Article 5. Reviews and Sealing

Rule 5.830. Sealing records (§ 781)

(a) Sealing records—former wards

(1) A former ward of the court may apply to petition the court to order juvenile records sealed. Determinations under section 781 may be made by the court in any county in which wardship was terminated. A court may seal the records of another court when it determines that it is appropriate to do so, and must make a determination on sealing those records if the case has been transferred to its jurisdiction under rules 5.610 and 5.612.

(2) At the time jurisdiction is terminated or the case is dismissed, the court must provide or instruct the probation department to provide form JV-595-INFO, *How to Ask the Court to Seal Your Records,* and form JV-595, *Request to Seal Juvenile Records*, to the ward if the court does not seal the ward's records under section 786 or 788. If the court does seal the ward's records under section 786 or 788, the court must provide or instruct the probation department to provide form JV-596-INFO, *Sealing of Records ~~for Satisfactory~~ After Completion of Probation,* and a copy of the sealing order as provided in rule 5.840.

(3)–(6) ***

(b) Sealing records—nonwards

(1) For all other persons described in section 781, application may be submitted to the probation department in any county in which there is a juvenile record concerning the petitioner, and the procedures of (a) must be followed.

(2) When jurisdiction is terminated or the case is closed, the probation department must provide the following forms to individuals described under section 781(h)(1)(A) and (B):

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(A) If the individual's records have not been sealed under section 786 or 788, form JV-595-INFO, *How to Ask the Court to Seal Your Records,* and form JV-595, *Request to Seal Juvenile Records;* or

(B) If the individual's records have been sealed under section 786 or 788, form JV-596-INFO, *Sealing of Records ~~for Satisfactory~~ After Completion of Probation,* and a copy of the sealing order.

(c)–(e) ***

Rule 5.840. Dismissal of petition and sealing of records (§ 786)

(a)–(d) ***

(e) Distribution of order

The clerk of the issuing court must send a copy of the order to each agency and official listed in the order and provide a copy of the order to the individual whose records have been sealed and ~~his or her~~ the individual's attorney. The court ~~shall~~ must also provide or instruct the probation department to provide the individual with form JV-596-INFO, *Sealing of Records ~~for Satisfactory~~ After Completion of Probation*.

(f) ***

Rule 5.860. Prosecuting attorney request to access sealed juvenile case files

(a) Applicability

This rule applies when a prosecuting attorney is seeking to access, inspect, utilize, or disclose a record that has been sealed by the court under sections 781, 786, 788, or 793, or Penal Code section 851.7, and the attorney has reason to believe that access to the record is necessary to meet the attorney's statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case.

(b)–(d) ***

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AGENCY: NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	*CLERK'S USE ONLY*
ACKNOWLEDGMENT OF JUVENILE RECORD SEALED	CASE NUMBER:

INSTRUCTIONS: Under Welfare and Institutions Code sections 781, 786, and 788, agencies must advise the court of their compliance with the court's sealing order. Please return this completed *Acknowledgment of Juvenile Record Sealed* to the court upon sealing of the records.

1. TO THE CLERK OF THE COURT: I certify that the records ordered to be sealed by the court have been sealed and a copy of this acknowledgment of record sealed has been sent to the court advising the court of compliance with its order.

2. Date of Court Order:

3. Child's Name:

4. Agency Name:

Date:

By: _____ ▶ _____

Type or Print Your Name | Signature

JV-592 Prosecutor Request for Access to Sealed Juvenile Case File

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Juvenile Case Number:

1 Petitioner *(name):*

_____

is a prosecuting attorney requesting access to information in the sealed juvenile court file of:

Child's Name: _____

Case Name: _____

2 Petitioner has reason to believe that access is necessary to meet the constitutional obligation to disclose favorable or exculpatory evidence to a:

defendant *(name):* _____

in a criminal case *(case number):* _____

3 The file was sealed by the court pursuant to *(check one)*:

a. ☐ Penal Code section 851.7.
b. ☐ Welfare and Institutions Code section 781.
c. ☐ Welfare and Institutions Code section 793.
d. ☐ Welfare and Institutions Code section 786.
e. ☐ Welfare and Institutions Code section 788.

I am filing *Notice of Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-593) with this petition to be served on the subject of the file and their attorney of record.

4 The records I need access to are:

_____

_____

_____

_____

_____

☐ Continued on Attachment 4

5 The reasons that I need access to those records are *(include the relationship of the subject of the records to the defendant in the criminal case):*

_____

_____

_____

_____

_____

☐ Continued on Attachment 5

Date needed by: _____

Date: _____

▶ _____

Signature

JV-595-INFO How to Ask the Court to Seal Your Records

If you were arrested or subject to a court proceeding or had contact with the juvenile justice system when you were under 18, there may be records kept by courts, police, schools, or other public agencies about what you did. If the court makes those records private **(sealed)**, it could be easier for you to:

- Find a job.
- Get a driver's license.
- Get a loan.
- Rent an apartment.
- Go to college.

What happens when my records are sealed?

Once your records are sealed, only specified people in certain situations are allowed to see them. Otherwise, no one can look at your sealed records. In addition, none of the events of your sealed records legally ever happened, so you don't need to let anyone know about them, except in certain unusual situations.

If the court sealed your records when probation was terminated, you do not need to ask for them to be sealed.

There are several ways that records may be sealed in California. Juvenile courts, for example, are required to seal records in certain cases when the court finds that probation (formal or informal) is satisfactorily completed or if your case was otherwise dismissed after the petition was filed. If the court sealed your records at the end of your case, you should have received a copy of the sealing order, and you do not need to ask the court to seal the records in that sealing order.

If you satisfactorily completed a probation diversion program, your records will be sealed by probation.

If you participate in a diversion program or other supervision program instead of going to court, and the probation department determines that you satisfactorily completed that program, the probation department will seal your probation department records and the records for any program you were required to complete, and notify the law enforcement agency to seal its arrest records. If the probation department determines that you did not satisfactorily complete the program, it will not seal those records, but will give you a form to tell you why and a form that you can use to tell the court why you think you did satisfactorily complete the program. If the court agrees with you, it will order your records sealed. Once your records have been sealed probation will send you a notice of the sealing.

What if I did not satisfactorily complete probation?

If you are no longer on probation once you turn 18, the probation department is required to ask the court to seal any unsealed records, even if you did not complete probation satisfactorily. However, if you are still on probation when you turn 18, the probation department can wait up to one year after your probation ends to ask the court to seal your records. You will receive a copy of the form that the probation department submits to the court to ask for your records to be sealed. The probation department must notify you if it does not ask the court to seal your records. After the court receives the form, it will notify you which additional records it has ordered sealed.

If you have more than one juvenile case or contact and/or are unsure if your records were sealed by the court, ask your attorney or probation officer or the juvenile court clerk in the county where you had a case or contact.

For more information about when the court seals your records at the completion of probation, see *Sealing of Records After Completion of Probation* (form **JV-596-INFO**).

What if I have other records that still haven't been sealed?

If you still have records that the court has not already sealed, you can ask the court to seal those records as well if:

- You are at least **18** or it has been at least five years since your case was closed; and
- You have been rehabilitated to the satisfaction of the court.

What if I owe restitution or fines?

The court may seal your records even if you have not paid your full restitution order to the victim. The court will not consider outstanding restitution when deciding whether to seal your records, but you are still required to pay your restitution, and your records can be looked at to enforce those orders.

Who does not qualify to have their records sealed?

- You do not qualify to have your records sealed if your case was transferred to criminal court and you were convicted as an adult of any offense.
- You do not qualify to have your records sealed if you were convicted as an adult for any felony.
- You do not qualify to have your records sealed if you were convicted as an adult of an offense involving moral turpitude, such as:
  - A sex or serious drug crime;
  - Murder or other violent crime; or
  - Forgery, welfare fraud, or other crime of dishonesty.
- You do not qualify to have your records sealed if, when you were 14 or older, the court found that you committed a sex offense listed in Welfare and Institutions Code section 707(b) for which you must register under Penal Code section 290.008 because you were paroled from the Division of Juvenile Justice or any offense listed in Welfare and Institutions Code section 707(b), unless that offense was reduced to a misdemeanor or an offense not listed in that section.

If you are unsure if you qualify, ask your attorney.

Who can see my sealed records?

Once your records are sealed, no one can look at them, except for certain people and only under specific situations. The court will also order your sealed records to be destroyed after a certain date. Once your records are destroyed, they will no longer exist. The following people and agencies are allowed to look at your records in certain situations before they are destroyed.

- The juvenile court.
- The prosecutor.
- The probation department.
- Your attorney.
- The child welfare agency.
- The Department of Justice.
- The Department of Motor Vehicles.

If you want to see your records or allow someone else to see them, you can ask the court to unseal them.

Can employers see my records if they are not sealed?

Juvenile records are not allowed to be disclosed to most employers, and employers are not allowed to ask about or consider your juvenile history in most cases. There are exceptions to this rule if you are applying to be a peace officer or to work in health settings. Also, federal employers may still have access to your juvenile history. You should seek legal advice if you have questions about what an employer can ask about you.

How do I ask to seal any of my records that have not already been sealed?

(1) You must fill out a court form. Form JV-595, *Request to Seal Juvenile Records* can be used, or your court may have a local form.

(2) When you file your petition, the probation department will compile a list of every law enforcement agency, entity, or person the probation department knows has a record of your case, as well as a list of any prior contacts with law enforcement or probation, and will attach it to your petition.

3. If you think there are agencies that might have records on you that were never sent to probation, you need to name those agencies, or the court will not know to seal those records.

   If you are not sure what contacts you might have had with law enforcement, you can get your criminal history record from the Department of Justice. See *http://oag.ca.gov/fingerprints/security* for more information.

4. Take your completed form to the probation department where you were on probation. (If you were not on probation, take your form to any county probation office where you have a juvenile record.) *Note*: A small number of counties require you to take your form to the court. More information on each county's specific requirements is available at *https://selfhelp.courts.ca.gov/juvenile-justice/seal-record*.

5. Probation will review your form and submit it to the court within 90 days, or 180 days if you have records in two or more counties.

6. The court will review your petition. The court may decide right away to seal your juvenile records, or the court may order a hearing. If there is a hearing, you will receive a notice in the mail with the date, time, and location of the hearing. If the notice says your hearing is "unopposed" (meaning there is no disagreement with your request), you may choose not to go.

7. If you qualify to have your juvenile records sealed, the court will make an order to seal the eligible records listed on your petition.

   ***Important!* The court can seal only records it knows about. Make sure you list *all* records from *all* counties where you have any records. The court will tell you if it does not seal records from another court that were listed on your petition, and you will need to file a petition in that county to seal those records.**

8. If the court grants your request, it will order each agency, entity, or person on your list to seal your records. The court will also order the records destroyed by a certain date. If the sealed records are for a section 707(b) offense committed when you were 14 or older, the court will not order those records destroyed.

9. The court will provide you with a copy of its order. Be sure to keep it in a safe place.

What about sex offender registration? (Pen. Code, § 290)

If the court seals a record that required you to register as a sex offender, the order will say you do **not** have to continue to register.

If my records are sealed, do I have to report the offenses in the sealed records on job, school, or other applications?

No. Once your records are sealed, the law treats those offenses as if they never occurred and you do not need to report them. **However**, the military and some federal agencies may not recognize sealing of records and may be aware of your juvenile justice history, even if your records are sealed. If you want to enlist in the military or apply for a job requiring you to provide information about your juvenile records, seek legal advice about this issue.

Questions

If you are not sure if you qualify to seal your records or if you have other questions, talk to a lawyer. The court is not allowed to give you legal advice. More information about sealing your records can be found at *https://selfhelp.courts.ca.gov/juvenile-justice/seal-record*.

For your protection and privacy, please press the Clear button after you have printed the form.

JV-596-INFO Sealing of Records After Completion of Probation

In many cases, the court will seal your juvenile records if you satisfactorily complete probation (formal or informal supervision).

If your case is terminated by the juvenile court because you satisfactorily completed your probation (formal or informal), or if your case was otherwise dismissed after a petition was filed, in many cases the court will have dismissed the petition(s) and sealed your records. If the court sealed your records for this reason, you should have received a copy of the sealing order with this form.

If the court finds you have not satisfactorily completed your probation, it will not dismiss your case and will not seal your records. However, some of these records may be sealed after you turn 18 when you are no longer on probation. If you still have records that have not immediately been sealed after you complete probation, you will need to ask the court to seal your records at a later date (**see *How to Ask the Court to Seal Your Records* (form JV-595-INFO)**) for information about asking the court to seal your records).

The court will not seal your records at the end of your case if you were found to have committed an offense listed in Welfare and Institutions Code section 707(b) (a violent offense such as murder, rape, or kidnapping, and some offenses involving drugs or weapons) when you were 14 or older unless it was dismissed or reduced to a misdemeanor or a lesser offense not listed in 707(b). Unless you were found to have committed one or more of certain sex offenses, you can ask the court to seal your records at age 18 (or age 21 if you were committed to the Division of Juvenile Justice).

How will the court decide if probation is satisfactorily completed?

If you have done what you were ordered to do while on probation and have not been found to have committed any further crimes (either a felony or a misdemeanor crime involving moral turpitude, such as a sex crime or a crime involving dishonesty), the court will find that your probation was satisfactorily completed even if you still owe restitution or court-ordered fines, **BUT...**

Restitution must still be paid.

Even if your records are sealed, you must still pay your restitution. Your sealed records can be looked at to enforce those orders.

What if I did not complete probation satisfactorily?

If you did not follow all the court's orders while you were on probation but have not been convicted of any felony offense or a misdemeanor involving moral turpitude, probation must ask the court to seal those records once you turn 18. If you are still on probation when you turn 18, probation can wait for up to a year before it asks the court to seal your records. The court will notify you about any additional records it has ordered sealed.

Which records will be sealed?

The court will order probation, Department of Justice, and law enforcement agency records sealed for the case the court is closing, and earlier cases, if the court determines you are eligible. The court will also seal its own records. If you satisfactorily completed probation, you or your attorney can ask the court to seal records of other agencies (such as the District Attorney's Office) if it finds that doing so would help you to be rehabilitated. If you complete probation after your 18th birthday, (whether satisfactorily or not), the court will order all agencies to seal records of any eligible cases.

If you have more than one juvenile case and are unsure which records were sealed, ask your attorney or probation officer.

Who can see my sealed records?

- If the prosecutor, the probation department, or the court need to determine if you are eligible to participate in a deferred entry of judgment or informal supervision program, they may look at your records.
- If you apply for benefits as a nonminor dependent, the court may see your records.

- If a new petition is filed against you for a felony offense, probation can look at what programs you were in but cannot use that information to keep you in juvenile hall or to punish you.
- If the juvenile court finds you have committed a felony, your sealed records can be viewed to decide what disposition (sentence) the court should order.
- If you are arrested for a new offense and the prosecuting attorney asks the court to transfer you to adult court, your record can be reviewed to decide if transfer is appropriate.
- If you are in foster care, the child welfare agency can look at your records to determine where you should live and what services you need.
- If your case was dismissed before you became a ward, the prosecutor can look at your records for six months after the dismissal in order to refile the dismissed petition based on new information or evidence.
- If you are not allowed to have a gun because of your offense, the Department of Justice can look at your records to make sure you do not buy or own a gun.
- If a prosecutor thinks something in your record would be helpful to someone who is charged with a crime in another case, the prosecutor can ask the court to provide that information, whether you completed your probation satisfactorily or not. If this request is made, the court will let you know. You and your attorney may object.
- If a new petition is filed against you and the issue of your competency to participate in your new case is raised, the probation department, prosecutor, your attorney, and the court can look at your prior competency-related records to assess your current ability to understand and participate in the juvenile court proceedings.
- If a judge or prosecutor needs to determine if a victim of certain offenses was helpful in the investigation or prosecution of the offense when the victim is seeking certification in connection with an immigration matter, they may access your records to make this determination.
- If you did not complete probation successfully and your records were not sealed once you turned 18, the court may see your records if it needs to know about your juvenile court history because a petition to resume juvenile court jurisdiction has been filed pursuant to section 388.
- If you want to see your records or allow someone else to see them, you can ask the court to unseal them.

  NOTE: Even if someone looks at your records in one of these situations, your records will stay sealed and you do not need to ask the court to seal them again.

Do I have to report the offenses in the sealed records on job, school, or other applications?

No. Once your records are sealed, the law treats those offenses as if they never occurred and you do not need to report them. **However,** the military and some federal agencies may not recognize sealing of records and may be aware of your juvenile justice history, even if your records are sealed. If you want to enlist in the military or apply for a job that asks you to provide information about your juvenile records, seek legal advice about this issue.

Can employers see my records if they are not sealed?

Juvenile records are not allowed to be disclosed to most employers, and employers are not allowed to ask about or consider your juvenile history in most cases. There are exceptions to this rule if you are applying to be a peace officer or to work in health settings. Also, federal employers may still have access to your juvenile history. You should seek legal advice if you have questions about what an employer can ask.

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (*name*):		**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 TO SEAL JUVENILE RECORDS— WELFARE AND INSTITUTIONS CODE SECTION 788		CASE NUMBER:

This form may be used by probation officers to request the sealing of records under Welfare and Institutions Code section 788. To be eligible for sealing:

1. The person whose records are to be sealed must have reached 18 years of age; and
2. The request must be filed after jurisdiction was terminated by the juvenile delinquency court.

1. **Name of probation officer:**

2. **Information about the person whose records are to be sealed**
   a. Name:
   b. Date of birth:
   c. Date of termination of juvenile delinquency jurisdiction:

3. **Eligibility for sealing**
   a. The person has not been convicted of a felony or a misdemeanor involving moral turpitude after the termination of delinquency jurisdiction.
   b. The records listed in item 4 do not relate to:
      (1) A criminal court conviction based on a case transferred to criminal court under Welfare and Institutions Code section 707.1.
      (2) An offense under Welfare and Institutions Code section 707(b) when the person was at least 14 years old, unless the offense was later dismissed or reduced to a misdemeanor or lesser offense not listed in that section.
      (3) An offense that requires the person to register under Penal Code section 290.008.

4. **Request for sealing**

   I request that the court seal all records relating to the following offenses:

	Petition/Case Number	Arresting Agency	Incident Number	Offense Date(s)	Violation(s)
a.					
b.					
c.					

CASE NAME:	CASE NUMBER:

4.

	Petition/Case Number	Arresting Agency	Incident Number	Offense Date(s)	Violation(s)
d.					
e.					
f.					

5. **The records listed in item 4 are in the custody of** *(check all that apply):*
   - a. ☐ Law enforcement agencies *(specify):*
   - b. ☐ Probation department *(specify):*
   - c. ☐ California Department of Justice
   - d. ☐ District attorney *(specify):*
   - e. ☐ Other public agencies *(specify):*
   - f. ☐ Private agencies *(specify):*

6. **Required notice**
   - a. The person whose records are to be sealed and that person's attorney were given a copy of this request at least 30 days before this request was filed.
   - b. The prosecuting attorney was given at least 15 days notice of this request.

7. **Attachments** *(number of pages, if any):* _____

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

Date:

_____
Signature of Probation Officer

[SEAL]

CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		
ATTORNEY FOR (*name*):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		**DRAFT Not approved by the Judicial Council**
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
CASE NAME:		
ORDER ON REQUEST TO SEAL JUVENILE RECORDS— WELFARE AND INSTITUTIONS CODE SECTION 788		CASE NUMBER:

1. **Name of probation officer:**

2. **Information about the person whose records are to be sealed**

   a. Name of person:

   b. Date of birth:

   c. Date of termination of juvenile delinquency jurisdiction:

3. **Court hearing**

   a. ☐ No hearing was held

   b. ☐ A hearing was held

   Date of hearing: Dept.: Judicial officer *(name):*

4. **Court order**

   a. ☐ The court finds that the person is eligible for record sealing under Welfare and Institutions Code section 788 because:

      (1) The person is at least 18 years old and no longer under the jurisdiction of the juvenile delinquency court;

      (2) Proper notice was provided to the person, their attorney (if any), and the prosecuting attorney; and

      (3) The person has not been convicted of a felony or a misdemeanor involving moral turpitude since the termination of delinquency jurisdiction.

CASE NAME:	CASE NUMBER:

4. b. Court order on request to seal records for the specified offenses:

Request to Seal	Petition/ Case No.	Arresting Agency	Incident Number	Offense Date(s)	Violation(s)
(1) ☐ Granted ☐ Denied					
(2) ☐ Granted ☐ Denied					
(3) ☐ Granted ☐ Denied					
(4) ☐ Granted ☐ Denied					
(5) ☐ Granted ☐ Denied					
(6) ☐ Granted ☐ Denied					

c. ☐ Reason for denial of sealing *(if applicable):*

5. **Agencies required to seal**

Each agency below must seal this order and all records in its custody related to the offenses granted sealing in item 4. The agency must also send notice to the court that it has complied with this order.

a. ☐ Law enforcement agencies *(specify):*

b. ☐ Probation department *(specify):*

c. ☐ California Department of Justice

d. ☐ District attorney *(specify):*

e. ☐ Other public agencies *(specify):*

f. ☐ Private agencies *(specify):*

CASE NAME:	CASE NUMBER:

6. **Deadline for destruction of sealed records**

All records identified in this order must be destroyed by the dates provided below.

a. ☐ The person was alleged or adjudicated to be a person described in Welfare and Institutions Code section 601. The sealed records must be destroyed by *(date):*

b. ☐ The person was alleged or adjudicated to be described in Welfare and Institutions Code section 602 for the commission of an offense not listed in Welfare and Institutions Code section 707(b). The sealed records must be destroyed by *(date):*

c. ☐ The court finds good cause to retain the following sealed records:

d. ☐ Date all other records must be destroyed:

7. **Effect of Sealing**

The proceedings are treated as if they never happened, and the person may respond to any questions as if they did not happen.

8. The court clerk must send a certified copy of this order to the clerk in each county in which a record is ordered sealed and one copy each to the person whose records have been ordered sealed, their attorney (if any), and the agencies listed in item 5.

Date:

_____

Judicial Officer

CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

[SEAL]

Date: Clerk, by _____, Deputy

Item number: 25

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Juvenile Law: Transfer of Nonminor Dependents

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rule 5.613; approve form JV-549; and revise forms JV-548 and JV-552

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

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

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: Item 1s.
Assembly Bill 890 (Lee), Nonminor dependents: county of residence (Stats. 2025, ch. 281)
This bill amends Welfare and Institutions Code section 375 to allow a nonminor dependent to request a transfer of jurisdiction to a new county if the court determines it is in their best interest. The court will consider factors like access to services, input from the social worker or probation officer, residency status, connections to the new county, and any involvement in another dependency case as a parent. The court must make a decision within 30 days of the request, and the new county must accept jurisdiction within 10 days of the court's transfer order.

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

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):* 02/27/2026

☒ Office director (or designee) reviewed on *(date):* 3/4/26 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

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR25-25

Title
Juvenile Law: Transfer of Nonminor Dependents

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 5.613; approve form JV-549; and revise forms JV-548 and JV-552

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

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

Executive Summary and Origin

To comply with new requirements for granting a nonminor dependent's request to change residence to another county under Assembly Bill 890 (Lee; Stats. 2025, ch. 281), the Family and Juvenile Law Advisory Committee proposes amending one rule of court, adopting one Judicial Council form, and revising two Judicial Council forms.

Background

Before Assembly Bill 890 was enacted, nonminor dependents[1] could only change their legal residence to a new county after the court found that the nonminor dependent had been living in the new county continuously for one year as a nonminor dependent and that they expressed an intent to stay in that county. Assembly Bill 890 amended Welfare and Institutions Code section

[1] A nonminor dependent is a foster child, who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court, who is between 18 and 21 years old, in foster care under the placement and care responsibility of the county welfare department, county probation department, or an Indian tribe, and is participating in a transitional independent living case plan. (Welf. & Inst. Code, § 11400(v).)

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

375[2] to allow a nonminor dependent to change their county of residence, and transfer jurisdiction of their case to the county if such transfer is requested and the court finds that the transfer is in the best interest of the nonminor dependent. Section 375 specifies what the court must consider in making its determination, including (1) whether the transfer would enhance the nonminor dependent's access to services; (2) the opinion of the social worker or a tribal social worker and, if applicable, the probation officer; (3) whether the nonminor dependent would qualify as a resident of the new county under specified code sections; (4) whether the nonminor dependent has established significant connections to the new county through employment or independent contracting, enrollment in an educational or vocational program, obtaining housing, or establishing family or other supportive connections, including relationships that provide emotional or social support to the nonminor dependent; and (5) whether the nonminor dependent is involved in a separate dependency case as a parent in the new county.

The Proposal

California Rules of Court, rule 5.613

The Family and Juvenile Law Advisory Committee proposes amending rule 5.613 to:

- Allow a nonminor dependent to request transfer not only based on residence but on a request under section 375(b)(1)(A)(ii).
- Add determination of court with jurisdiction to the title of (b)(1) so the title reflects that the paragraph also applies to requests not based on residence.
- Add language to (b)(3) and (b)(4) to specify the type of request the paragraph governs.
- Add the new requirement in section 375(b)(1)(B)(ii) that the court issue the order within 30 court days of the request.
- Add the new requirement from section 375(b)(1)(B)(iii) that the receiving court is deemed to have jurisdiction over the nonminor dependent within 10 calendar days of the issuance of the order.
- Remove the requirement that the request be filed under rule 5.570 since that rule governs requests to change court orders under section 388 and instead require a request to transfer be made on the newly proposed *Request for Transfer of County for Nonminor Dependent* (form JV-549).
- Remove the requirement in (b)(4) and (b)(6) that the court find that transfer is in the best interest of the nonminor dependent when the request is based on physical presence because section 17.1 does not require a finding that transfer is in the nonminor dependent's best interest.

[2] All further statutory references are to the Welfare and Institutions Code unless otherwise noted.

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- Make other minor nonsubstantive amendments to conform to Judicial Council style, including removing gendered language.

***Request for Transfer of County for Nonminor Dependent* (form JV-549)**
The committee proposes creating a new mandatory form (JV-549) to request a transfer to a different county for a nonminor dependent. This new form would streamline the request process and court review of the request. The committee proposes making this new form mandatory to ensure consistency when transferring a nonminor dependent's care and placement between counties.

***Motion for Transfer Out* (form JV-548)**
Form JV-548 is used to ask the court to transfer the child's case to another county. The committee proposes revising this form as follows:

- Make the request item at the top of the form easier to understand, and number it as item 1 so it is clear that the request is part of the motion;

- Rewrite and restructure items 4, 6, 7b, 7d, and 7k on the revised form to make them easier to understand;

- Remove references to nonminor dependents from items 2a and 4a, as new form JV-549 is to be used for requesting transfers involving such individuals; and

- At page 4 of the form, in the proof of service, at items 2 and 3 change "Mother" and "Father" to "Parent," which is gender neutral.

The committee proposes retaining the references to "nonminor" on this form, as they could be subject to the jurisdiction of the juvenile court but not be nonminor dependents.[3]

***Juvenile Court Transfer of County Order for Nonminor Dependent* (form JV-552)**
Form JV-552 states the court's orders about transferring a nonminor dependent's case to another county. The committee proposes revising this form as follows:

- Rename the form from *Juvenile Court Transfer-Out Orders—Nonminor Dependent* to *Juvenile Court Transfer of County Order for Nonminor Dependent* to make the title easier to understand;

- Add heading "Hearing Information" to item 1 and move all the existing information about the hearing to item 1;

[3] Rule 5.502(25) defines "nonminor" as a youth at least 18 years of age and not yet 21 years of age who remains subject to the court's dependency, delinquency, or general jurisdiction under section 303 but is not a "nonminor dependent."

- Add county counsel and guardian ad litem to the choices of persons present at the hearing in item 1c;
- Remove the "Language" box from the header of the form and add a check box to the hearing date box in item 2 to allow the form to indicate if an interpreter is needed, and if so, for what language;
- Rewrite item 2e to make it easier to understand;
- Add the heading "Court Findings and Orders" to item 3; and
- Add the option to deem the nonminor dependent's county of residence as the county the nonminor is residing in when the court resumed dependency jurisdiction or assumed or resumed transition jurisdiction.[4]

Alternatives Considered

The committee considered proposing revisions to *Motion for Transfer Out* (form JV-548) to comply with the requirements in AB 890. That form currently is used for a motion to transfer made by a parent or nonminor. The committee reviewed a version of that form with additions required by AB 890 but found the form confusing and difficult to follow and fill out. To reduce confusion, the committee concluded that removing the references to nonminor dependents from that form and creating a stand-alone form for use specifically for nonminor dependents was the better approach. The committee is therefore proposing a new form, *Request for Transfer of County for Nonminor Dependent* (form JV-549).

The committee considered revising *Findings and Orders After Nonminor Dependent Status Review Hearing* (form JV-462) to include a finding regarding an amendment to section 366.31 in AB 890 that requires the court to consider whether the nonminor dependent requests the transfer of jurisdiction to a new county. The committee concluded that such a finding would not alter the course of the case or the transfer of jurisdiction and chose to defer that revision until there were more substantial revisions needed for form JV-462.

[4] Under section 388(e), a nonminor who turned 18 years of age while subject to an order for foster care placement and who has not attained 21 years of age, for whom the court has dismissed dependency jurisdiction under section 391, or delinquency jurisdiction under section 607.2, or transition jurisdiction under section 452, but has retained general jurisdiction under section 303(b) or the county child welfare services, probation department, or tribal placing agency on behalf of the nonminor, may petition the court in the same action in which the child was found to be a dependent or delinquent child, for a hearing to resume the dependency jurisdiction over a former dependent or to assume or resume transition jurisdiction over a former delinquent ward under section 450. Section 375(b)(2) and rule 5.613(b)(1)(4) and (b)(3) allow the court to make a residency determination and transfer the nonminor dependent's case to a new county when it assumed or resumed jurisdiction of a nonminor dependent who has established a continuous physical presence in the county for one year as a nonminor dependent and expressed their intent to remain in the county. Because the current form JV-552 lacks this residency finding, the committee proposes adding one.

Fiscal and Operational Impacts

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

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

Attachments and Links

1. Cal. Rules of Court, rule 5.613, at pages 6–10
2. Forms JV-548, JV-549, and JV-552, at pages 11–20
3. Link A: Assembly Bill 890, *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB890*

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Rule 5.613 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 5.613. Transfer of nonminor dependents

(a) Purpose

This rule applies to requests to transfer the county of jurisdiction of a nonminor dependent as allowed by Welfare and Institutions Code section 375. This rule sets forth the procedures that a court is to follow when it seeks to order a transfer of a nonminor dependent and those to be followed by the court receiving the transfer. All other intercounty transfers of juveniles are subject to rules 5.610 and 5.612.

(b) Transfer-out hearing

(1) *Determination of residence or court with jurisdiction—special rule on intercounty transfers (§§ 17.1, 375)*

(A) For purposes of this rule, the residence of a nonminor dependent who is placed in a planned permanent living arrangement may be either the county in which the court that has jurisdiction over the nonminor dependent is located or the county in which the nonminor dependent has resided continuously for at least one year as a nonminor dependent and the nonminor dependent has expressed their ~~his or her~~ intent to remain.

(B) If a nonminor dependent's dependency jurisdiction has been resumed, or if transition jurisdiction has been assumed or resumed by the juvenile court that retained general jurisdiction over the nonminor under section 303, the county that the nonminor dependent is residing in may be deemed the county of residence of the nonminor dependent. The court may make this determination if the nonminor dependent has established a continuous physical presence in the county for one year as a nonminor dependent and has expressed their ~~his or her~~ intent to remain in that county after the court grants the petition to resume jurisdiction. The period of continuous physical presence includes any period of continuous residence immediately before filing the petition.

(C) Regardless of the nonminor dependent's residence, the nonminor dependent can request the transfer of jurisdiction to a new county under section 375(b)(1)(A)(ii).

(2) *Verification of residence*

The residence of a nonminor dependent may be verified by declaration of a social worker or probation officer in the transferring or receiving county.

~~(4)~~(3) *Transfer ~~on change in~~ of nonminor dependent's residence—physical presence in the county for one year (§ 375(b)(1)(A)(i))*

If a nonminor dependent under the dependency or transition jurisdiction of the court is placed in a planned permanent living arrangement in a county other than the county with jurisdiction over the nonminor, the court may~~, on an application for modification under rule 5.570,~~ transfer the case to the juvenile court of the county in which the nonminor is living if the nonminor establishes residency in that county as provided in (b)(1)(A).

~~(3)~~(4) *Transfer ~~to county~~ of nonminor dependent's residence—assumption or resumption of jurisdiction (§ 375((b)(2))*

If the court is resuming dependency jurisdiction or assuming or resuming transition jurisdiction of a nonminor for whom the court has retained general jurisdiction under section 303(b) as a result of a petition filed under section 388(e), after granting the petition, the court may order the transfer of the case to the juvenile court of the county in which the nonminor is living if the nonminor establishes residency in that county as provided in (b)(1)(B). ~~and the court finds that the transfer is in the minor's best interest.~~

(5) *Transfer of nonminor dependent's residence—request of nonminor dependent (§ 375(b)(1)(A)(ii))*

(A) If a nonminor dependent requests the transfer to a new county, the court may transfer the case to the requested county after the court considers the information in section 375(b)(1)(A)(ii) and the court finds that the transfer is in the nonminor dependent's best interest.

(B) If the court grants the request, the court must issue the order within 30 court days of the request.

~~(5)~~(6) *Conduct of hearing*

(A) The request for transfer must be made on ~~*Motion for Transfer Out* (form JV-548)~~ *Request for Transfer of County for Nonminor Dependent* (form JV-549), which must include all required information.

~~(B) After the court determines whether a nonminor has established residency in another county as required in (b)(1), the court must~~

~~consider whether transfer of the case would be in the nonminor's best interest. The court may not transfer the case unless it determines that the nonminor supports the transfer and that the transfer will protect or further the nonminor's best interest.~~

~~(C)~~ (B) If the transfer-out motion is granted, the sending court must set a date certain for the transfer-in hearing in the receiving court, which must be within 10 court days of the transfer-out order. The sending court must state on the record the date, time, and location of the hearing in the receiving court.

~~(6)~~(7) *Order of transfer (§ 377)*

The order of transfer must be entered on *Juvenile Court Transfer-Out Orders—Nonminor Dependent* (form JV-552), which must include all required information and findings

~~(7)~~(8) *Modification of form JV-552.*

Juvenile Court Transfer-Out Orders—Nonminor Dependent (form JV-552) may be modified as follows:

(A) Notwithstanding the mandatory use of form JV-552, the form may be modified for use by a formalized regional collaboration of courts to facilitate the efficient processing of transfer cases among those courts if the modification has been approved by the Judicial Council.

(B) The mandatory form must be used by a regional collaboration when transferring a case to a court outside the collaboration or when accepting a transfer from a court outside the collaboration.

~~(8)~~(9) *Transmittal of documents (§ 377)*

The clerk of the transferring court must transmit to the clerk of the court of the receiving county no later than five court days from the date of the transfer-out order a certified copy of the entire nonminor file and, at a minimum, all documents associated with the last status review hearing held before the nonminor reached majority, including the court report and all findings and orders. The files may be transferred electronically, if possible. A certified copy of the complete case file is deemed an original.

~~(9)~~(10) *Appeal of transfer order (§ 379)*

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The order of transfer may be appealed by the transferring or receiving county, and notice of appeal must be filed in the transferring county, under rule 8.400. Notwithstanding the filing of a notice of appeal, the receiving county must assume jurisdiction of the case on receipt and filing of the order of transfer.

(c) Transfer-in hearing

(1) *Procedure on transfer (§§ 375, 378)*

On receipt and filing of a certified copy of a transfer order, the receiving court is deemed to have jurisdiction over the nonminor dependent within 10 calendar days of the issuance of the order. ~~must accept jurisdiction of the case.~~ The receiving court may not reject the case. The receiving court must notify the transferring court on receipt and filing of the certified copies of the transfer order and complete case file. The clerk of the receiving court must confirm the transfer-in hearing date scheduled by the sending court and ensure that date is on the receiving court's calendar.

(2) *Conduct of hearing*

At the transfer-in hearing, the court must:

(A) Advise the nonminor dependent of the purpose and scope of the hearing; and

(B) Provide for the appointment of counsel, if appropriate.

(3) *Subsequent proceedings*

The proceedings in the receiving court must commence at the same phase as when the case was transferred. The court may continue the hearing for an investigation and a report to a date not to exceed 15 court days.

(4) *Setting six-month review (§ 366.31)*

When an order of transfer is received and filed relating to a nonminor dependent, the court must set a date for a six-month review within six months of the most recent review hearing or, if the sending court transferred the case immediately after assuming or resuming jurisdiction, within six months of the date a voluntary reentry agreement was signed.

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(5) *Change of circumstances or additional facts (§§ 388, 778)*

If the nonminor dependent was transferred under section 17.1 and ~~If~~ the receiving court believes that a change of circumstances or additional facts indicate that the nonminor dependent does not reside in the receiving county, a transfer-out hearing must be held under this rule and rule 5.570. The court may direct the department of social services or the probation department to seek a modification of orders under section 388 or section 778 and under rule 5.570.

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ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 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 OR NONMINOR'S NAME:	CASE NUMBER:
HEARING DATE: TIME:	DEPARTMENT:

MOTION FOR TRANSFER OUT

1. **Request for Transfer**
   a. Request made by:
      ☐ Child Welfare Department *(name of county):*
      ☐ Probation Department *(name of county):*
      ☐ Attorney for *(name of party):*
   b. Request to transfer
      from *(name of county):*
      to *(name of county):*
   c. The motion is brought under Welfare and Institutions Code section:
      ☐ **375** ☐ **750** ☐ Other:

2. **Facts of Case**
   a. Type of case ☐ Delinquency ☐ Dependency
   b. Disposition
      ☐ Not yet imposed/deferred ☐ Imposed from sending county on *(date):*
   c. ☐ Confinement time or custody credit *(Delinquency cases only)*
      i. As of *(date):* , the overall term of confinement time in the sending county was:
      ii. Overall custody credits:

3. **Best Interests** *(State why the proposed transfer is in the best interests of the child or nonminor.)*

☐ Check here if you need more space. Attach a separate page or pages and write "Attachment 3" as a title.

CHILD OR NONMINOR'S NAME:	CASE NUMBER:

4. ☐ **Verification of Residence**

a. The parent's or legal guardian's address in the proposed receiving (new) county was confirmed by the sending county's agency as
☐ confidential address
Name: Telephone:
Address:
City: State: Zip:

b. Address checked and verified
By *(name of person):* ☐ social worker ☐ probation officer
From *(check one):* ☐ receiving county ☐ sending county
On *(date verified):*

c. Documentation establishing residency in the proposed receiving county is attached to this motion *(describe document):*

5. **Education Information**

a. Name of last school attended:
b. Name of school district:
c. ☐ Name of current educational rights holder or surrogate parent:
d. ☐ Name of proposed educational rights holder or surrogate parent:
e. ☐ There is an Individual Education Plan (IEP) for the child or nonminor.

6. **Services**

a. The level of services required by the child *(check one):*
(1) ☐ Can be met in the proposed receiving county.
(2) ☐ Cannot be met in the proposed receiving county.

b. ☐ The level of services required by the parent or legal guardian *(check one):*
(1) ☐ Can be met in the proposed receiving county.
(2) ☐ Cannot be met in the proposed receiving county.

c. The type and level of services or supervision required *(e.g., drug treatment, residential, outpatient, NA only, etc.)* are
☐ documented in the attached case plan or ☐ described below:

d. ☐ Probation has not previously supervised the child.

CHILD OR NONMINOR'S NAME:	CASE NUMBER:

7. **Other**

a. ☐ The current status of the Indian Child Welfare Act (ICWA) is *(specify):*

b. ☐ Parentage has been determined. See minute order dated:

c. ☐ A determination under Welfare and Institutions Code section 241.1 has been made. See minute order dated:

d. ☐ Restitution has been determined in the amount of $: See form CR-110/JV-790 (*Order for Victim Restitution).*

e. ☐ The child or nonminor has exceptional medical needs *(specify):*

f. ☐ The child or nonminor qualifies for regional center services.

g. ☐ There are pending Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) issues in this case.

h. ☐ A Special Juvenile Immigrant Status (SJIS) application is pending.

i. ☐ A Social Security Income (SSI) application is pending.

j. ☐ There are active orders regarding psychotropic medications. The last order is dated:

k. ☐ If applicable, list all dependency and delinquency cases for the child or nonminor.

Case Number	County	Case Type
		☐ Dependency ☐ Delinquency
		☐ Dependency ☐ Delinquency
		☐ Dependency ☐ Delinquency
		☐ Dependency ☐ Delinquency

l. ☐ Other:

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

Date:

Type or Print Name

Signature

☐ Probation Officer
☐ Social Worker

Type or Print Name

Signature

☐ Party
☐ Attorney for Party

CHILD OR NONMINOR'S NAME:	CASE NUMBER:

PROOF OF SERVICE

I served a copy of the Motion for Transfer on the following persons or entities by personally delivering a copy to the person served, OR by emailing the document to an agreed-upon email address of the person served, OR by faxing the document to the fax number provided by the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR by placing a copy in a sealed envelope and depositing the envelope directly in the U.S. mail with postage prepaid or at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practices with which I am readily familiar:

1. ☐ Social worker ☐ Probation officer ☐ Attorney
   a. Name: / Address: — a. Name: / Address:
   b. Date of service: — b. Date of service:
   c. Method of service: — c. Method of service:

2. ☐ Parent ☐ Legal Guardian ☐ Attorney
   a. Name: / Address: — a. Name: / Address:
   b. Date of service: — b. Date of service:
   c. Method of service: — c. Method of service:

3. ☐ Parent ☐ Legal Guardian ☐ Attorney
   a. Name: / Address: — a. Name: / Address:
   b. Date of service: — b. Date of service:
   c. Method of service: — c. Method of service:

4. ☐ Child or nonminor *(if 10 years of age or older)* ☐ Attorney
   a. Name: / Address: — a. Name: / Address:
   b. Date of service: — b. Date of service:
   c. Method of service: — c. Method of service:

5. ☐ Additional parties served. Additional Proof of Service form attached.

6. At the time of service, I was at least 18 years of age and not a party to this cause. I am a resident of, or employed in, the county where the mailing occurred.

7. My residence or business address:

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

Date:

Type or Print Name ▶ Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: 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:	
NONMINOR DEPENDENT 'S NAME:	CASE NUMBER:
HEARING DATE: TIME:	DEPARTMENT:

REQUEST FOR TRANSFER OF COUNTY FOR NONMINOR DEPENDENT

1. **Request for Transfer**
   a. Request made by:
      ☐ Child Welfare Department *(name of county):*
      ☐ Probation Department *(name of county):*
      ☐ Attorney for *(name of party):*
   b. Request to transfer
      from *(name of county):*
      to *(name of county):*
   c. The motion is brought under Welfare and Institutions Code section:
      ☐ **375(b)(1)(A)(i)** *(physical presence in the county for one year)*
      ☐ **375(b)(1)(A)(ii)** *(other basis for request)*
   d. Type of jurisdiction ☐ Dependency ☐ Transition

2. ☐ **Request Based on Residency**
   a. The nonminor dependent was placed in a planned permanent living arrangement on *(date of placement):*
   b. The nonminor dependent has lived in the county for a year and expressed their intent to stay in the county
   c. Verification of residence
      ☐ confidential address
      Name: Telephone:
      Address:
      City: State: Zip:

      Address checked and verified
      By *(name of person):* ☐ social worker ☐ probation officer
      From *(check one):* ☐ receiving county ☐ sending county On *(date verified):*

NONMINOR DEPENDENT'S NAME:	CASE NUMBER:

3. ☐ **Request Not Based on Residency**

(The court must decide whether the request is in the best interests of the child after considering all relevant evidence, including the factors listed in Welfare and Institutions Code section 375(b)(1)(A)(ii). Use the space below to provide information to support your request.)

a. How would the transfer enhance the nonminor dependent's access to services? *(describe):*

b. What is the opinion of the nonminor dependent's social worker?

(1) ☐ Agrees with this request to transfer
(2) ☐ Does not agree with this request to transfer
(3) ☐ Unknown

c. What is the opinion of the nonminor dependent's tribal social worker?

(1) ☐ Does not apply. The nonminor dependent does not have a tribal social worker.
(2) ☐ Agrees with this request to transfer
(3) ☐ Does not agree with this request to transfer
(4) ☐ Unknown

d. What is the opinion of the nonminor dependent's probation officer?

(1) ☐ Does not apply. The nonminor dependent does not have a probation officer.
(2) ☐ Agrees with this request to transfer
(3) ☐ Does not agree with this request to transfer
(4) ☐ Unknown

e. Describe any significant connections the nonminor dependent has in the proposed receiving (new) county: (*describe):*

f. Is the nonminor dependent a parent with a separate dependency case in the proposed receiving (new) county? (*If yes, provide the case number*):

☐ No
☐ Yes. Case number:

g. Describe any other reason why the transfer would be in the nonminor dependent's best interest:

☐ Check here if you need more space. Attach a separate page or pages and write "Attachment 3" as a title.

NONMINOR DEPENDENT'S NAME:	CASE NUMBER:

4. ☐ **Education and Regional Center Services**

(Complete this if the nonminor dependent is in school or is receiving regional center services.)

a. Name of last school attended:

b. Name of school district:

c. ☐ Name of current educational rights holder:

d. ☐ Name of proposed educational rights holder:

e. ☐ There is an Individual Education Plan (IEP).

f. ☐ There is an Individualized Program Plan (IPP).

5. **Other**

a. ☐ The nonminor dependent has elected *(chosen)* that the Indian Child Welfare Act continue to apply.

b. ☐ Restitution has been determined in the amount of $:
See form CR-110/JV-790 *(Order for Victim Restitution).*

c. ☐ The nonminor has exceptional medical needs *(specify):*

d. ☐ A Special Juvenile Immigrant Status (SJIS) application is pending.

e. ☐ A Social Security Income (SSI) application is pending.

f. ☐ Other:

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

Date:

Type or Print Name

Signature

☐ Probation Officer
☐ Social Worker

Type or Print Name

Signature

☐ Party
☐ Attorney for Party

NONMINOR DEPENDENT'S NAME:	CASE NUMBER:

PROOF OF SERVICE

I served a copy of this form on the following persons or entities by personally delivering a copy to the person served, OR by emailing the document to an agreed-upon email address of the person served, OR by faxing the document to the fax number provided by the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR by placing a copy in a sealed envelope and depositing the envelope directly in the U.S. mail with postage prepaid or at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practices with which I am readily familiar:

1. ☐ Social worker
   a. Name:
      Address:
   b. Date of service:
   c. Method of service:

   ☐ Attorney
   a. Name:
      Address:
   b. Date of service:
   c. Method of service:

2. ☐ Probation officer
   a. Name:
      Address:
   b. Date of service:
   c. Method of service:

   ☐ Attorney
   a. Name:
      Address:
   b. Date of service:
   c. Method of service:

3. ☐ Nonminor
   a. Name:
      Address:
   b. Date of service:
   c. Method of service:

   ☐ Attorney
   a. Name:
      Address:
   b. Date of service:
   c. Method of service:

4. ☐ Guardian ad litem
   a. Name:
      Address:
   b. Date of service:
   c. Method of service:

   ☐ Attorney
   a. Name:
      Address:
   b. Date of service:
   c. Method of service:

5. ☐ Additional parties served. Additional Proof of Service form attached.

6. At the time of service, I was at least 18 years of age and not a party to this cause. I am a resident of, or employed in, the county where the mailing occurred.

7. My residence or business address:

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

Date:

Type or Print Name

Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: 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:	
NONMINOR DEPENDENT NAME:	
JUVENILE COURT TRANSFER OF COUNTY ORDER FOR NONMINOR DEPENDENT	NMD CASE NUMBER:
	UNDERLYING JUVENILE CASE NUMBER:

1. Hearing Information

a. Date of hearing:

b. Judicial officer *(name)*: Dept.:

c. Persons present

- ☐ Nonminor dependent
- ☐ Social worker
- ☐ Probation officer
- ☐ CASA volunteer
- ☐ Nonminor dependent's attorney *(name):*
- ☐ County counsel
- ☐ Guardian ad litem *(name):*
- ☐ Other:

d. The court has read and considered the motion for transfer and:

- ☐ The report of the social worker.
- ☐ The report of the probation officer.
- ☐ Other relevant evidence.

2. Case History

a. ☐ The court assumed transition jurisdiction on *(date):*

b. ☐ The court resumed jurisdiction over the individual as a nonminor dependent on *(date):*

c. The last hearing was on *(date):*

d. The nonminor dependent was provided notice of the transfer hearing in the receiving court. A hearing will be held:

on *(date):* at *(time):*
in dept.: at *(court address):*
☐ *Check here if a court interpreter is needed. (Specify language):*

e. The following hearings have been scheduled or need to be scheduled:

- ☐ A nonminor dependent status review hearing
  - ☐ has been scheduled for *(date):*
  - ☐ needs to be scheduled.
- ☐ Other:
  - ☐ has been scheduled for *(date):*
  - ☐ needs to be scheduled.

NONMINOR DEPENDENT NAME:	CASE NUMBER:

3. **Court Findings and Orders**

The court finds and orders under Welfare and Institutions Code section 375 the following:

a. (1) ☐ The nonminor dependent has been placed in a planned permanent living arrangement and has maintained a continuous residence in the county listed in item 3c for at least one year as a nonminor dependent and has expressed their intent to remain in that county.

(2) ☐ The nonminor dependent has maintained continuous residence in the county listed in item 3c for one year and has expressed their intent to remain in that county after the court grants the petition to assume or resume jurisdiction.

The court *(check one):*

(a) ☐ Resumed dependency jurisdiction over the nonminor dependent.

(b) ☐ Assumed transition jurisdiction over the nonminor dependent.

(c) ☐ Resumed transition jurisdiction over the nonminor dependent.

(3) ☐ The nonminor dependent's request to transfer jurisdiction to a new county is granted. The court finds that the transfer is in the best interests of the nonminor dependent after considering all relevant information including the factors in section 375(b)(1)(A)(ii).

b. The nonminor dependent currently resides at:

Address:

City: State: Zip:

c. The nonminor dependent's case is ordered transferred to the county of *(specify):*

Zip Code:

d. ☐ Other orders:

Date:

Judicial Officer

Item number: 26

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Juvenile Law: Probation Time Limits

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Revise forms JV-624, JV-625, and JV-665

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

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

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: New Item 1z.
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 1376 (Bonta), Wards: probation (Stats. 2025, ch. 575)

This bill amends Welfare and Institutions Code sections 730, 730.6, and 731 to create a rebuttable presumption that probation should not extend beyond 12 months, and allows the presumption to be overcome by a preponderance of evidence that that it is in the ward's and the public's best interest. Requires the court to state the reasons for the findings orally on the record in cases in which the court finds by a preponderance of the evidence a basis for extending probation. This bill requires the court to set forth the reasons in an order entered upon the minutes if requested by either party or when the proceedings are not being recorded electronically or reported by a court reporter. Requires the court to hold noticed hearings for the ward not less frequently than every 6 months for the remainder of the wardship period if the court extends probation. These requirements do not apply to wards in a juvenile home, ranch, camp, or forestry camp.

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

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):* 02/27/2026

☒ Office director (or designee) reviewed on *(date):* 3/6/2026 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-26

Title
Juvenile Law: Probation Time Limits

Proposed Rules, Forms, Standards, or Statutes
Revise forms JV-624, JV-625, and JV-665

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

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

Executive Summary and Origin

To comply with new requirements for time limits on juvenile probation under Assembly Bill 1376 (Bonta; Stats. 2025, ch. 575), the Family and Juvenile Law Advisory Committee proposes revisions to three Judicial Council forms, effective January 1, 2027.

Background

Juvenile courts have several dispositional outcomes available, including diversion, electronic monitoring, probation, and placement in foster care or detention facilities for a violation of law by a child or youth.

Unlike adult probation, juvenile probation does not have a statutory cap, nor does it typically require periodic review.[1] Adult probation is generally limited to one year for misdemeanors and

[1] Section 727.2(c) requires the status of every child or youth declared a ward and ordered to be placed in foster care to be reviewed by the court no less frequently than once every six months.

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

two years for felonies, except as specified in statute.[2] Juvenile probation, however, can last as long as the juvenile court has jurisdiction over the ward.[3]

AB 1376 added section 602.05 and limits the time period a court may place a ward ordered placed in the home of a parent to 12 months, except that a court may extend probation if it finds by a preponderance of the evidence that doing so is in the best interest of the ward and the public. The bill also amended several code sections.

A juvenile court may impose on a child or youth on probation "any and all reasonable orders for the conduct of the ward."[4] Conditions of probation may include, among other things, electronic monitoring, drug testing, completion of education programs or other types of programs, or community service. Section 730(b) requires conditions of probation for a ward to be individually tailored, developmentally appropriate, and reasonable. This section additionally requires that the burden imposed by those conditions is proportional to the legitimate interests served by the conditions.

The Proposal

Terms and Conditions (form JV-624)

The Family and Juvenile Law Advisory Committee proposes revising form JV-624 as follows:

- Add new item 1, to address the requirement in section 730(b) that the conditions of probation (1) are individually tailored, developmentally appropriate, and reasonable; (2) place a burden on the child or youth that is proportional to the legitimate interests they serve; and (3) are determined by the court to be fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced;[5]
- Add "other sample" to the list of chemical testing methods at item 3*l*:
- Add parenthetical instructions describing the information requested in some items;[6]
- Add "Other *(describe)*:" to several items to indicate that the blank fields are to order additional terms and conditions of probation;[7]

[2] Pen. Code, §§ 1203, 1203.1.

[3] Welf. & Inst. Code, § 607(a)–(c). All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

[4] § 730(b).

[5] *Ibid.*

[6] See items 3h, 3j, and 3m on proposed form.

[7] See items 4k and 4w-z on proposed form.

- Replace "his or her" with "their" throughout the form to make the items gender neutral; [8]

- Add a reference to "or youth" in form items that specify "child." California Rules of Court, rule 5.502(5) defines "child" as a person under the age of 18 years, and rule 5.502(46) defines youth as a person who is at least 14 years of age and not yet 21 years of age. The juvenile court can exercise its delinquency jurisdiction in most cases until a person is 21 years of age.[9] The committee proposes adding "youth" to this form to include the people under the juvenile court's jurisdiction who are over the age of 18 but not yet 21 years old; and

- Replace the reference to "Victim Identification Form" in item 3s(2) with an attachment identifying persons the child or youth should not have contact with. There is no Judicial Council or other statewide form titled "Victim Identification Form." The committee proposes replacing that reference with an optional item that states: "Persons listed in the attached titled "JV-624, item 3s, List of Victims."

Notice of Hearing—Juvenile Delinquency **(form JV-625)**
The committee proposes revising form JV-625 as follows:

- Reorganize the form so that the advisements and notices to parents, legal guardians, or adult relatives are on page 1 of the form rather than on page 2; and

- Replace "or, if you cannot afford the full amount, as much of that amount as the court decides you can afford to pay" with "unless the court determines you are unable to pay" in item 4d to more accurately reflect the law; and[10]

- Add appropriate references to "or youth" when the form specifies "child," as discussed above; and

- Add the option of "hearing on a request to extend probation" in item 5 which lists the hearing types for which this form can be used to provide notice.

Disposition—Juvenile Delinquency **(form JV-665)**
The committee proposes revising form JV-665 as follows:

- Add subitem 11d for children or youth who are placed at home for the court to indicate the date probation must terminate unless it is modified or extended under section 602.05;

- Add subitem 11e for children or youth who are placed at home to allow a court to set a probation progress review hearing. This furthers the legislative intent in the bill that

[8] See items 3c, 3m, and 3p on proposed form.

[9] § 607(a).

[10] § 730.7.

counties set progress reviews and probation termination hearings less than a year after disposition;[11]

- Remove checkboxes for "mother" and "father" in item 11c because parent is gender neutral and adequate without additional information;

- For the reasons discussed above, remove the reference to a Victim Identification Form from the list of possible attachments in item 21; and

- Add to the list of possible attachments in item 21 both a proposed new form, *Prohibited Persons Relinquishment Form Findings* (form CR-210/JV-623)[12] and two existing forms, *Temporary Restraining Order Against a Child*, form JV-260, and *Juvenile Restraining Order Against a Child—Order After Hearing*, form JV-265.

Alternatives Considered

The committee did not consider the option of taking no action because revisions were necessary for the forms to correctly reflect recent statutory changes. In addition, the committee proposes additional changes to make the forms easier to use and understand. For form JV-665, the committee also considered adding a parenthetical instruction at item 11d, where the court indicates the date probation will terminate unless extended or modified, that states "select date 12 months from date of disposition hearing." However, the committee concluded that the instruction would not be appropriate in all cases because some children or youth placed at home may continue to be held in custody before returning home and in-custody time does not count toward the 12-month time limit.[13] The committee concluded it would be inadvisable to provide a blanket statement about the timing of termination and does not propose adding a parenthetical instruction.

Fiscal and Operational Impacts

The revised forms proposed are largely the result of statutory changes. The committee anticipates that this proposal will require courts to train court staff and judicial officers on the form revisions. Courts will also incur costs to incorporate the forms into the paper or electronic processes. Section 602.05 will require juvenile courts that are not already doing so to review

[11] AB 1376, section 1: "It is the intent of the Legislature that … (7) Counties should apply best practices to minimize the amount of time youth spend on probation by creating procedures to limit probation to the shortest time necessary to achieve individualized rehabilitative goals, including setting progress reviews and probation termination hearings less than a year after disposition. (8) Counties that are currently employing best practices by holding probation reviews and considering termination of probation at six months should continue such practices and assist other counties by setting a standard of excellence guided by youth development models."

[12] See Invitation to Comment, Juvenile Law: Implementation of AB 383 Regarding Firearms Relinquishment, {insert link to ITC when available}. That proposal would revise *Prohibited Persons Relinquishment Form* (form CR-210) into a joint criminal and juvenile form. If a juvenile form is approved to implement AB 383, either as a joint or stand-alone form, JV-665 would be revised to include it.

[13] § 602.05(g).

probation cases more frequently and to hold additional hearings. However, this impact may be offset by the bill's requirement to terminate probation earlier absent a noticed hearing to extend it, which could shorten supervision periods and reduce associated costs.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

Attachments and Links

1. Forms JV-624, JV-625, and JV-665, at pages 6–13
2. Link A: Assem. Bill 1376, *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1376*

DRAFT

CHILD'S OR YOUTH'S NAME:	CASE NUMBER:

TERMS AND CONDITIONS

(This form should be attached to form JV-665 (Disposition—Juvenile Delinquency)*.)*

1. Type of disposition (*check all that apply):*
   - ☐ Home Supervision
   - ☐ Electronic Monitoring Program
   - ☐ Informal Probation
   - ☐ Deferred Entry of Judgment
   - ☐ Nonwardship Probation
   - ☐ Wardship Probation

2. The conditions made in this order:
   - a. Are individually tailored, developmentally appropriate, and reasonable;
   - b. Place a burden that is proportional to the legitimate interests they serve;
   - c. Are fitting and proper to the end that justice may be done; and
   - d. Enhance (improve) the reformation and rehabilitation of the youth.

3. The parent or legal guardian must participate in a program of counseling or education as directed by the probation officer.

4. **The child or youth must:**
   - a. Report to the probation officer as directed by the probation officer.
   - b. Obey all city, county, state, and federal laws and ordinances.
   - c. Obey their parents, legal guardian, or caregiver.
   - d. Keep the probation officer informed of any changes in address, phone number, family, school, or employment status.
   - e. ☐ Attend school regularly, obey school rules and regulations, and not leave the school campus during school hours without permission of school officials or the probation officer.
   - f. ☐ Seek and maintain employment as directed by the probation officer.
   - g. ☐ Not use, possess, or be under the influence of any alcoholic beverage or illegal or intoxicating substance, or possess any associated paraphernalia.
   - h. ☐ Not use, possess, or be under the influence of the following *(list substance):*
   - i. ☐ Not possess, own, or handle any firearm, knife, weapon, fireworks, explosives, or chemicals that can produce explosives.
   - j. ☐ Not contact or associate with *(name):* _____
   - k. ☐ Participate in individual, group, or family counseling, as directed by the probation officer:
     - (1) ☐ Alcohol and other drug counseling
     - (2) ☐ Anger management counseling
     - (3) ☐ Sex offender program
     - (4) ☐ Other *(describe):* _____
     - (5) ☐ Other *(describe):* _____

CHILD'S OR YOUTH'S NAME:	CASE NUMBER:

l. ☐ Immediately submit to chemical testing by blood, breath, urine, saliva, or other sample on the direction of the probation officer or a peace officer.

m. ☐ Be subject to search and/or seizure of their person, vehicle, or place of residence, or any place under their control, at any time, day or night, without a search warrant and without probable or reasonable cause, on the direction of the probation officer or a peace officer, for detection of the possession of
(describe):

n. ☐ Submit a DNA sample to the probation officer or juvenile hall staff within 30 days.

o. ☐ Perform _____ hours of community service, to be arranged

(1) ☐ by the child or youth with the approval of the probation officer.

(2) ☐ through the probation officer and provide proof of completion by *(date):* _____

p. ☐ Be at their place of residence between the hours of _____ p.m. and _____ a.m.
unless with a parent or legal guardian or with prior permission of the probation officer.
Exceptions to curfew, if any:

q. ☐ Not be on the campus or grounds of any school unless enrolled, accompanied by a parent or guardian or responsible adult, or authorized by the prior permission of school authorities.

r. ☐ **Comply with these terms regarding graffiti**

(1) ☐ Not possess any graffiti materials, or graffiti-related paraphernalia, including but not limited to spray paint, paint or ink markers, metal scribers, aerosol nozzles, or other material used to deface property.

(2) ☐ Perform _____ hours of community service work in a graffiti abatement program as directed by the probation officer.

(3) ☐ Not associate with anyone engaged in graffiti or related activities.

s. ☐ **Comply with these terms regarding victims**

(1) ☐ Write a letter of apology, to be submitted to the probation officer for approval, by *(date):* _____

(2) ☐ Have no contact in person, in writing, by telephonic or electronic means, or directed through a third party with:

(a) Any person known to the child or youth to be a victim of the child or youth's offense

(b) ☐ Persons listed in the attached titled "JV-624, item 3s, List of Victims"

(3) ☐ Remain at least _____ yards from the following addresses *(residence, place of employment, etc.):*

☐ unless accompanied by a parent or guardian.

(4) ☐ Comply with terms and conditions of juvenile restraining order.

☐ The juvenile restraining order is attached.

CHILD'S OR YOUTH'S NAME:	CASE NUMBER:

t. ☐ **Comply with these terms regarding vehicles**

(1) ☐ Participate in and successfully complete *(describe):*

(2) ☐ Only drive to and from school, work, and/or counseling programs.

(3) ☐ Surrender license to ☐ court ☐ probation officer.

u. ☐ Child's or youth's driver license is *(check one):*

(1) ☐ Suspended

(2) ☐ Revoked

(3) ☐ Delayed for

(a) ☐ period of: ☐ months ☐ years.

(b) ☐ until 18 years of age.

v. ☐ **Comply with these terms regarding gangs**

(1) ☐ Not be a member of, or associate with, any person the child or youth knows, or should reasonably know, to be a member of or to be involved in the activities of a criminal street gang.

(2) ☐ Not wear or display items or emblems reasonably known to be associated with or symbolic of gang membership.

(3) ☐ Not acquire any new tattoos or gang-related piercings and have any existing tattoos or piercings photographed as directed by the probation officer.

w. ☐ Other *(describe):*

x. ☐ Other *(describe):*

y. ☐ Other *(describe):*

z. ☐ Other *(describe):*

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
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:		
CHILD OR YOUTH'S NAME:		
NOTICE OF HEARING—JUVENILE DELINQUENCY PROCEEDING		CASE NUMBER:
Welfare and Institutions Code, section ☐ 601 ☐ 602 ☐ 725 ☐ 777(a)		

DRAFT
Not approved by the Judicial Council

1. NOTICE TO *(name and address):*

2. A hearing will be held

on *(date):*	at *(time):*	in *(dept.):*
located at ☐ court address above	☐ other *(address):*	

3. **TO THE CHILD OR YOUTH:**
   a. You have the right to be at the hearing and to present evidence.
   b. You have the right to be represented by an attorney. The court will appoint an attorney for you if you cannot afford to pay for one. An attorney can be appointed to speak with you before the court date.
   c. ☐ You are ordered to be present at the hearing.

4. **TO THE PARENT, LEGAL GUARDIAN, OR ADULT RELATIVE:**
   a. You have the right to be present at the hearing. You have the right to have an attorney represent you at the hearing.
   b. You may be required to pay back the cost of services, including counseling, or legal assistance provided to you or family members other than your child by the court or county in this case.
   c. You will not be required to pay back the cost of services, support, or legal assistance provided to your child by the court or county in this case.
   d. If the court orders your child to pay *restitution* to the victim of the alleged offense or to pay any *fines* or *penalty assessments,* you can be required to pay the full amount unless the court determines you are unable to pay.

CHILD OR YOUTH'S NAME:	CASE NUMBER:

5. The case is scheduled for:
   a. ☐ detention hearing.
   b. ☐ formal reading of petition, advisement of rights, and plea.
   c. ☐ jurisdiction hearing.
   d. ☐ disposition hearing.
   e. ☐ review hearing.
   f. ☐ permanency hearing.
   g. ☐ hearing on a request to extend probation.
   h. ☐ other *(specify):*

Date:

Type or Print Name

Signature

☐ Probation Officer
☐ Prosecuting Attorney

Request for Accommodations

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

CHILD'S OR YOUTH'S NAME:	CASE NUMBER:

DISPOSITION—JUVENILE DELINQUENCY

☐ The court has read and considered the social study prepared by the probation officer and any other relevant evidence.

☐ The child or youth has been detained and is at risk of entering foster care. The probation officer believes the child or youth will be able to return home, and the social study includes a case plan as described in Welfare and Institutions Code section 636.1.

☐ The probation officer has recommended initial or continuing placement in foster care, and the social study includes a case plan as described in Welfare and Institutions Code section 706.6.

THE COURT FINDS AND ORDERS

1. ☐ Notice has been given as required by law.

2. ☐ The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.

3. ☐ The court previously sustained the following counts. As to any offense that could be considered a misdemeanor or a felony, the court is aware of and exercises its discretion to determine the offense as follows:

Count number	Statutory violation	Misdemeanor	Felony	
		☐	☐	☐
		☐	☐	☐
		☐	☐	☐
		☐	☐	☐
		☐	☐	☐

Enhancement *(specify)*

4. ☐ The child or youth resides in *(name of county):* County.

5. ☐ The case is transferred for disposition to *(name of county):* County
Form JV-550 *(Juvenile Court Transfer-Out Orders)* will be completed and transmitted.

6. ☐ For the reasons stated on the record, the petition is dismissed:
☐ In the interests of justice ☐ Because the child or youth does not need treatment or rehabilitation.

7. ☐ The child or youth is placed on probation for up to six months under Welfare and Institutions Code section 725(a). The conditions of probation are attached to this form.

8. ☐ Deferred entry of judgment is ☐ granted ☐ denied.

9. ☐ The recommended findings and orders contained in the probation report dated at pages are adopted ☐ as modified by the court as its own; a copy is attached.

10. ☐ The child or youth is ☐ declared ☐ continued as a ward of the court.

11. ☐ **The child or youth is declared a ward and placed on probation**
   a. ☐ Under the supervision of the probation officer ☐ without probation supervision
   b. ☐ Under terms and conditions described on the attached form.
   c. In the custody of
      (1) ☐ Parent *(name):*
      (2) ☐ Parent *(name):*
      (3) ☐ Legal guardian *(name):*
   d. Probation will terminate on *(date):* unless modified or extended under Welfare and Institutions Code section 602.05.
   e. ☐ Probation progress review is scheduled for *(date):* and *(check one):*
      (1) ☐ The child or youth is not required to attend.
      (2) ☐ The child or youth is required to attend.

CHILD'S OR YOUTH'S NAME:	CASE NUMBER:

12. ☐ Probation for out-of-home placement or confined commitment.
    a. Form JV-667 *(Custodial and Out-of-Home Placement Disposition Attachment)* is completed and attached.
    b. The child or youth is declared a ward and placed on probation in the custody of the probation department for out-of-home placement or confined commitment.
    c. ☐ Under terms and conditions described on the attached form.

13. ☐ **The next hearing will be:**

    Date: Time: Dept:

    Date: Time: Dept:

    ☐ The child or youth is ordered to return to court on dates and times listed above.

14. ☐ **DNA collection**
    The child or youth is ordered to submit to DNA collection under Penal Code section 296.

15. ☐ **Restitution**
    The child or youth, with their parent, is to pay restitution:
    a. ☐ As described on the attached restitution order.
    b. ☐ To each victim, as described below:
    (1) Pay *(name of victim):*
    Amount *(check one):* ☐ $ ☐ Amount and manner determined by probation. If the child or parent disagrees, the court may review.
    (2) Pay *(name of victim):*
    Amount *(check one):* ☐ $ ☐ Amount and manner determined by probation. If the child or parent disagrees, the court may review.
    (3) Pay *(name of victim):*
    Amount *(check one):* ☐ $ ☐ Amount and manner determined by probation. If the child or parent disagrees, the court may review.

16. ☐ **Fine and penalty**
    The child or youth, with the child's or youth's parents, must pay:
    a. ☐ A fine of $
    b. ☐ A penalty assessment of $
    c. ☐ For a total of $

17. ☐ **Terms regarding vehicles and driver's license**
    a. ☐ The child or youth must:
    (1) ☐ Participate in and successfully complete *(describe):*
    (2) ☐ Only drive to and from school, work, or counseling programs.
    (3) ☐ Surrender their license to: ☐ The court ☐ A probation officer
    b. ☐ The child or youth's driver's license is *(check one):*
    (1) ☐ Suspended.
    (2) ☐ Revoked.
    (3) ☐ Delayed
    (A) ☐ for a period of months years.
    (B) ☐ until 18 years of age.
    c. ☐ The court will notify the Department of Motor Vehicles of the judgment. The DMV has independent authority to suspend, revoke, or delay driving privileges.

CHILD'S OR YOUTH'S NAME:	CASE NUMBER:

18. ☐ **Notice of rights**
    a. ☐ The child or youth is advised of their right to appeal.
    b. ☐ The child or youth is advised that their appointed attorney has a continuing obligation to represent them on this case, until the attorney is relieved by the court under California Rules of Court, rule 5.663.

19. ☐ Other *(describe):*

20. ☐ All prior orders not in conflict, including any terms and conditions of probation, remain in full force and effect.

21. The following attachments are incorporated by reference as findings and orders:

- ☐ Form JV-667 *(Custodial and Out-of-Home Placement Disposition Attachment)*
- ☐ Form JV-624 *(Terms and Conditions)*
- ☐ Form JV-550 *(Juvenile Court Transfer-Out Orders)*
- ☐ Form JV-260 *(Temporary Restraining Order Against a Child)*
- ☐ Form JV-265 *(Juvenile Restraining Order Against a Child—Order After Hearing)*
- ☐ Form JV-733 *(Commitment to Secure Youth Treatment Facility)*
- ☐ Form CR-110/JV-790 *(Order for Victim Restitution)*
- ☐ Form JV-223 *(Order on Application for Psychotropic Medication)*
- ☐ FormJV-535 *(Order Designating Educational Rights Holder)*
- ☐ Form JV-501 *(Parentage—Findings and Judgment)*
- ☐ Indian Child Welfare Act responses from tribes or BIA
- ☐ Form JV-135 *(Order for Repayment of Cost of Legal Services)*
- ☐ Form CR-210/JV-632 *(Prohibited Persons Relinquishment Form Findings)*
- ☐ Probation officer's case plan approved by the court ☐ As submitted ☐ As amended and stated on the record
- ☐ Other

Date:

Judicial Officer

Item number: 27

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Juvenile Law: Implementation of AB 383 Regarding Firearms Relinquishment

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Revise and retitle form CR-210/JV-623

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)*:*
Kristen Schmit, 415-865-7712, kristen.schmit@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* 10/16/2025; Amended 01/07/2026
Project description from annual agenda: Item 1n - 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 383 (Davies), Firearms: prohibition: minors (Stats. 2025, ch. 362) This bill expands exemptions to the prohibition against the purchase and possession of firearms by minors for specified activities related to hunting education, applies existing post-conviction firearm relinquishment procedures to minors adjudicated to have committed a crime and individuals subject to specified restraining orders, and authorizes the issuance of a search warrant for minors unlawfully in possession of a firearm.

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

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):* 02/26/2026

☒ Office director (or designee) reviewed on *(date):* 3/2/2027 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR 26-27

Title
Juvenile Law: Implementation of AB 383 Regarding Firearms Relinquishment

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes
Revise and retitle form CR-210

Proposed Effective Date
January 1, 2027

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Contact
Kristen Schmit, 415-865-7712
kristen.schmit@jud.ca.gov

Executive Summary and Origin

Assembly Bill 383 (Stats. 2025, ch. 362) amended Penal Code section 29810 to extend existing firearms relinquishment procedures to minors adjudicated for various offenses. *Prohibited Persons Relinquishment Form Findings* (form CR-210) assists judicial officers in making required findings about firearms relinquishment under section 29810. The Family and Juvenile Law Advisory Committee, with approval from the Criminal Law Advisory Committee, proposes revising and renumbering form CR-210 into a joint criminal and juvenile form because the findings required under section 29810 are now the same in adult criminal cases and juvenile cases.

Background

Penal Code section 29810, as amended by AB 383, requires a person out of custody to relinquish all firearms they own, possess, or have under their custody or control within 48 hours of certain convictions or adjudications.[1] A person in custody must relinquish firearms within 14 days of the conviction or adjudication. Upon conviction or adjudication, the court provides the

[1] A person must also relinquish ammunition, and ammunition feeding devices, including, but not limited to magazines. *Id*. A "firearm" includes any firearms (guns), receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

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

Department of Justice's Prohibited Persons Relinquishment Form (PPRF) to the person.[2] The PPRF provides information about a person's compliance requirements and a way for a person to show compliance. Judicial officers are also required to immediately assign the matter to a probation officer to investigate various sources, including the Automated Firearms System, to reveal whether a person owns, possesses, or has under their custody or control any firearms.

Prior to final disposition or sentencing in a case, the judicial officer is required to confirm that the person has relinquished all firearms as required and that the court received a PPRF. Form CR-210, an optional form used by judicial officers to make these findings, was initially adopted in 2017 and was last revised in 2024.[3]

The Proposal

The committee recommends revising and renumbering existing form CR-210 into a joint criminal and juvenile form because, under section 29810, the relinquishment findings are the same in both case types. The committee proposes the following form revisions to convert the existing form into joint form CR-210/JV-623:

- Replace "defendant" with "prohibited person" throughout the form because the latter term works in both case types and matches the language used in the PPRF.
- Revise item 1b to state "relinquished all firearms under the alternative method" instead of "an alternative method."
- Revise item 2a(1) to say the probation officer's report "indicates there are no firearms in the prohibited person's possession or residence" to provide further clarity about the information included in the report.
- Replace the semicolon with a period after each checkbox option (finding) in the Compliance and Noncompliance items. Ending a finding with a semicolon reads as if there is more to the finding when it is intended to be the end of the sentence because each option is mutually exclusive of the other options.
- Add item 3 "Other Findings and Orders" for courts to use to make additional orders and findings to fit individual case needs as authorized by law.
- Add an attachment block in item 3 to allow courts to attach additional pages to incorporate additional orders and findings, if needed.
- Change the code citation "section 29810(c)" to "section 29810" because subdivision (f) of section 29810 authorizes judicial officers to change the time periods specified in subdivisions (c), (d), and (e) of that section.
- Change code citation in first paragraph from "section 16351" to "section 16531" to correct the code citation to match the code section cited in the PPRF.

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[2] Prohibited Persons Relinquishment Form, https://courts.ca.gov/system/files/file/bof1022.pdf

[3] Judicial Council of Cal. Advisory Com. Rep., *Criminal Procedure: Firearms Relinquishment* (Aug. 30, 2017), jcc.legistar.com/View.ashx?M=F&ID=5395687&GUID=4025CB3A-0062-4F3F-BD63-B1D4E250533F; Judicial Council of Cal. Advisory Com. Rep., *Criminal Law: Firearm and Body Armor Prohibitions* (Sept. 9, 2024), jcc.legistar.com/View.ashx?M=F&ID=13299281&GUID=4056204B-3920-4B86-A4BD-D982AA8C937C.

Alternatives Considered

The committee did not consider taking no action because this proposal is legislatively mandated. Inaction would burden courts by leaving a workload need unaddressed in juvenile cases. The committee considered creating a standalone juvenile form but ultimately decided against doing so because the firearms relinquishment findings under section 29810 are the same in adult criminal and juvenile cases. A joint form helps streamline the process for courts by providing judicial officers with one form to use to make the same required findings in both case types.

Fiscal and Operational Impacts

Costs would be limited to producing new forms but are minimized by revising the current CR-210 into a joint form rather than creating a separate standalone juvenile form. Regardless of whether the optional form CR-210/JV-623 is used, implementing AB 383 may require additional judicial training and education, as well as case management system updates.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

Attachments and Links

1. Form CR-210/JV-623, at page 4
2. Link A: Assembly Bill 383 (Stats. 2025, ch. 362), *https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB383*
3. Link B: Penal Code section 29810, *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=29810*

DRAFT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	*FOR COURT USE ONLY* **DRAFT** **Not approved by the Judicial Council**
CASE NAME:	CASE NUMBER:
PROHIBITED PERSONS RELINQUISHMENT FORM FINDINGS **(Pen. Code, § 29810)**	*FOR COURT USE ONLY* Date: Time: Department:

Any reference to "firearm" in this form includes any firearms (guns), receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). The prohibited person cannot own, purchase, receive, possess, or have under their custody any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines, and must relinquish all firearms under Penal Code section 29810. The prohibited person cannot purchase, own, or possess body armor (defined in Penal Code section 16288) and must relinquish any body armor in their possession.

1. ☐ ***Compliance***

   The court received a Prohibited Persons Relinquishment Form and (*choose one*)

   a. ☐ the prohibited person relinquished all firearms to a local law enforcement agency or a licensed firearms dealer under Penal Code section 29810(a)(3) and provided relinquishment receipts.

   b. ☐ the prohibited person was allowed an alternative method of relinquishment under Penal Code section 29810(f) and relinquished all firearms under the alternative method.

   c. ☐ the prohibited person has no firearms according to the Prohibited Persons Relinquishment Form and no firearms according to the probation officer's report.

2. ☐ ***Noncompliance***

   a. ☐ The court has not received a Prohibited Persons Relinquishment Form and *(choose one)*

      (1) ☐ the probation officer's report indicates there are no firearms in the prohibited person's possession or residence.

      (2) ☐ the probation officer's report indicates that the prohibited person has firearms. The firearms were*:*

         (1) ☐ Recovered *(explain):* _____

         _____

         (2) ☐ Not recovered *(explain):* _____

         _____

   b. ☐ The court received a Prohibited Persons Relinquishment Form. The probation officer's report indicates the prohibited person has firearms that were not reported on the form. The firearms were*:*

      (1) ☐ Recovered *(explain):* _____

      _____

      (2) ☐ Not recovered *(explain):* _____

      _____

3. ☐ ***Other Findings and Orders***

   _____

   _____

   ☐ Additional pages are attached and incorporated by reference as findings and orders.

_____ Date

_____ Signature of Judicial Officer

Item number: 28

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Juvenile Dependency: Guidelines for Counsel Collections Program

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, appen. F

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)*:*
Corby Sturges, 415-865-4507, corby.sturges@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; amended January 7, 2026
Project description from annual agenda: 10. Juvenile Law: Amend Appendix F guidelines for the Juvenile Dependency Counsel Collections Program. If time and resources permit, the committee will consider developing a recommendation to amend Appendix F, Guidelines for the Juvenile Dependency Counsel Collections Program (JDCCP) (Cal. Rules of Court, appen. F). As required by Welfare and Institutions Code section 903.47, the JDCCP collects reimbursement for the cost of providing legal services in juvenile dependency proceedings from responsible persons who are determined able to pay that cost. The program then reallocates the collected funds to the court-appointed counsel budgets of participating courts whose base allocation does not meet their needs under the current funding methodology. To reduce confusion, the recommended amendments will update the guidelines to remove an outdated method of calculating a court's costs of providing dependency-related legal services. The committee will consider whether to replace this method with a new method of calculating the cost of counsel consistent with the current methodology used by Judicial Council staff to determine the courts' proportional need for court-appointed counsel funding. If the committee does not recommend replacing the method, courts would have the option of determining their actual costs (Cal. Rules of Court, appen. F, § 5(a)) or adopting a flat rate fee structure that ensures that the fees collected from a responsible person do not exceed the actual costs of services provided in the applicable proceeding (Id., § 5(c)). To avoid confusion, it is important for the methodology not to reflect the outdated practice.

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

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):* March 11, 2026

☒ Office director (or designee) reviewed on *(date):* 3/11/2026 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-28

Title
Juvenile Dependency: Guidelines for Counsel Collections Program

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, appen. F

Proposed Effective Date
January 1, 2027

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Contact
Corby Sturges, 415-865-4507
corby.sturges@jud.ca.gov

Executive Summary and Origin

To remove references to a superseded method of calculating the court cost of providing dependency-related legal services, the Family and Juvenile Law Advisory Committee proposes amending California Rules of Court, Appendix F (titled *Guidelines for the Juvenile Dependency Counsel Collections Program*). The proposal would also reformat the guidelines to conform more closely to the style of the rules of court, replace gender-specific language with gender-neutral terms, and make additional technical and stylistic changes.

Background

The law imposes liability on parents and other persons responsible for the support of a child (responsible persons) for the cost to the court of providing legal services to the child and the responsible persons in dependency proceedings. (Welf. & Inst. Code, § 903.1.[1]) A court is responsible for determining its cost of providing the dependency-related legal services referred to in section 903.1. The court must use procedures adopted by the Judicial Council to determine their cost; otherwise, the council must approve the determination. (§ 904(a).) A court may not

[1] All subsequent statutory references are to the Welfare and Institutions Code unless otherwise specified.

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

collect more in reimbursement from a responsible person or persons than the actual cost of providing services to those persons and the child or children in their case. (§ 901.)

Development of appendix F

Legislation enacted in 2009 required the Judicial Council to establish a program to collect reimbursement of the cost of dependency-related legal services from responsible persons who had the ability to repay those costs.[2] The statute required the council to adopt, as part of the collections program, a statewide standard for determining a responsible person's ability to pay reimbursement for the cost of counsel.[3] In 2012, the council adopted *Guidelines for the Juvenile Dependency Counsel Collections Program* (JDCCP) as appendix F to the California Rules of Court, establishing the JDCCP as mandated.[4]

Alternative methods of determining the court cost of dependency-related legal services

Consistent with the condition in section 904(a) that a court's determination of its cost of providing dependency-related legal services must use procedures adopted by the Judicial Council unless the council approves each determination, the council adopted three methods of determining the court cost in section 5 of the guidelines to assist courts in making that determination.

First, the guidelines authorize a court to determine the actual cost of the legal services provided to a child or responsible person in a dependency proceeding. The court should base this determination on the actual cost incurred per event in the proceeding, per hour billed, or per client represented. (Cal. Rules of Court, appen. F, § 5a.)

Second, the guidelines authorize a court to apply the caseload funding model (CFM) then in effect to determine the cost.[5] (*Id.,* § 5b.) Section 5b provides detailed instructions on how to apply the CFM to calculate an individual court's cost of providing legal services to children and responsible persons in particular cases. Third, the guidelines authorize a court to adopt a flat rate fee structure for the cost of legal services in a dependency proceeding as long as the fees charged

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[2] § 903.47(a), added by Assem. Bill 131 (Stats. 2009, ch. 413).

[3] § 903.47(a)(1)(A).

[4] Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency: Counsel Collections Program* (Sept. 14, 2012), *courts.ca.gov/sites/default/files/courts/default/2024-12/jc-20121026-itema20.pdf*. The council amended the guidelines a year later following further statutory amendment. Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency: Counsel Collections Program Guidelines* (Aug. 15, 2013), *courts.ca.gov/sites/default/files/courts/default/2024-10/jc-20130823-itemf.pdf*. These and later minor amendments are not related to the current proposal.

[5] In October 2007, the Trial Court Budget Working Group developed and the Judicial Council approved a need-based compensation or caseload funding model (CFM) for court-appointed dependency counsel practicing in courts under the Dependency Representation, Administration, Funding, and Training (DRAFT) program. See Judicial Council of Cal., Staff Rep., *DRAFT Pilot Program and Court-Appointed Counsel* (Oct. 26, 2007), pp. 7–8. In June 2008, the council's Executive and Planning Committee extended that methodology to appointed dependency counsel in all juvenile courts statewide. See *id*. at pp. 7–10; Judicial Council of Cal., Advisory Com. Rep., *Court-Appointed Counsel Compensation Model and Workload-Based Funding Methodology* (June 10, 2008).

do not exceed the actual cost of the services provided in that proceeding up to and including the date of the determination and assessment. (*Id.,* § 5c.)

The Proposal

In April 2016, the Judicial Council replaced the CFM with a new funding methodology that implemented nine recommendations of the Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee.[6] Because the current methodology differs significantly from the CFM, courts should not use the model in section 5b to determine their cost for dependency-related legal services. Section 5b is inaccurate, and retaining it is potentially misleading. The committee therefore proposes repealing section 5b of the guidelines, as well as footnotes 3–5 and 7, which also refer to the CFM.

The committee proposes not replacing the method in section 5b with a method that applies the current funding methodology. This proposal would leave courts with the options of determining their actual cost of providing dependency-related legal services to specific clients in particular cases (Cal. Rules of Court, appen. F, § 5a) or adopting a flat rate fee structure (*Id.,* § 5c but proposed to be relettered as 5b). Most courts that participate in the JDCCP appear to have chosen the latter option.

In addition to the amendments recommended to respond to the inaccurate language in current section 5b, the committee proposes reformatting the guidelines to conform more closely to the style of the rules of court, replacing gender-specific language with gender-neutral terms, and making additional technical and stylistic changes.

Alternatives Considered

The committee considered proposing a new model for calculating the court cost of dependency-related legal services based on the current funding methodology but chose not to pursue that option after determining that few, if any, courts would use it. The committee also considered taking no action, as the model used in current section 5b of the guidelines has been obsolete for almost 10 years and not led to any known confusion. However, the committee chose to propose repealing the methodology contained in section 5b and related language because it is inaccurate and could be misleading.

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[6] Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (Apr. 1, 2016), *jcc.legistar.com/View.ashx?M=F&ID=4382676&GUID=E8BCCA8A-5DED-48C3-B946-6E21EBB0BEAF*. The council has updated the funding methodology twice. The first update addressed the funding needs of smaller courts. Judicial Council Advisory Com. Rep., *Juvenile Dependency: Small Court Dependency Workload Working Group Final Recommendations* (May 5, 2017), *jcc.legistar.com/View.ashx?M=F&ID=5150554&GUID=7D8E5F4F-6D83-4C73-A246-4F11E877A411*. The second update addressed changes to the salary level of county counsel, one of the factors in the methodology.

Fiscal and Operational Impacts

The proposal is expected to result in few, if any, costs to the courts or other stakeholders. Courts participating in the JDCCP reportedly no longer use the CFM model in section 5b to calculate their costs. Courts would therefore not need to change their practices. The effect of the proposed change on other stakeholders would flow from a change in court practices and is therefore also expected to be minimal.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

Attachments and Links

1. Cal. Rules of Court, appen. F, at pages 5–16

Appendix F of the California Rules of Court would be amended, effective January 1, 2027, to read:

Appendix F.

Guidelines for the Juvenile Dependency Counsel Collections Program (JDCCP)

1. Legal Authority

These guidelines are adopted under the authority of section 903.47 of the Welfare and Institutions Code,[1] which mandates that the Judicial Council "establish a program to collect reimbursements from the person liable for the costs of counsel appointed to represent parents or minors pursuant to Section 903.1 in dependency proceedings." (Welf. & Inst. Code, § 903.47(a).) As part of the program, the statute requires the council to "[a]dopt a statewide standard for determining [a responsible person's] ability to pay reimbursements for counsel." This standard must "at a minimum include the family's income, their necessary obligations, the number of people dependent on this income, and the cost-effectiveness of the program." *(Ibid.)* The statute also requires the council to "[a]dopt policies and procedures allowing a court to recover from the money collected the costs associated with implementing the reimbursements program."[2] These policies and procedures must, in turn, "limit the amount of money a court may recover to a reasonable proportion of the reimbursements collected and provide the terms and conditions under which a court may use a third party to collect reimbursements." *(Ibid.)*

* * *

Under section 903.47(b), the court may designate a court financial evaluation officer (FEO) or, with the consent of the county, a county ~~financial evaluation officer~~ ~~(~~FEO~~)~~ to determine a responsible person's ability to pay the cost of court-appointed counsel. The court refers any responsible person to the designated FEO at the close of the dispositional hearing under section 903.45(b) unless that referral would not be cost-effective under section 903.47(a)(1)(A). The FEO then determines the ~~responsible~~ person's ability to pay all or part of the cost of dependency-related legal services under the procedures and within the limits set by section 903.45(b). The statutory scheme, particularly sections 901 and 903, prohibits the assessed amount from exceeding the actual cost of the legal services.

* * *

[1] Except as otherwise specified, all statutory references in these guidelines are to the Welfare and Institutions Code.

[2] This section defines *costs associated with implementing the reimbursements program* as the "court costs of assessing a parent's ability to pay for court-appointed counsel and the costs to collect delinquent reimbursements."

2.–4. * * *

5. Determination of Cost of Legal Services

The court is charged with determining the cost of dependency-related legal services. In doing so, the court may adopt ~~**one** of the three methods in (a)–(c)~~ either the method described in (a) or the method described in (b). In no event will the court seek reimbursement of an amount that exceeds the actual cost of legal services already provided to the children and the responsible person in the proceeding. The court may update its determination of the cost of legal services on an annual basis, on the conclusion of the dependency proceedings in the juvenile court, or on the cessation of representation of the child or responsible person.

(a) Actual Cost

The court may determine the actual cost of the legal services provided to a child or responsible person in a dependency proceeding. The court should base this determination on the actual cost incurred per event in the proceeding, per hour billed, or per client represented.

~~**(b) Cost Model**~~

~~The court may determine the cost of legal services provided to a child or responsible person in a dependency proceeding by applying the Uniform Regional Cost Model available on *jrn.courts.ca.gov* or from *jdccp@jud.ca.gov*. Use of the cost model as described in this section will ensure that the court seeks reimbursement of an amount that most closely approximates, but does not exceed, the actual cost incurred by the court.~~

~~(1) *Time Allocated to Each Event per Attorney*~~

~~The court will calculate the time allocated to each event in a local dependency proceeding by~~

~~(A) Dividing the normative caseload of 141 clients per attorney by the actual caseload reported by the dependency attorneys in the county in which the court sits, and then~~

~~(B) Multiplying the result by the number of hours allocated to the type of event in question by the Dependency Counsel Caseload Study.[3]~~

~~[3] See Center for Families, Children & Cts., Admin. Off. of Cts. Rep., *Court-Appointed Counsel: Caseload Standards, Service Delivery Models, and Contract Administration* (June 23, 2004), p. 3 & appen.~~

~~(2) *Cost of Each Event per Attorney*~~
~~The court will then calculate the cost of each type of event by multiplying the time allocated to the event by~~

~~(A) The actual hourly rate billed to the court for the provision of dependency-related legal services, or~~

~~(B) The lowest actual hourly rate billed for dependency-related legal services in the region[4] in which the court is located as reported in the most recent survey of those rates, or~~

~~(C) The approved hourly rate for the region in which the court is located as provided in the Caseload Funding Model (CFM) approved by the Judicial Council in October 2007 and June 2008.[5]~~

~~(3)~~ *Cost of Proceeding per Attorney*
~~The court will then calculate the cost of the services provided by an attorney in a dependency proceeding by adding together the costs of each event that has occurred in the proceeding at issue.~~

~~(c)~~(b) Flat Rate Fee Structure

The court may adopt a flat rate fee structure for the cost of legal services in a dependency proceeding as long as the fees charged do not exceed the actual cost of the services provided in that proceeding up to and including the date of the determination and assessment.

6. Determination of Ability to Pay; Financial Evaluation Officer; Statewide Standard

(a) Referral for Financial Evaluation

At the close of the dispositional hearing, the court will order any responsible person present at the hearing to appear before a designated ~~financial evaluation officer~~ (FEO~~)~~ for a determination of the ~~responsible~~ person's ability to pay reimbursement of all or part of the cost of legal services for

~~[4] California trial courts are grouped into four regions based on parity in cost of living, attorney salaries, and other factors among counties in a given region. See Center for Families, Children & Cts., Admin. Off. of Cts. Rep., *DRAFT Pilot Program and Court-Appointed Counsel* (Oct. 26, 2007), pp. 7–8.~~
~~[5] See *id.*, at pp. 7–10; Trial Court Budget Working Group Rep., *Court-Appointed Counsel Compensation Model and Workload-Based Funding Methodology* (June 10, 2008).~~

which ~~he or she is~~ they are liable under section 903.1(a), unless the court finds that, given the resources of the court, evaluation by an FEO would not be a cost-effective method of determining the ~~responsible~~ person's ability to pay.

(1) *Responsible Person Not Present at Dispositional Hearing*

If a responsible person is not present at the dispositional hearing, the court will issue proper notice and an order for ~~him or her~~ them to appear before an FEO for determination of ~~his or her~~ their ability to pay reimbursement of all or part of the cost of legal services for which ~~he or she is~~ they are liable under section 903.1(a) unless the court finds that evaluation by an FEO would not be a cost-effective method of determining the ~~responsible~~ person's ability to pay given the resources of the court.

* * *

(2) *Alternative Methods*

* * *

(3) *Failure to Appear for Financial Evaluation*

If a responsible person is ordered to appear for financial evaluation, has received proper notice, and fails to appear as ordered, the FEO will recommend that the court order the ~~responsible~~ person to pay the full cost of legal services as determined under section 5 of these guidelines unless the next paragraph applies.

If a responsible person is not present at the hearing at which the order to appear for a financial evaluation is made, has received proper notice and an order to appear, and responds to the order by submitting a declaration that ~~he or she~~ the person is involuntarily confined and therefore not able to attend or reschedule the evaluation, the FEO or the court may presume that ~~he or she~~ the person is unable to pay reimbursement and is eligible for a waiver of liability at that time.

(4) *Proper Notice*

Proper notice to a responsible person will contain notice of all of the following:

(A) ~~His or her~~ The person's right to a statement of the costs as soon as it is available;

(B) ~~His or her~~ The person's procedural rights under section 27755 of the Government Code;

(C) The time limit within which ~~his or her~~ the person's appearance is required; and

(D) A warning that if ~~he or she~~ the person fails to appear before the FEO, the officer will recommend that the court order ~~him or her~~ them to pay the full cost of legal services, and that the FEO's recommendation will be a sufficient basis for the court to order payment of an amount up to the full cost.

(b) Financial Evaluation Officer

* * *

(c) Authority of Financial Evaluation Officer

The designated FEO will conduct the evaluation under the procedures outlined in section 903.45(b). The FEO may determine a referred responsible person's ability to pay all or part of the cost of legal services for which ~~his or she~~ the person is liable, negotiate a plan for reimbursement over a set period of time based on the ~~responsible~~ person's financial condition, enter into an agreement with the ~~responsible~~ person regarding the amount to be reimbursed and the terms of reimbursement, petition the court for an order of reimbursement according to the terms agreed to with the ~~responsible~~ person, and refer the ~~responsible~~ person back to court for a hearing in the event of a lack of agreement.

(d) Standard for Determining Ability to Pay

The FEO will determine the responsible person's ability to reimburse the cost of legal services using the following standard:

(1) *Presumptive Inability to Pay; Waiver*

If a responsible person receives qualifying public benefits or qualifies for a fee waiver under the criteria of Government Code section 68632(b)(1) at the time of the inquiry, then the person is presumed to be unable to pay reimbursement and is eligible for a waiver of liability.

~~(A)~~ *Qualifying public benefits* include benefits under any of the programs listed in Government Code section 68632(a).

(2) *Further Inquiry*

* * *

(3) *Responsible Person's Financial Condition*

The FEO may, at any time following the close of the dispositional hearing, make a detailed evaluation of a referred responsible person's financial condition at that time under section 903.45(b). Based on any relevant information submitted by the ~~responsible~~ person, including but not limited to a completed *Financial Declaration—Juvenile Dependency* (form JV-132) or the equivalent local form, the FEO will assess the ~~responsible~~ person's household income, household needs and obligations (including other court-ordered obligations), and the number of persons dependent on the household income and will determine the person's ability to pay all or part of the cost of legal services without using funds that would normally be used to pay for the common necessaries of life.

When calculating a person's household income, the FEO must exclude from consideration any benefits received from a public assistance program that determines eligibility based on need.~~6~~[63]

(e) Circumstances Requiring No Petition or Order for Reimbursement

Under section 903.45(b), the FEO may not petition the court to order reimbursement of the cost of legal services, and the court will not so order, if:

(1) The responsible person has been reunified with any of the children under a court order and the FEO determines that requiring repayment would harm ~~his or her~~ the person's ability to support the children;

(2)–(3) * * *

(f) Amount Assessed

* * *

~~6~~[63] *In re S.M.* (2012) 209 Cal.App.4th 21, 28–31.

(g) Agreement; Petition

If the responsible person agrees in writing to the FEO's written determination of the amount that the ~~responsible~~ person is able to reimburse and the terms of reimbursement, the FEO will petition the court for an order requiring the ~~responsible~~ person to reimburse the court in a manner that is reasonable and compatible with the ~~responsible~~ person's financial condition.

(h) Dispute; Referral

If the responsible person disputes ~~his or her~~ their liability for the cost of legal services, the amount of that cost, the FEO's determination of ~~his or her~~ the person's ability to reimburse all or part of that cost, or the terms of reimbursement, the FEO will refer the matter, with ~~his or her~~ the written determination, back to the juvenile court for a hearing.

7. Judicial Proceeding Following Determination of Ability to Reimburse Costs

* * *

(a) Agreement; Order

If the responsible person agrees to reimburse the court as recommended by the FEO, the FEO will prepare an agreement to be signed by the ~~responsible~~ person. The agreement will reflect the amount to be reimbursed and the terms under which reimbursement will be paid. The juvenile court may order the ~~responsible~~ person to pay reimbursement under those terms without further notice to the ~~responsible~~ person.

(b) Dispute; Hearing

* * *

(c) Judicial Determination

If, at the conclusion of the hearing, the court determines that the responsible person is able to reimburse all or part of the cost of legal services—including the cost of any attorney appointed to represent the ~~responsible~~ person at that hearing—without using funds that would normally be used to pay for the common necessaries of life, the court will set the amount to be reimbursed and order the ~~responsible~~ person to pay that amount to the court in a manner

that the court ~~believes~~ determines to be reasonable and compatible with the ~~responsible~~ person's financial condition.

8. Reevaluation of Ability to Pay

At any time before reimbursement is complete, a responsible person may petition the court to modify or vacate the reimbursement order based on a change in circumstances affecting ~~his or her~~ the person's ability to pay. The court may deny the petition without a hearing if the petition fails to state a change of circumstances. The court may grant the petition without a hearing if the petition states a change of circumstances and all parties stipulate to the requested modification.

9. Frequency of Determination of Ability to Pay and Assessment

The initial evaluation and determination of a responsible person's ability to pay reimbursement may be conducted at any time following the conclusion of the dispositional hearing. The court may order a reevaluation of a ~~responsible~~ person's financial condition on an annual basis, on the conclusion of the dependency proceedings in the juvenile court, or on the cessation of court-appointed representation of the child or the ~~responsible~~ person.

If the FEO determines on reevaluation that the responsible person is able at that time to pay all or part of the cost of legal services, the FEO may, consistent with the ~~responsible~~ person's ability to pay without using funds that would normally be used to pay for the common necessaries of life, assess an amount up to the full cost, as determined under section 5, of any legal services provided to the child or the ~~responsible~~ person and may recommend reimbursement in a single lump sum or in multiple installments over a set period of time.

10. Collection Services

(a) Court-Based Collection Services

* * *

(b) Outside Collection-Services Providers

* * *

(1) *Collection Services Provided by County*

* * *

(2) *Collection Services Provided by Private Vendor*

A court that uses a private collection service should use a vendor that has entered into a master agreement with the Judicial Council to provide comprehensive collection services. A court that uses such a vendor should complete a participation agreement and send it to Judicial Council staff ~~via e-mail~~ by email to *jdccp@jud.ca.gov*. A court may contract directly with a private vendor only on terms and conditions substantially similar to those set forth in the master agreements for comprehensive collection services available at ~~*jrn.courts.ca.gov/programs/collections/mva.htm.*~~ *courts.ca.gov/procurement-services#acc16722.*

(3) * * *

* * *

(c) Agreements Between Courts

* * *

11. Recovery of Program Implementation Costs

A court may recover, from the money it has collected, its eligible program implementation costs before remitting the balance of the collected funds to the state in the manner required by Government Code section 68085.1. Eligible costs are limited by statute to the cost of determining responsible persons' ability to repay the cost of court-appointed counsel and to the cost of collecting delinquent reimbursements. If a court's eligible costs in any given month exceed the amount of revenue it has collected in that month, the court may carry the excess costs forward within the same fiscal year until sufficient revenue is collected to recover the eligible costs in full. Any program costs recovered by the court must be documented by the court and reported monthly by ~~e-mail~~ email to *jdccp@jud.ca.gov* in a format consistent with the Cost Recovery Template available ~~on~~ at *jrn.courts.ca.gov/programs/famjuv/resources.htm* or from *jdccp@jud.ca.gov.*

~~**(a) *Delinquent Reimbursement* Defined**~~

For purposes of this section, *delinquent reimbursement* means any reimbursement payment not received within one business day of the date it is due.

12. Remittance and Reporting of Collected Revenue

A court will remit collected revenue, less recovered costs, to the state in the same manner as required under Government Code section 68085.1 and will report this revenue on row 130 of *Court Remittance Advice* (form TC-145), available at *jrn.courts.ca.gov/programs/finance/fees.htm*. The Judicial Council will deposit the revenue received through this program into the Trial Court Trust Fund as required by statute.

~~**(a) Judicial Council Collections Agreement Option**~~

Where the Judicial Council has entered into an MOU or an agreement with a county or a private collection-services vendor under section 10(b)(3) of these guidelines, funds will be remitted directly to the Judicial Council under the terms of the MOU or the agreement.

13. Program Data Reporting

* * *

~~**(a) Ongoing Reporting Requirement**~~

To support the amount remitted to the Trial Court Trust Fund, each court will report collections data annually on or before September 30, beginning September 30, 2013. ~~The first report should cover the period from January 1, 2013, to June 30, 2013.~~ Each court should submit its completed report attached to an ~~e-mail~~ email message to *jdccp@jud.ca.gov.*

~~(1)~~**(a) Data Reporting**

Judicial Council staff will provide a reporting template that solicits the following information:

~~(A)~~(1) * * *

~~(B)~~(2) * * *

~~(C)~~(3) * * *

~~(D)~~(4) * * *

~~(E)~~(5) * * *

~~(F)~~(6) * * *

~~(G)~~(7) * * *

~~(H)~~(8) * * *

~~(I)~~(9) * * *

~~(J)~~(10) * * *

~~(K)~~(11) * * *

~~(2)~~**(b) JDCCP Implementation Review**

~~Within two years of the effective date of these guidelines and thereafter as~~ As needed, the Judicial Council will evaluate the progress of the JDCCP's statewide implementation and examine the impact of the program on court workload and finances. For this purpose, Judicial Council staff may survey the courts about their financial evaluation processes, including the time and resources needed to determine responsible persons' ability to pay, the number of such persons evaluated, the results of the evaluations as specified in 6(d)–(g), and the number of judicial hearings necessary under 7(b)–(c).

14. Allocation of Collected Funds to Trial Courts

(a) Eligibility for Allocation

* * *

(1) *Participation*

* * *

(2) *Funding Need*

The court receives a base court-appointed counsel allocation that, viewed as a percentage of the available statewide funding, is less than

its percentage share of the statewide court-appointed counsel funding need as estimated by the ~~CFM~~ funding methodology in effect at the time of the allocation.[7]

(b) Allocation Methodology

* * *

(c) Review of Determination of Funding Level

* * *

15. Technical Assistance

Judicial Council staff will provide technical assistance on request to courts that are in the process of implementing the JDCCP or that wish to coordinate collection efforts with other courts. Courts may send requests by ~~e-mail~~ email to *jdccp@jud.ca.gov* to receive technical assistance, which can include (but is not limited to) services such as:

~~(a)~~(1) * * *

~~(b) Advising a court on the application of the Uniform Cost Model under section 5(b) of these guidelines;~~

~~(c)~~(2) * * *

~~(d)~~(3) * * *

[7] ~~In October 2007, the TCBWG developed and the Judicial Council approved a need-based compensation or caseload funding model (CFM) for court-appointed dependency counsel practicing in courts under the DRAFT program. (See Trial Court Budget Working Group Rep., *supra* note 5.) In June 2008, the council's Executive and Planning Committee extended that methodology to appointed dependency counsel in all juvenile courts statewide. The CFM uses the number of data-supported clients in a county to determine the number of FTE attorneys needed to serve that population at the Judicial Council–approved caseload standard of 188 clients per FTE attorney. (See *id.,* at p. 4.) It then uses cost of living, county counsel salaries, and other economic factors to assign each court to one of four statewide groups. (See *id.,* at p. 5.) To promote equity in attorney compensation, each group of courts is assigned an attorney salary level based on the prevailing county counsel salary range in that group. Each court's appointed counsel salary needs are determined by multiplying the mid-tier salary level by the number of FTE attorneys needed to serve the client population at the approved caseload. The cost of benefits and overhead, including support staff, are calculated at assigned percentages of the attorney salaries. Adding these elements together yields a precise estimate of the funding needed for a court to ensure competent representation of all parties in juvenile dependency proceedings under sections 317(c) and 317.5, as well as rule 5.660(d) of the California Rules of Court.~~

Item number: 29

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Juvenile Law: Incarcerated Parents and Nonminor Dependents

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rules 5.530 and 5.900; revise forms JV-450 and JV-451

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)*:*
Sarah Namnama Saria, 916-643-7078, sarah.saria@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: Annual agenda approved by Rules Committee on (date): October 16, 2025; Amended January 7, 2026 Project description from annual agenda: Assembly Bill 651 (Bryan) Juveniles: dependency: incarcerated parent (Stats. 2025, ch. 274) This bill amends Welfare and Institutions Code section 349 to extend minors' rights to notice, participation, and continuances for lack of notice to nonminor dependents. The bill also amends Penal Code section 2625 to require notice and an opportunity for an incarcerated parent to be physically present at specified dependency hearings related to their child, or the opportunity to participate in those proceedings by videoconference or teleconference when their physical presence is waived.

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

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):* 2.27.2026

☒ Office director (or designee) reviewed on *(date):* 3.3.26 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

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-29

Title
Juvenile Law: Incarcerated Parents and Nonminor Dependents

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rules 5.530 and 5.900; revise forms JV-450 and JV-451

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Sarah Namnama Saria, 916-643-7078
Sarah.Saria@jud.ca.gov

Executive Summary and Origin

Assembly Bill 651 (Stats. 2025, ch. 274) amended Penal Code section 2625 to require courts to give notice to incarcerated parents, including wards in Secure Youth Treatment Facilities (SYTFs), and allow them to attend specified dependency hearings. If an incarcerated parent waives in-person attendance, the statute requires incarcerated parents to be given the opportunity to participate in the hearing by videoconference or, if unavailable, by teleconference. The bill also amended Welfare and Institutions Code section 349 to extend to nonminor dependents the rights to notice, participation, and continuances if notice is not provided. To implement these changes, the Family and Juvenile Law Advisory Committee proposes amending two rules of court and revising two mandatory forms.

Background

Before January 1, 2026, Penal Code section 2625 required courts to notify prisoners of proceedings to adjudicate a petition concerning their child under Welfare and Institutions Code section 300[1] or to terminate their parental rights under section 366.26.[2] The term "prisoner"

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

[1] Unless otherwise specified, all further statutory references are to the Welfare and Institutions Code.

[2] Pen. Code, § 2625. *(Amended by Assem. Bill 46; Stats. 2019, ch. 9, § 5), eff. Jan. 1, 2020.)*

included individuals in state prison, the California Rehabilitation Center, or county jail, or wards of the Department of the Youth Authority.

AB 651[3] expanded these provisions to:

- Include wards confined in SYTFs, but not wards of the Department of the Youth Authority; and

- Add hearings requiring notice to incarcerated parents to include hearings under sections 361, 366.21, 366.22, and 366.25 when the hearings are about the prisoner's child; petitions under section 388 if the prisoner is the petitioner; and hearings to determine the parentage of a prisoner's child.

To give incarcerated parents an opportunity to participate in hearings, AB 651 amended Penal Code section 2625 to:

- Require courts to order the parent's temporary release from the institution and production before the court if a parent notifies the court of their desire to physically attend the proceeding;

- Require courts to offer the opportunity to participate by videoconference or teleconference if the incarcerated parent waives their right to be physically present; and

- Continue to prohibit hearings under sections 300 or 366.26 without the parent's presence or written waiver.[4]

The bill also amended section 349 to extend to nonminor dependents many of the same rights afforded to dependent minors, including the rights to notice, participation, and continuances when not properly notified. Nonminor dependents have the right to be represented at the hearing by counsel of their own choice, and the court is required to inform the nonminor that they have the right to address the court and participate in the hearing. If the nonminor is not present at a hearing, the court is required to inquire whether the nonminor was properly notified and grant a continuance long enough to secure the nonminor's presence if notice was lacking.

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[3] See *https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260AB651*.

[4] The language in subdivision (d) of Penal Code section 2625 was changed from "may" to "shall." Prior to the amendment in Assembly Bill 651, this subdivision stated that a court "may" not hold a proceeding to adjudicate a child of the prisoner a dependent under section 300 or a proceeding under section 366.26 without the physical presence of the parent or their attorney unless the court has a written waiver of the parent's right to physical presence. As amended, this subdivision states that a court "shall" not hold such proceedings absent a written waiver from the parent. Courts have understood this subdivision to prohibit such proceedings absent a written waiver from the parent. (Judicial Council of Cal., *Report to the Judicial Council, Juvenile Law: Appearance by Incarcerated Parents and Other Parties in Juvenile Court Proceedings* (Oct. 28, 2011, p. 8.)

The Proposal

The Family and Juvenile Law Advisory Committee proposes amending California Rules of Court,[5] rule 5.530 to conform to Penal Code section 2625; amending rule 5.900 to conform to section 349; and revising *Order for Prisoner's Appearance at Hearing Affecting Parental Rights* (form JV-450) and *Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights* (form JV-451) to conform to Penal Code section 2625.

Rule 5.530

To conform to Penal Code section 2625, the committee recommends amending subdivision (f) of rule 5.530 to:

- Add wards in SYTFs as parents entitled to appear in person and participate in dependency proceedings;
- Remove detention hearings under section 319 from court notice requirements;
- Expand court notice to incarcerated parents to include hearings under sections 355[6], 358, 361, 366.21, 366.22, 366.25, and 366.26 when such hearings are related to the prisoner's child; petitions under section 388 when the parent is the petitioner; and any hearing to determine the parentage of a prisoner's child;
- State that the parent has the right to attend a hearing in person or have their attorney attend the hearing, and that the parent can waive their right to appear physically;
- Require courts to issue an order for the parent's temporary removal and production upon a request from the parent or the parent's attorney;
- Renumber subdivision (5) as subdivision (2)(A), change the title of form JV-450 to *Notice and Order for Appearance of Prisoner or Ward at Hearing Affecting Parental Rights*, and change the title of form JV-451 to *Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights;*
- Renumber subdivisions (4)(A)–(B) as subdivision (2)(B) and amend the section to prohibit hearings under section 355, 358, or 366.26 without the parent's presence or written waiver;
- Renumber and amend subdivision (6) as subdivision (3) and state that parents who waive in-person attendance rights or have not been ordered to appear have the opportunity to participate via videoconference or, if unavailable, by teleconference;
- Require courts, in subdivision (3), to inform the parent that the hearing may proceed without their appearance and participation if technology complying with rule 5.531 is

[5] Unless otherwise specified, all further rule references are to the California Rules of Court.
[6] Penal Code section 2625(b) includes proceedings to adjudicate a child a dependent of the court. These proceedings include those under Welfare and Institutions Code section 355 (jurisdictional hearings) and section 358 (dispositional hearings).

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unavailable for reasons not attributable to the court;

- Add provisions for other hearings concerning the parental or marital rights of the parent, for a court to order the parent's temporary removal and production before the court while remaining in the constructive custody of the warden, superintendent, or other person in charge of the institution; and

- Delete subdivision (f)(7) recommending local collaboration, as it has not resulted in statewide uniformity for the transportation and production of incarcerated parents for juvenile court proceedings.

Rule 5.900

To align with Welfare and Institutions Code section 349, the committee recommends amending subdivision (d) of rule 5.900 to:

- Amend subdivision (1) to include that nonminor dependents are entitled to notice of hearings concerning them and have the right to attend.

- Amend subdivision (3) to allow nonminors to have an attorney of their choice appear on their behalf.

- Add subdivision (4) to require courts to comply with statutory requirements when the nonminor dependent is present at the hearing.

- Add subdivision (5) to require courts to comply with statutory requirements when the nonminor dependent is not present at the hearing.

***Order for Prisoner's Appearance at Hearing Affecting Parental Rights* (form JV-450)**

To conform to Penal Code section 2625, the committee recommends revising form JV-450 to:

- Retitle the form to *Notice and Order for Appearance of Prisoner or Ward at Hearing Affecting Parental Rights*;

- Create a new "Notice" section that includes:

    - Item 1: The parent's rights and an instruction to fill out and attach *Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights* (form JV-451);

    - Items 2 and 3: Hearing details; and

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- Item 4: Information about the court's videoconferencing or teleconferencing capability;

- Change the "Order" section to add:

  - Items 5 and 6: Instructions to the warden, superintendent, or other person in charge of the institution, including the manager of a SYTF; and

  - Item 7: Instructions to the clerk of the court, social worker, and probation officer based on the type of hearing requiring physical attendance or remote participation, and adding an instruction, not required by statute, to send *Statement Regarding Parentage* (form JV-505) to a parent who is an alleged father.

Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights **(form JV-451)**

To conform to Penal Code section 2625, the committee recommends revising form JV-451 to:

- Retitle the form to *Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights;*

- Create a new "Instructions" section that explains how the form is to be handled by the parent, translator, warden or person in charge, and court clerk;

- Item 3: Explain the parent's right to an attorney;

- Item 4: Combine previous content to:

  - Explain the parent's right to attend the hearing;

  - Allow the parent to select whether they want to:

    - Attend the hearing in person;

    - Participate by videoconferencing or teleconferencing; or

    - Waive both in-person and remote participation, acknowledging that the court may move forward with the case without them;

  - Include space for the parent to provide additional information, such as reasons for not attending;

- Item 5: Add the option for a parent to request an accommodation at a hearing;

- Item 6: Add a declaration by a person who reads forms JV-450 and JV-451 to the parent without translating the forms; and

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- Item 7: Create a new "Declaration of the Official" combining content from previous items 8 and 9.

These changes are required to make rules of court and forms conform to the amended statutes. The amended rules will make it easier for court officers to implement new mandatory statutory requirements. The revised forms will help court officers provide mandated notice to parties and make it easier for parties, attorneys, and those in charge of facilities to provide required information to the courts.

Alternatives Considered

The committee did not consider taking no action. Amending rule 5.530, revising form JV-450, and revising form JV-451 are necessary to reflect recent changes to Penal Code section 2625. Amending rule 5.900 is necessary to reflect recent changes to section 349.

The committee considered adding wards in juvenile detention centers in the proposed amendments to rule 5.530 and revisions to form JV-450. However, because the legislature did not include these wards in the amendments to Penal Code section 2625, the committee limited amendments and revisions to wards in SYTFs.

The committee considered keeping detention hearings under section 319 in rule 5.530(f)(1) but concluded that deletion reflects legislative intent. Although the Legislature added several types of dependency hearings requiring notice to incarcerated parents and wards, detention hearings were excluded from Penal Code section 2625. Additionally, these hearings occur shortly after a petition is filed, making it impossible to meet the statute's 15-day notice requirement for transport orders.

The committee also considered not deleting subdivision (f)(7) of rule 5.530, which recommends that courts convene local agencies and attorneys to develop local court rules and protocols for the implementation of Penal Code section 2625 and rule 5.530. Although the committee acknowledged that it was helpful that local court rules and protocols have been developed, the committee proposes deleting subdivision (f)(7) because that provision has not led to uniformity or consistency throughout the state.

Fiscal and Operational Impacts

To meet statutory mandates, judicial officers and court staff will need education and training. Courts and justice partners may experience fiscal and operational impacts in ensuring that parties are able to appear at hearings in person if they choose and can participate via videoconferencing or teleconferencing if they waive their right to appear in person. Courts, county jails, state prisons, and SYTFs could incur the cost of installing videoconferencing and teleconferencing systems, and maintaining and updating these systems will be recurring costs. County sheriffs departments and state prisons will incur the costs of transporting incarcerated parents to court hearings and maintaining custody of parents while they are in court houses for hearings. County probation departments will incur such costs for wards in SYTFs. All of these costs are unavoidable given statutory mandates.

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Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Are county jails, state prisons, and SYTFs able to provide, at a minimum, telephone conferencing for a parent to participate in a hearing as stated in subdivision (g) of Penal Code section 2625?
- Does proposed form JV-450, item 5, clearly explain who must read and comply with the court order?
- Does proposed form JV-451, Instruction number 1, clearly explain who must receive the form?
- Should subdivision (f)(7) of rule 5.530 be deleted because collaboration at the county level has not led to uniformity throughout the state in the way incarcerated parents are transported and produced for juvenile court proceedings?

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

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

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Attachments and Links

1. Cal. Rules of Court, rules 5.530 and 5.900, at pages 8–12
2. Forms JV-450 and JV-451, at pages 13–18
3. Link A: Pen. Code, § 2625, *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=2625.&lawCode=PEN*
4. Link B: Welf. & Inst. Code, § 349, *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=349.&lawCode=WIC*
5. Link C: Assem. Bill 651 (Bryan; Stats. 2025, ch. 274), *https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB651*

Rules 5.530 and 5.900 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 5.530. Persons present

(a)–(e) * * *

(f) Participation in dependency proceedings by a parent who is of incarcerated ~~parent in dependency proceedings~~ or a ward in a Secure Youth Treatment Facility (§§ 290.1–294, 316.2, 349, 361.5(e); Pen. Code, § 2625)

The ~~incarcerated~~ parent of a child on behalf of whom a petition under section 300 has been filed may appear and participate in dependency proceedings as provided in this subdivision. The term "parent" in this subdivision refers to either an incarcerated parent or a parent who is a ward in a Secure Youth Treatment Facility (SYTF).

(1) Notice must be sent to ~~an incarcerated~~ a parent of a detention hearing under section 319 as required by sections 290.1 and 290.2; ~~a~~ jurisdictional hearing under section 355; ~~or a~~ dispositional hearing under section 358 or ~~361 as required by section 291~~ hearing to limit rights regarding educational or developmental services under section 361 as required by section 291; ~~a~~ review hearing under section 366.21, 366.22, or 366.25 as required by section 293; ~~or a section 366.26~~ permanency planning hearing under section 366.26 as required by section 294 if the proceeding seeks to terminate the parental rights of the parent; hearing under section 388 as required under section 297 if the parent is the petitioner; or any hearing at which parentage is to be determined.

(A) Notice sent pursuant to subdivision (1) ~~to an incarcerated parent of a jurisdictional hearing, a dispositional hearing, or a section 366.26 permanency planning hearing at which termination of parental rights is at issue must inform the incarcerated parent of his or her right to be physically present at the hearing and explain how the parent may secure his or her presence or, if he or she waives the right to be physically present, appearance and participation~~ must inform the parent of their right to be physically present at the hearing or to have their attorney present at the hearing.

(B) Notice ~~to an incarcerated parent of a detention hearing, a review hearing, or any other hearing in a dependency proceeding must inform the incarcerated parent of his or her options for requesting physical or telephonic appearance at and participation in the hearing~~ sent pursuant to subdivision (1) must inform the parent that they can waive their right

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to be physically present by sending the court a signed waiver of their right to physical presence or an affidavit signed by the warden, superintendent, or other person in charge of the institution, or by a designated representative stating that the parent has, by express statement or action, indicated an intent not to appear at the proceeding.

(C) The county welfare department must use the prisoner location system developed by the Department of Corrections and Rehabilitation to facilitate timely and effective notice of hearings to incarcerated parents.

(2) Upon receipt by the court of a statement from the parent, or the parent's attorney, indicating the parent's desire to be present during the court's proceedings, ~~T~~the court must order ~~an~~ a ~~incarcerated~~ parent's temporary removal from the institution where ~~he or she~~ they ~~is~~ are confined and their production before the court at the time appointed for any ~~jurisdictional hearing held under section 355 or dispositional hearing held under section 358 or 361, and any permanency planning hearing held under section 366.26 in which termination of parental rights is at issue~~ hearing described in subdivision (1).

(A) ~~(5)~~ When issuing an order under subdivision (2) or (3) for a parent in a locked county or state institution, the court must require that *Notice and Order for ~~Prisoner's~~ Appearance of Prisoner or Ward at Hearing Affecting Parental Rights* (form JV-450) and a copy of ~~*Prisoner's Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights*~~ (form JV-451) be attached to the notice of hearing and served on the parent, the parent's attorney, the person in charge of the institution, and the sheriff's department of the county in which the order is issued by the person responsible for giving notice of the hearing at issue not less than 15 days before the date of the hearing.

For a parent placed in an SYTF, the order must be served on the parent, the parent's attorney, and on the probation department in the county where the youth is detained, the county where the order originated, and the manager of the SYTF. Notice of the hearing must be served not less than 15 days before the hearing.

(B) ~~(4) No~~ A jurisdictional hearing ~~described in (2)~~ under section 355, a dispositional hearing under section 358, or a hearing to terminate parental rights under section 366.26 ~~may~~ must not be held without the physical presence of the ~~incarcerated~~ parent, ~~and~~ or the parent's attorney, unless the court has received~~: (A)~~ a knowing waiver of the right to be physically present signed by the parent or ~~(B) A~~ a

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declaration signed by the person in charge of the institution in which the parent is incarcerated or confined, or ~~his or her~~ their designated representative, stating that the parent has, by express statement or action, indicated an intent not to be physically present at the hearing.

(3) ~~For any other hearing in a dependency proceeding, including but not limited to a detention hearing or a review hearing, the court may order the temporary removal of the incarcerated parent from the institution where he or she is confined and the parent's production before the court at the time appointed for that hearing. (6) The court may, at the request of any party or on its own motion, permit an incarcerated parent, who~~ If a parent of a child involved in a dependency hearing described in subdivision (1) has either waived ~~his or her~~ their right to be physically present at a hearing described in ~~(2)~~ subdivision (1) or ~~who~~ has not been ordered to appear before the court, the court must give the parent the opportunity to ~~appear and~~ participate in a hearing by videoconference consistent with the requirements of rule 5.531. If video technology is not available, the court ~~may~~ must permit the parent to appear by telephone consistent with the requirements of rule 5.531. The court must inform the parent that~~,~~ the hearing may proceed without their appearance and participation if ~~no~~ technology complying with rule 5.531 is unavailable for reasons not attributable to the court~~, the court may proceed without his or her appearance and participation~~.

(4) ~~No hearing described in (2) may be held without the physical presence of the incarcerated parent and the parent's attorney unless the court has received:~~ In any other action or proceeding in which a parent's parental or marital rights are subject to adjudication, the court of the county in which the action or proceeding is pending may issue an order for the parent's temporary removal from the institution and for the parent's production before the court.

(A) ~~A knowing waiver of the right to be physically present signed by the parent; or~~
The order must meet the requirements described in subdivision (e) of Penal Code section 2625, and a copy of the order must be transmitted to the warden, superintendent, or other person in charge of the institution not less than 15 days before the order is to be executed.

(B) ~~A declaration, signed by the person in charge of the institution in which the parent is incarcerated, or his or her designated representative, stating that the parent has, by express statement or action, indicated an intent not to be physically present at the hearing.~~ For a parent who is a ward in an SYTF, the order must meet the requirements described in subdivision (e) of Penal Code section 2625, and the order must be

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transmitted to the probation department of the county in which the order is made. The probation department has the duty to bring the parent before the proper court and return the parent to the SYTF.

(5) ~~When issuing an order under (2) or (3), the court must require that *Order for Prisoner's Appearance at Hearing Affecting Parental Rights* (form JV-450) and a copy of *Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights* (form JV-451) be attached to the notice of hearing and served on the parent, the parent's attorney, the person in charge of the institution, and the sheriff's department of the county in which the order is issued by the person responsible for giving notice of the hearing at issue not less than 15 days before the date of the hearing~~ When a parent is removed from the institution under this section, the parent must remain in the constructive custody of the warden, superintendent, or other person in charge of the institution, including the probation department when the parent is a ward in an SYTF.

(6) ~~The court may, at the request of any party or on its own motion, permit an incarcerated parent, who has waived his or her right to be physically present at a hearing described in (2) or who has not been ordered to appear before the court, to appear and participate in a hearing by videoconference consistent with the requirements of rule 5.531. If video technology is not available, the court may permit the parent to appear by telephone consistent with the requirements of rule 5.531. The court must inform the parent that, if no technology complying with rule 5.531 is available, the court may proceed without his or her appearance and participation.~~

~~(7) The presiding judge of the juvenile court in each county should convene representatives of the county welfare department, the sheriff's department, parents' attorneys, and other appropriate entities to develop:~~

~~(A) Local procedures or protocols to ensure an incarcerated parent's notification of, transportation to, and physical presence at court hearings involving proceedings affecting his or her child as required or authorized by Penal Code section 2625 and this rule unless he or she has knowingly waived the right to be physically present; and~~

~~(B) Local procedures or protocols, consistent with (f)(6) and rule 5.531, to facilitate the appearance and participation by videoconference or telephone of an incarcerated parent who has knowingly waived the right to be physically present.~~

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(g) * * *

Rule 5.900. Nonminor dependent—preliminary provisions (§§ 224.1(b), 295, 303, 366, 366.3, 388, 391, 607(a))

(a)–(c) * * *

(d) Conduct of hearings

(1) A nonminor dependent is entitled to notice of a hearing regarding the nonminor dependent and is entitled to be present at the hearing. All hearings involving a person who is a nonminor dependent must be conducted in a manner that respects the person's legal status as an adult.

(2) * * *

(3) The nonminor dependent may designate ~~his or her~~ an attorney of their own choice to appear on ~~his or her~~ their behalf at a hearing under this chapter.

(4) If the nonminor dependent is present at the hearing, the court must comply with subdivision (c) of section 349 of the Welfare and Institutions Code.

(5) If a nonminor dependent is not present at the hearing, the court must comply with subdivision (d) of section 349 of the Welfare and Institutions Code.

(e)–(f) * * *

Advisory Committee Comment

A nonminor is entitled to be represented by an attorney of their choice rather than by a court-appointed attorney in proceedings under this chapter and under rule 5.555. (See Welf. & Inst. Code, § 349(b); *In re Akkiko M.* (1985) 163 Cal.App.3d 525.) Any fees for an attorney retained by the nonminor are the nonminor's responsibility.

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ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR *(name)*:		**DRAFT** **Not approved by the Judicial Council** **JV-450 2026-03-17 AD-SS-v13**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CASE NAME:		
NOTICE AND ORDER FOR APPEARANCE OF PRISONER OR WARD AT HEARING AFFECTING PARENTAL RIGHTS		CASE NUMBER:

NOTICE

1. **To the parent, including a parent in a Secure Youth Treatment Facility (SYTF):** You are receiving this order because there will be a court hearing that affects your rights as a parent. You have a right to be physically present or to have your lawyer present at the hearing described in items 2–4. Fill out the attached form JV-451 (*Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights*) and tell the court whether you want to be physically present at this hearing.

2. **Court hearing regarding custody of the following children**

   a. Child's name | Case number

   ☐ Additional children. List the name and case number of each additional child on a separate sheet of paper, write "Attachment 2a" at the top, and attach it to this form.

   b. Reason for hearing:

   (1) ☐ Child Welfare Services has filed a petition with the court alleging child abuse or neglect, and the court will take authority over your child if the court finds the allegations to be true (Welf. & Inst. Code, §§ 355, 358).

   (2) ☐ The court will decide whether to limit your control over your child's educational or developmental services (Welf. & Inst. Code, § 361).

   (3) ☐ There is an existing juvenile case for the children listed above and there is a hearing to review the status of the case (Welf. & Inst. Code, §§ 366.21, 366.22, 366.25).

   (4) ☐ There is an existing juvenile case for the children listed above and the court will consider whether your parental rights should be terminated (Welf. & Inst. Code, § 366.26).

   (5) ☐ You have filed a motion and asked the court to modify a court judgment and order (Welf. & Inst. Code, § 388).

   (6) ☐ Other, including a hearing where a court may make decisions about your child's or children's parentage.

3. **Hearing information**

   The hearing will be held:

   Name and address of court if different from above:

   Date: Time:

   Dept.: Room:

CASE NAME:	CASE NUMBER:

4. **Appear by videoconference or telephone** *(Cal. Rules of Court, rule 5.531)*

This court can:

a. Accommodate the parent's appearance by telephone.

b. ☐ Accommodate the parent's appearance by videoconference.

ORDER

5. **To Warden, Superintendent, or Other Person in Charge of Institution, Including Manager of SYTF**

a. Name of institution where parent is housed:

b. You are ordered to deliver *(name of prisoner or ward and ID number):*
who is a party and housed in a locked county or state institution or in an SYTF, into the custody of the sheriff of the county in which the order is issued or the sheriff's delegate, or into the custody of the probation department of the county in which the order for the ward is issued, so that the prisoner or ward may be produced before this court for the hearing in item 3 **unless** the prisoner or ward executes a knowing waiver of their right to be physically present on the attached form JV-451 (*Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights*).

c. If the prisoner or ward waives the right to be physically present at the hearing, you are not required to release the prisoner or ward.

d. If the prisoner or ward waives the right to be physically present at the hearing and requests to appear by videoconference or telephone, you are ordered to:

(1) Provide the prisoner or ward with the means to appear by videoconference for the hearing in item 3 consistent with Cal. Rules of Court, rule 5.531, if the institution has the means to do so.

(2) Provide the prisoner or ward with the means to appear by telephone for the hearing in item 3 consistent with Cal. Rules of Court, rule 5.531, if the institution **does not** have the means to provide videoconference but does have the means to provide telephone.

(3) Notify the prisoner or ward if your institution cannot provide the means to appear by videoconference or telephone.

e. You must give the prisoner or ward a meaningful opportunity to complete the attached form JV-451 (*Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights*) and must provide, consistent with sections 3002, 3130–3146, and 3160–3165 of title 15 of the California Code of Regulations, whatever assistance is reasonably necessary, including but not limited to reading or translating, to allow the prisoner or ward to understand the form and to make knowing and informed decisions regarding the options it presents.

f. You must complete item 8 of form JV-451, whether the prisoner or ward completes form JV-451, or not. After form JV-451 is completed, you must file one copy with the court and return one copy to the parent's attorney of record not less than three court days before the hearing listed in item 3.

6. **Agency responsible for transporting parent after their presence is no longer necessary**

a. The sheriff is ordered to return the parent to the institution listed in item 5a, if the institution is not an SYTF.

b. The probation department is ordered to return the parent to the institution listed in item 5a, if the institution is an SYTF.

CASE NAME:	CASE NUMBER:

7. **Instructions to clerk of the court, social worker, and probation officer**

a. ☐ For a hearing under Welfare and Institutions Code section 355, 358, or 361, the clerk of the court must attach this form and a copy of form JV-451 (*Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights*) to the Notice of Hearing and serve them as prescribed in section 291 on the parent; the parent's attorney (if any); the warden, superintendent, or other person in charge of the institution where the parent is confined; and the sheriff of the county in which this order is issued not at least 15 days before the hearing in item 3.

b. ☐ For a hearing under Welfare and Institutions Code section 366.26 at which termination of parental rights is at issue, the ☐ social worker or ☐ probation officer must attach this form and a copy of form JV-451 (*Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights*) to form JV-300 (*Notice of Hearing on Selection of a Permanent Plan*) and serve them as prescribed in section 294 on the parent; the parent's attorney (if any); the warden, superintendent, or other person in charge of the institution where the parent is confined; and the sheriff of the county in which this order is issued at least 15 days before the hearing in item 3.

c. ☐ For a review hearing under Welfare and Institutions Code sections 366.21, 366.22, or 366.25, the ☐ clerk of the court, ☐ social worker, or ☐ probation officer must attach this form and a copy of form JV-451 (*Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights*) to the Notice of Hearing and serve them as prescribed in section 293 on the parent, the parent's attorney (if any); the warden, superintendent, or other person in charge of the institution where the parent is confined; and the sheriff of the county in which this order is issued at least 15 days before the hearing in item 3.

d. ☐ For any other hearing in a dependency proceeding, including a hearing under Welfare and Institutions Code section 388 or a hearing at which parentage is at issue, the ☐ clerk of the court or ☐ social worker must attach this form and a copy of form JV-451 (*Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights*) to the Notice of Hearing and serve them as legally prescribed on the parent; the parent's attorney (if any); the warden, superintendent, or other person in charge of the institution where the parent is confined; and the sheriff of the county in which this order is issued at least 15 days before the hearing in item 3. If the parent is an alleged father, a blank copy of form JV-505 (*Statement Regarding Parentage*) should also be served.

Date: _____

_____
Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	**DRAFT Not approved by the Judicial Council JV-451 2026-03-17 AD-SS-v7**
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:		
CASE NAME:		
STATEMENT OF PRISONER OR WARD REGARDING APPEARANCE AT HEARING AFFECTING PARENTAL RIGHTS		CASE NUMBER:

Instructions for completing this form

1. A blank copy of this form is sent to the parent, including a parent in a Secure Youth Treatment Facility (SYTF), and warden, superintendent, or person in charge of the institution.
2. The warden (or person in charge) gives a copy of this form to the parent to complete items 1, 3, 4, and 5.
3. A person who reads this form to the parent in English or another language completes item 6.
4. The parent returns the form to the warden (or person in charge).
5. The warden (or person in charge) completes item 7 and files this form with the court at least 8 days before the hearing.
6. The court clerk sends a copy to the parent's lawyer, if the parent already has a lawyer assigned to the case.

1. I, ***(name of parent):***
have read and understand, or I have had explained to me and I understand, form JV-450 (*Notice and Order For Appearance of Prisoner or Ward at Hearing Affecting Parental Rights*) that accompanies this form.

2. **Court hearing:** There will be a hearing impacting your parental rights for the cases listed in item 2 of form JV-450. The date and time of the hearing is listed in item 3 of form JV-450.

3. **Right to a lawyer**

- You have the right to a lawyer to represent you at the court hearing regarding your parental rights.
- If you do not have a lawyer, the court can appoint one to represent you at the hearing.
- If you do not want a lawyer, you can give up your right to be represented by one.

Do you want a lawyer to represent you at the court hearing regarding your parental rights?

☐ No, I do not want a lawyer to represent me. I give up my right to be represented at this hearing.

☐ Yes, I want a lawyer to represent me at this hearing. *(If yes, check a or b):*

a. ☐ I already have a juvenile dependency lawyer who will represent me at this hearing.

b. ☐ I want the court to appoint a lawyer to represent me at this hearing.

CASE NAME:	CASE NUMBER:

4. **Right to attend the hearing**

- You have the right to be physically present at the hearing listed on item 3 on the form JV-450 you received.
- If you give up the right to be physically present, you may ask the court to appear by videoconference or telephone.
- If you do not want to appear, the court may move forward with the case without you.

Do you want to attend the hearing regarding your parental rights?

(Check one):

a. ☐ Yes, I want to attend in person (be physically present).

b. ☐ Yes. I want to attend by videoconference or telephone. If videoconference or telephone is not available to me, I want to attend in person (be physically present).

c. ☐ Yes, only if I can attend by videoconference or telephone. If videoconference or telephone is not available to me, I do not want to attend the hearing. I understand that the court may move forward with the case without me.

d. ☐ No, I do not want to attend in person or participate by videoconference or telephone. I understand that the court may move forward with the case without me.

Is there any information you want the court to know? *(For example, you can tell the court why you are choosing not to attend the hearing in person or participate via videoconference or teleconference.):*

5. Will you need an interpreter or an accommodation for the court hearing?

☐ No

☐ Yes *(language or accommodation you need):*

☐ Does not apply. I do not want to attend the hearing.

Date: _____

_____ ▶ _____

Type or Print Name | Signature of Parent

6. **Declaration of Translator or Other Person Who Assisted** *(if any)*

(Check one):

a. ☐ I translated this form and form JV-450 (*Notice and Order For Appearance of Prisoner or Ward at Hearing Affecting Parental Rights*) to the prisoner or ward in *(language):* .

b. ☐ I read the English version of this form and form JV-450 (*Notice and Order For Appearance of Prisoner or Ward at Hearing Affecting Parental Rights)* to the prisoner or ward.

Date: _____

_____ ▶ _____

Type or Print Name | Signature of Translator or Person Who Assisted

CASE NAME:	CASE NUMBER:

7. **Declaration of Official**

a. Ability to provide videoconference or telephone options under Cal. Rules of Court, rule 5.531 *(check (1) or (2)):*

(1) ☐ The institution can provide the prisoner or ward with the option to appear by *(check all that apply):*

(a) ☐ Videoconference

(b) ☐ Telephone

(2) ☐ The institution cannot provide the prisoner or ward with the option to appear by videoconference or telephone.

(a) ☐ The prisoner or ward indicated on this form at item 4c that they want to attend the hearing only by videoconference or telephone, and if neither is available, they do not want to attend the hearing. The prisoner or ward was notified that this institution cannot provide the option to appear by videoconference or telephone.

(b) ☐ The prisoner or ward indicated on this form at item 4d that they do not want to attend the hearing in person or participate by videoconference or telephone.

b. Has the prisoner or ward completed items 1–5 of this form?

☐ Yes

☐ No *(If no, complete (1)–(3) if the prisoner has indicated their intention to you.)*

(1) The prisoner or ward *(name):*

(2) *(Check all that apply):*

☐ Does not want to attend the hearing and waives the right to be physically present.

☐ Wants to appear and participate by videoconference or teleconference.

☐ Does not want to participate in the hearing in any way.

(3) I know this because the prisoner or ward expressly:

☐ Stated their intention to me.

☐ Indicated their intention to me by *(describe conduct):*

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

_____
Title of Official

Item number: 30

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Juvenile Law: Updating Access Rules for Juvenile Case Files Under Senate Bill 413

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rule 5.552; approve forms JV-566 & CIV-180/JV-568

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Staff contact (name, phone, and email)*:*
Stephanie Lacambra, 415-865-7564, stephanie.lacambra@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: 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.
…
Senate Bill 413 (Allen), Juveniles: case file inspection (Stats. 2025, ch. 221)
This bill amends Welfare and Institutions Code section 827 to allow an attorney representing a party in a civil proceeding (defined to mean either a civil action or a government claim filed pursuant to the Government Claims Act) to inspect and use information and records in a juvenile case file when the civil claim is filed by, or on behalf of the person who is the subject of the juvenile case file. Procedural protections. This bill allows information and copies of records from a juvenile case file to be provided to persons assisting the attorneys for the parties in the civil proceeding for their use in that proceeding without the prior approval of the court, but requires them to return all copies of records from a juvenile case file provided by an attorney pursuant to this subparagraph at the conclusion of the civil proceeding. The attorney must also take appropriate steps to ensure that all copies of records from a juvenile case file obtained pursuant to this subparagraph are destroyed upon the conclusion of the civil proceeding consistent with other applicable laws.

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

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 19, 2026

☒ Office director (or designee) reviewed on *(date):* 2/27/2026 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-30

Title
Juvenile Law: Updating Access Rules for Juvenile Case Files Under Senate Bill 413

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 5.552 and approve forms JV-566 and CIV-180/JV-568

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Stephanie Lacambra, 415-865-7564
stephanie.lacambra@jud.ca.gov

Executive Summary and Origin

Senate Bill 413 (Allen; Stats. 2025, ch. 221) amended Welfare and Institutions Code section 827 to authorize a new category of individuals—attorneys representing a party in certain civil proceedings involving child welfare agencies or probation departments—to access juvenile case files under specified confidentiality safeguards. To implement SB 413, the Family and Juvenile Law Advisory Committee proposes to amend California Rules of Court, rule 5.552, and approve two new forms, *Request to Access Juvenile Case File by Parties Authorized Under Welfare and Institutions Code Section 827* (form JV-566) and *Proof of Destruction of Juvenile Case File Records* (form CIV-180/JV-568).

The Proposal

In addition to implementing SB 413, the proposed amendments to rule 5.552[1] and approval of forms JV-566 and CIV-180/JV-568 will strengthen confidentiality protections, clarify responsibilities, and promote fairness in civil proceedings involving juvenile case files.

[1] All further unspecified rule references are to the California Rules of Court.

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

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Rule 5.552

The Family and Juvenile Law Advisory Committee proposes amending rule 5.552 to clarify what "appropriate steps"[2] are required of civil attorneys who are newly authorized under Welfare and Institutions Code[3] section 827(a)(1)(W) to inspect and copy juvenile case files. Under the proposed safeguards, such attorneys would be required to (1) file juvenile records under seal when submitting them to a civil court while representing a party other than the person who is the subject of the juvenile case file unless the judge orders otherwise; (2) track and ensure the return of all copies shared with staff at the end of the civil case by logging who accessed what and when and recording the date the records were returned; and (3) destroy all copies within 90 days of the entry of final judgment not subject to further appeal and provide the court with proof of the destruction date.

The proposed requirement that juvenile case file records obtained under section 827(a)(1)(W) be destroyed within 90 days after entry of final judgment not subject to further appeal reflects both California confidentiality practices and widely used standards in federal litigation. California law generally allows 60 days for a party to file a notice of appeal;[4] a judgment does not become final until that period expires. Civil attorneys cannot begin destroying records before the 60-day appellate deadline has closed and finality is certain.

California law also regularly uses a two-stage structure that pairs an initial 60-day window with an additional 30-day administrative period when handling sensitive records. For example, section 786.5 provides law enforcement and the Department of Justice with 60 days to seal juvenile justice records after receiving notification from probation, and probation then has 30 additional days to notify the minor. This statutory model shows that California recognizes both the need for a defined sealing period and a subsequent period for administrative follow-through.

The recommended 90-day destruction period is also consistent with confidentiality practices commonly used in federal litigation, which often require disposal of confidential materials shortly after the conclusion of a case. For example, the Northern District of Illinois' model confidentiality order defines the "conclusion of litigation" as 63 days after dismissal or entry of a final judgment not subject to further appeal,[5] and requires parties to dispose of confidential materials thereafter. While federal standards do not govern California state proceedings, they offer a useful benchmark showing how other jurisdictions balance timely destruction with the need to ensure finality.

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[2] Welf. & Inst. Code, § 827(a)(1)(W)(v).

[3] All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

[4] Rules 8.104(a)(1)(A) and (B); 8.406(a)(1).

[5] *See* U.S. District Court, Northern District of Illinois Form LR 26.2, *MODEL CONFIDENTIALITY ORDER*, Section 14: "Obligations on Conclusion of Litigation," p. 10, *ilnd.uscourts.gov/_assets/_documents/_forms/_online/26.2%20FORM.pdf*.

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For these reasons, the committee recommends a 90-day destruction deadline. This timeframe ensures juvenile records are not destroyed before a judgment becomes final, aligns with established timelines codified in California law, and provides civil attorneys sufficient time to complete their administrative duties under section 827. At the same time, it ensures that sensitive juvenile information is destroyed as soon as reasonably practicable.

Form JV-566

The proposal introduces an optional form, *Request to Access Juvenile Case File by Parties Authorized Under Welfare and Institutions Code Section 827* (form JV-566), to document requests to access juvenile delinquency case files or a living child's juvenile dependency case file by authorized parties and confirm compliance with statutory duties. Modeled after the *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-570), the new form lists parties authorized under section 827(a), outlines their responsibilities, and organizes requested file components by origin.

The committee seeks input on whether JV-566 should remain a general form for all parties authorized under section 827 or be limited to civil attorneys under section 827(a)(1)(W). A general form includes sections for identifying the requester, specifying records requested, and explaining the purpose of the request, along with confidentiality requirements. A civil attorney–only version would remove references to other parties, streamline confidentiality language, and focus on confirming authorization and compliance with section 827(a)(1)(W), making it shorter and tailored for civil litigation.

Form CIV-180/JV-568

The proposal introduces an optional form, *Proof of Destruction of Juvenile Case File Records* (form CIV-180/JV-568), for civil attorneys authorized under section 827(a)(1)(W) to certify that they have destroyed the juvenile case file records they obtained within 90 days after civil judgment becomes final and no longer subject to appeal. The committee consulted with the Civil and Small Claims Advisory Committee, which recommended that the proof of destruction form be a cross-numbered form filed in the civil court and that the juvenile case number be included in item 3. The committee seeks specific input on whether the proof of destruction form should remain a cross-numbered form or be limited to a civil form, and whether a filing deadline should be established for the proof of destruction.

Alternatives Considered

Taking no action

The committee considered taking no action but ultimately rejected that option. Although the rule amendments themselves are not legislatively mandated, the duties they describe are required by statute. The committee determined that adopting the new, optional *Request to Access Juvenile Case File by Parties Authorized Under Welfare and Institutions Code Section 827* (form JV-566) and *Proof of Destruction of Juvenile Case File Records* (form CIV-180/JV-568) would provide significant benefits, including offering courts a consistent and reliable method to document who is requesting access to a juvenile case file, ensuring that each requestor acknowledges their legal

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responsibilities, and that civil attorneys comply with their duty to collect and destroy juvenile case file records obtained. Even though use of the forms is optional, they serve as a statewide model for all courts, including those that choose not to use them. By contrast, taking no action would leave courts to rely on varying local practices, increasing the risk of errors, unauthorized disclosures, and noncompliance with statutory requirements. Balancing these considerations, the committee concluded that the benefits of approving the new forms outweighed any benefits of taking no action.

Limiting form JV-566 to civil attorneys

The committee also considered limiting form JV-566 to only the new group of civil attorneys authorized under section 827(a)(1)(W)(i). However, it decided instead to develop a general form and seek public comment before adopting any such limitation. Because there is currently no standardized form for authorized parties to access a juvenile case file and each court uses its own process, the committee concluded that presenting a general form for public comment would help determine whether courts would prefer a uniform, statewide approach or whether limiting the form to certain users would be beneficial.

Revising form JV-576

The committee explored revising *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576) to align its structure with form JV-566 and improve consistency between related forms. Possible changes included reformatting JV-576 as an attachment, updating its heading to reference JV-566, and reorganizing item 1 to mirror the structure of item 7 in JV-566. These adjustments were intended to enhance clarity, reduce confusion, and promote efficiency for attorneys, court staff, and self-represented litigants.

The committee ultimately decided not to revise form JV-576 because it serves as an attachment to court orders on petitions for access to juvenile case file information. Using it as an attachment to an authorized party's request would be inappropriate because such requests do not require a court order. However, courts may still use the categories listed in item 2 of form JV-576 as a reference when structuring their internal redaction process.

Fiscal and Operational Impacts

The proposal is not expected to result in significant costs for the judicial branch, justice partners, attorneys, self-represented litigants, or the public. The new forms can be implemented using existing court resources and standard procedures for updating forms and training staff. Any operational impact will be limited to incorporating the new forms into court processes and updating references in related materials.

No ongoing costs are anticipated, and any one-time costs—such as updating court websites, training staff, and distributing the new forms—are expected to be negligible. These changes do not require new technology or infrastructure.

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Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Are there any other "appropriate steps" needed to ensure that all copies of the juvenile case file records are returned to the attorney and destroyed upon conclusion of the civil proceeding? If so, what are they?
- Is a 90-day period after the entry of final judgment not subject to further appeal sufficient for civil attorneys to fulfill their obligation to destroy juvenile records? If not, what should the deadline be, and why?
- Should proposed form CIV-180/JV-568 remain a cross-numbered civil/juvenile form, or should it be limited to a civil form only?
- Should the juvenile case number box be removed from the caption of form CIV-180/JV-568?
- Should there be a deadline for filing proof of destruction with the court? If so, what should that deadline be?

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

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

Attachments and Links

1. Cal. Rules of Court, rule 5.552, at pages 6–7
2. Forms JV-566 and CIV-180/JV-568, at pages 8–14
3. Link A: Welf. & Inst. Code, § 827, leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202520260SB413

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Title 5. Family and Juvenile Rules

Division 3. Juvenile Rules

Chapter 3. General Conduct of Juvenile Court Proceedings

Rule 5.552. Procedure for requesting any juvenile delinquency case file and a living child's juvenile dependency case file (§§ 827(a)(1), 827.12, 828)

(a)–(e) * * *

(f) Additional requirements for civil attorneys (§ 827(a)(1)(W))

An attorney representing a party in a civil proceeding filed by, or on behalf of, the person who is the subject of the juvenile case file, in which the defendant is either the child welfare agency, or probation department, or an employee of one of those entities, must take the following steps:

(1) File records under seal

An attorney representing a party other than the subject of the juvenile case file who includes in court filings any information or records from the juvenile case file must also submit a motion under rule 2.551(b) for an order that the submission or pleadings be filed under seal;

(2) Track and ensure the return and destruction of records

Any attorney who provides copies of records from the juvenile case file to a person assisting the attorney in the case must log and retain evidence that all copies of the records are returned to the attorney and destroyed at the end of the civil proceeding by:

(A) Logging:

(i) who has been granted access,

(ii) which records have been provided,

(iii) the date access was granted, and

(iv) the date the records are returned to the attorney;

(B) Retaining the access log in (A) until the records have been destroyed;

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(C) Collecting and destroying all copies of records from a juvenile case file (including the access log) within 90 days of the entry of final judgment not subject to further appeal;

(D) Logging the date of destruction; and

(E) Filing proof of the date of destruction in (D) with the court.

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JV-566

Request to Access Juvenile Case File by Parties Authorized Under Welfare and Institutions Code Section 827

Clerk stamps date here when form is filed.

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Not approved by the Judicial Council

Use this form if you are allowed to access records from a juvenile delinquency case file or a living child's juvenile dependency case file under Welfare and Institutions Code section 827. See (5) and (6) for a list of who is allowed access. People listed in (5) can only look at the records. People listed in (6) can look at the records and make copies of them.

If you are a lawyer, you must attach a copy of your state bar card and letter of representation or order appointing you as the lawyer.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number, if known:

Case Number:

(1) a. Your Name:

_____

Your Lawyer *(if you have one for this case):*
Name: _____ State Bar No.: _____
Firm Name:

_____

b. Your contact information *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer, you may give your information instead.)*

Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

c. ☐ I am a lawyer and have attached a copy of my state bar card and
(1) ☐ Letter of representation; or
(2) ☐ Order appointing counsel

(2) Name of child: _____

(3) Child's date of birth *(if known):* _____

(4) ☐ A petition regarding the child in (2) has been filed under *(check all that apply):*

a. ☐ Welfare and Institutions Code section 300
b. ☐ Welfare and Institutions Code section 601
c. ☐ Welfare and Institutions Code section 602

5 I am one of the following individuals or work for one of the following entities that may only inspect the juvenile case file without an order from the juvenile court under Welfare and Institutions Code section 827:

a. ☐ The superintendent or designee of the school district where the child is enrolled or attending school

b. ☐ Member of child's multidisciplinary team or provider supervising or treating the child

c. ☐ Family law judicial officer (judge/commissioner/hearing officer) handling custody/visitation issues about the child and active participants in that family law case (the assigned mediator, court-appointed evaluator or investigator, or counsel appointed for the child)

d. ☐ Court-authorized or court-appointed investigator acting within an active case: (1) investigating under Family Code section 7663, 7851, or 9001 or (2) a probate guardianship case involving the child

e. ☐ Local child support agency for paternity establishment and for establishing/enforcing child support orders

f. ☐ Juvenile Justice Commission (as established under Welf. & Inst. Code, § 225), subject to the same confidentiality rules as other juvenile records

g. ☐ Probation officer preparing a report under Welfare and Institutions Code section 1178 for someone formerly in Division of Juvenile Justice (DJJ) custody who petitioned the Board of Juvenile Hearings for an honorable discharge

h. ☐ Person serving in a role similar to those enumerated in items b, c, d, and e above for an Indian tribe, reservation, or tribal court when the case involves a child who is a member of, or eligible for membership in, that tribe

6 I am one of the following individuals or work for one of the following entities that may inspect and receive copies of the juvenile case file without an order from the juvenile court under Welfare and Institutions Code section 827(a)(5):

a. ☐ Court staff working on this case (for example, court clerks or other court employees, including Court Appointed Child Advocate (CASA) volunteers)

b. ☐ District attorney, city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law

c. ☐ Child who is the subject of the juvenile case file

d. ☐ Child's parent or legal guardian

e. ☐ Attorney of record for the parties, judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the child

f. ☐ County counsel, city attorney, or any other attorney representing the county child welfare agency in dependency proceedings or representing the county child welfare agency or probation department in connection with the administration or review of child welfare or probation services provided by the agency or department to the subject of the case file or to that person's sibling, parent, or legal guardian

g. ☐ Member of the child protective agencies described in Penal Code section 11165.9

h. ☐ California Department of Social Services (CDSS) personnel carrying out CDSS oversight duties (including foster care and out-of-state placements) and required disclosures

6 i. ☐ Authorized licensing/resource family approval staff, including CDSS employees or staff of CDSS-licensed entities who need access to perform inspection, approval/licensing, monitoring, or investigation of community care facilities or resource families

j. ☐ California Department of Justice to fulfill duties under Penal Code sections 290.008 and 290.08 (state sex offender registration/notification repository)

k. ☐ Attorneys in an administrative hearing involving the child, but only as needed to meet the requirements of Welfare and Institutions Code sections 10952 and 10952.5

l. ☐ CDSS personnel carrying out duties under Family Code section 9100(c)(1) or Welfare and Institutions Code section 366.26(e)(3)

m. ☐ Office of Youth and Community Restoration personnel carrying out statutory duties under Welfare and Institutions Code sections 2200, 2200.2, 2200.5 and 2200.7

n. ☐ Attorney representing a person who is, or was, subject to juvenile proceedings under Welfare and Institutions Code section 300, 601, or 602

o. ☐ Attorney for a party in a civil case filed by or on behalf of the person who is the subject of the juvenile case file, where the defendant is the child welfare agency, probation department, or an employee of one of those agencies, for use in a civil proceeding

p. ☐ Person serving in a role similar to those enumerated in items a, e, f, and g above for an Indian tribe, reservation, or tribal court when the case involves a child who is a member of, or eligible for membership in, that tribe

7 The records I want are *(check all that apply):*

a. ☐ Court file

(1) ☐ Orders

(2) ☐ Petitions, applications, motions, oppositions, replies, and accompanying memoranda of points and authorities and exhibits

(3) ☐ Reports by CASA volunteers

(4) ☐ Intercounty transfer records

(5) ☐ Interstate Compact on the Placement of Children records

(6) ☐ Indian Child Welfare Act records

(7) ☐ Restraining or protective orders

(8) ☐ Other *(please specify additional documents of information):*

_____

_____

_____

_____

7 b. ☐ Agency file

(1) ☐ Reports by social workers

(2) ☐ Reports by probation officers

(3) ☐ Psychological or psychiatric reports

(4) ☐ Letters of guardianship

(5) ☐ Declarations

(6) ☐ Health records (including authorizations for psychotropic medication)

(7) ☐ Education records

(8) ☐ Waivers, information, and notification forms

(9) ☐ Short-Term Residential Therapeutic Program or community treatment facility records

(10) ☐ Resource Family Approval records

(11) ☐ Emergency response logs

(12) ☐ Delivered service logs

(13) ☐ Investigative narratives

(14) ☐ Relative home assessments

(15) ☐ Other *(please specify additional documents of information):*

_____

_____

_____

_____

_____

_____

_____

_____

8 I am asking for access to the records in item 7 because there is a *(check all that apply):*

a. ☐ Civil court case pending in *(name of county):* _____

Case Number: _____ Hearing Date: _____

8 b. ☐ Criminal court case pending in *(name of county):* _____

Case Number: _____ Hearing Date: _____

c. ☐ Juvenile court case pending in *(name of county):* _____

Case Number: _____ Hearing Date: _____

d. ☐ Family law court case pending in *(name of county):* _____

Case Number: _____ Hearing Date: _____

e. ☐ Writ or appeal case pending in *(name of district):* _____

Case Number *(if available):* _____

Hearing dates related to the juvenile court order being challenged or to be challenged on appeal or by writ:

_____

f. ☐ Other *(specify):* _____

Case Number: _____ Hearing Date: _____

9 ☐ I am a lawyer for a party in a civil case filed by or on behalf of the person who is the subject of the juvenile case file, where the defendant is the child welfare agency, probation department, or an employee of one of those agencies, for use in a civil proceeding. By signing below, I assert that I have read and agree to comply with the following terms:

a. Immigration status and information about siblings or other minors in the juvenile case file remain confidential unless the juvenile court orders release;

b. Any personally identifiable information of individuals who are not the subject of the juvenile case file must be redacted or sealed;

c. I may provide copies of the juvenile case file records to persons assisting me in the civil proceeding only for their use in that case.

d. I must take the appropriate steps outlined in rule 5.552(f) to secure the return and destruction of all copies of the juvenile case file records provided **within 90 days of the entry of final judgment not subject to further appeal**;

e. The court may monitor the inspection, dissemination, and destruction of juvenile case file records for compliance;

f. ☐ I represent a party other than the person who is the subject of the juvenile case file. If I file juvenile case file records in a civil proceeding, I must ask the court to file them under seal, unless the civil judge says otherwise. I understand that the person who is the subject of the juvenile case file may ask to unseal the records and the court must allow it unless there are unusual circumstances.

CONFIDENTIALITY REQUIREMENTS (Welf. & Inst. Code, § 827)

To the person in (1): By signing this form, you agree to follow these rules. If you do not, you could face a fine, a misdemeanor charge, or a civil lawsuit.

- **Keep juvenile case files private.** You can only use them as California law allows.
- **Don't share records** unless the law allows it or the juvenile court gives written permission.
- **Redact identifying information.** Remove any name or detail about other children or people who aren't part of this case—unless the court specifically says not to.
- **Follow other privacy laws.** If federal or state laws make part of the file private, you must not share it either. For a list of some applicable confidentiality laws, refer to item (2) on the *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576).
- **Don't attach or file juvenile records in other cases unless:**
  - You have a court order from the juvenile court's presiding judge, or
  - They're being used in:
    - An adult criminal case involving this juvenile;
    - The juvenile case; or
    - Certain civil cases allowed under Welfare and Institutions Code section 827(a)(1)(W)(vi).

(10) I understand the above admonitions. I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct and that I will comply with the requirements listed above. This means that if I lie on this form or fail to comply, I may be found guilty of a crime.

Date: _____

_____ ▶ _____

Type or print your name *Sign your name*

CIV-180/JV-568 Proof of Destruction of Juvenile Case File Records

Clerk stamps date here when form is filed.

DRAFT
Not approved by the Judicial Council

Civil attorneys authorized under Welfare and Institutions Code section 827(a)(1)(W) may use this form to file proof of destruction of the juvenile case file records received with the court, as required by rule 5.552(f)(2)(E).

1 a. Name: _____ State Bar No.: _____
Firm Name: _____

b. Your contact 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, if known:

Civil Case Number:

Juvenile Case Number:

2 Name of attorney who requested records:
_____

3 The request for records from juvenile case *(case no.):*
was made on *(date):*

4 The final judgment in the civil proceeding is not subject to further appeal and was entered on *(date):*

5 All juvenile case file records obtained under Welfare and Institutions Code section 827(a)(1)(W) were destroyed on *(date):*

6 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct.

Date: _____

_____ ▶ _____
Type or print your name *Sign your name*

Item number: 31

Rules Committee Action Request Form

Rules Committee Meeting Date: April 9, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Juvenile Law: Physical Transfer of a Party in Custody

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)*:*
Amend Cal. Rules of Court, rule 5.770 and form JV-710. Adopt form JV-711.

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)*:*
Eric Divine, 415-865-4903, eric.divine@jud.ca.gov

Annual agenda approved by Rules Committee on (*date):* October 16, 2025; Amended January 7, 2026
Project description from annual agenda: New project item 3 (pg. 11). Juvenile Law : Amend rules and revise forms to comply with Senate Bill 823 (Stats. 2020, ch. 337) and Gabriel M. v. Superior Court (2024) 107 Cal.App.5th 446, 456 (One-Time Project)

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

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):* 2/26/26

☒ Office director (or designee) reviewed on *(date):* 3/4/2027 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/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-31

Title
Juvenile Law: Physical Transfer of a Party in Custody

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rule 5.770; approve form JV-711; revise form JV-710

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested
Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
Eric Divine, 415-865-4903
eric.divine@jud.ca.gov

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Executive Summary and Origin

Senate Bill 823 (Stats. 2020, ch. 337) created a new statutory process for physically transferring a party between juvenile and adult facilities if their juvenile case has been transferred to criminal court. *Gabriel M. v. Superior Court* (2024) 107 Cal.App.5th 446 noted that California Rules of Court, rule 5.770[1] and *Order to Transfer Juvenile to Criminal Court Jurisdiction (Welfare and Institutions Code, § 707)* (form JV-710) do not conform to the current statutory scheme. The Family and Juvenile Law Advisory Committee proposes amending rule 5.770 and revising form JV-710 to remove the inapplicable portions and proposes adoption of a new form, *Order Regarding Housing in Adult Facility* (form JV-711) to address the new statutory process.

Background

Senate Bill 823 (see Link A) repealed section 207.6 of the Welfare and Institutions Code[2] and revised sections 207.1 and 707.1 to eliminate all provisions concerning the transfer of a party

[1] All further rule references are to the California Rules of Court.

[2] All further statutory references are to the Welfare and Institutions Code unless otherwise specified.

from a juvenile facility to an adult facility. In place of the repealed and revised provisions, SB 823 created section 208.5.

Section 208.5 creates a general presumption that "any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age." It then proscribes a process by which only a probation department may petition the court to transfer a party who is 19 years of age or older to an adult facility, requires the court to hold a hearing on the petition and make written findings based on consideration of specific criteria, and allows for a motion regarding changed circumstances of a party who has been removed from a juvenile facility to an adult facility.

Prior to Senate Bill 823, the court was permitted to order the physical transfer of a party to an adult facility at the time the juvenile case was transferred to adult court; now, the court is permitted to order a physical transfer only after a separate hearing petitioned for by the probation department, after jurisdiction of the case has been transferred to criminal court

The Proposal

This proposal addresses the statutory changes in SB 823 as outlined in *Gabriel M.*[3] Currently, rule 5.770 and form JV-710 conflict with statute, as both provide for an order physically transferring a party to an adult facility at the time their juvenile case is transferred, which is no longer permitted. This proposal amends rule 5.770, revises form JV-710, and proposes a new form, JV-711, to address the new hearing created by statute.

Rule 5.770: Conduct of transfer of jurisdiction hearing under section 707

The committee proposes two amendments to rule 5.770(d)(2) to conform to the current statutory scheme. First, the committee proposes removing the clause related to ordering the physical placement of a party after a hearing on transferring jurisdiction because such transfers are no longer permitted by the statute. Second, the committee proposes inserting a sentence stating that the party will remain housed in a juvenile facility unless moved under section 208.5 to ensure that it is clear that a transfer of jurisdiction to the criminal court does not change the party's housing.

Order to Transfer Juvenile to Criminal Court Jurisdiction (form JV-710)

The committee proposes two revisions to *Order to Transfer Juvenile to Criminal Court Jurisdiction* (form JV-710) to comply with SB 823. First, the committee proposes deleting the order regarding detention in juvenile hall or county jail (item 4(b)(4) on the current version of the form) to avoid conflicting with the current statutory scheme. Second, the committee proposes deleting the reference to section 207.1 from the footer of the form. That statute was the basis for item 4(b)(4) and is no longer applicable. Removing this reference would avoid potential confusion regarding the legal authorities for this form.

[3] *Gabriel M. v. Superior Court, supra,* 107 Cal.App.5th at pp. 454–456.

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The committee also proposes the following revisions to improve the form:

1. Using consistent terminology to refer to persons involved in the case (i.e., prosecuting agency, party);
2. Adding a place for the party's date of birth in the header;
3. Adding a heading to item 1;
4. Adding a place for the prosecutor in item 1;
5. In item 2, including the party's eligibility for transfer;
6. In item 3, including all findings required by the court;
7. For item 4, simplifying the heading to "Court Order" and providing consistent information regarding future hearing dates (e.g., date, time, department, and reason for hearing); and
8. Removing the reference in the footer to rule 5.504.

***Order Regarding Housing in Adult Facility* (form JV-711)**

The committee also proposes adopting a new optional form *Order Regarding Housing in Adult Facility* (form JV-711) to address the hearing requirements in section 208.5. Specifically, the proposed form allows the court to document its consideration of the statutory factors under section 208.5 and document its written findings as required by the statute. The committee considered, and requests comment on, whether the form should include a finding that the court previously ordered the person detained. This finding would clarify that a hearing cannot occur unless the party is detained, and that the order may need to be directed to a specified person to transport the youth, such as the sheriff, the person in charge of the adult facility, or to the probation officer.

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Alternatives Considered

The committee considered not taking any action to address SB 208.5 and the decision of *Gabriel M.* However, changes are needed to ensure rule 5.770 and form JV-710 comply with the law.

The committee considered not proposing form JV-711. However, the committee determined that the new form will provide clarity for courts. Specific comments are requested on the new form.

The committee considered different terms to refer to the juvenile or young adult who is the subject of the forms, and the term party was determined to be the most appropriate.

Fiscal and Operational Impacts

Juvenile courts will need to provide education and training for judicial officers and court staff on the new and revised forms. There may also be costs associated with reproducing the new and revised forms.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Should the form have a finding that the court previously ordered the person detained?
- Would it be helpful for form JV-711 to have the orders directed to the person who will be responsible for the party's housing facility to facilitate transportation of the party?

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

- Would it be more helpful to the courts if form JV-711, section 2, provided space for the court to fill in information for each of the five criteria or one large space at the end for information on all of the criteria?
- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

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Attachments and Links

1. Cal. Rules of Court, rule 5.770, at page 6
2. Forms JV-710 and JV-711, at pages 7–10
3. Link A: Senate Bill 823, *leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB823*

Title 5. Family and Juvenile Rules

Division 2. Rules Applicable in Family and Juvenile Proceedings

Chapter 13. Cases Petitioned Under Sections 601 and 602

Article 2. Hearing on Transfer of Jurisdiction to Criminal Court

Rule 5.770. Conduct of transfer of jurisdiction hearing under section 707

(a)–(c) ***

(d) Procedure following findings

(1) If the court finds the youth should be retained within the jurisdiction of the juvenile court, the court must proceed to jurisdiction hearing under rule 5.774.

(2) If the court finds the youth should be transferred to the jurisdiction of the criminal court, the court must make orders under section 707.1 relating to bail ~~and to the appropriate facility for the custody of the youth,~~ or release on own recognizance pending prosecution. If the youth remains in custody, they must be housed in a juvenile facility unless moved to an adult facility under Welfare and Institutions Code section 208.5. The court must set a date for the youth to appear in criminal court and dismiss the petition without prejudice upon the date of that appearance.

(3) When the court rules on the request to transfer the youth to the jurisdiction of the criminal court, the court must advise all parties present regarding appellate review of the order as provided in subdivision (g) of this rule. The advisement may be given orally or in writing when the court makes the ruling. The advisement must include the time for filing the notice of appeal or the petition for extraordinary writ as set forth in subdivision (g) of this rule. The court must advise the youth of the right to appeal, of the necessary steps and time for taking an appeal, of the right to the appointment of counsel if the youth is unable to retain counsel, and the right to a stay.

(e)–(h) ***

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ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR *(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: Party's Date of Birth (MM/DD/YYYY):	
ORDER TO TRANSFER JUVENILE TO CRIMINAL COURT JURISDICTION (Welfare and Institutions Code, § 707)	CASE NUMBER:

DRAFT

1. HEARING INFORMATION

a. Date of hearing: Dept.: Room:

b. Judicial officer *(name)*:

c. Persons present:

☐ Party ☐ Party's attorney *(name)*:

☐ Prosecutor *(name)*: ☐ Other:

2. ELIGIBILITY FOR TRANSFER

The court finds that *(check one)*:

a. ☐ The party was 16 years of age or older at the time of the alleged felony offense; or

b. ☐ The party was 14 or 15 years of age at the time of the alleged offense, the alleged offense is an offense listed in Welfare and Institutions Code section 707(b), and the party was not apprehended before the end of juvenile court jurisdiction.

3. COURT FINDINGS

a. ☐ The court has read and considered:

(1) The report of the probation officer

(2) ☐ and other relevant evidence *(describe)*:

b. The court considered each of the criteria in Welfare and Institutions Code section 707(a)(3), and the court's findings for each criterion and the party's amenability to rehabilitation were made on the record.

CASE NAME:	CASE NUMBER:

4. COURT ORDER

After considering each required finding, the court *(check one):*

a. ☐ Denies the motion to transfer. The party remains in juvenile court.

The next hearing is on:

Date of hearing: Time: Dept.:

Reason for hearing:

b. ☐ Grants the motion to transfer to a court of criminal jurisdiction. The court finds by clear and convincing evidence that the party is not amenable to rehabilitation while under the jurisdiction of the juvenile court, and the court orders the party transferred to adult criminal court. *(Check all that apply):*

(1) ☐ The matter is referred to the district attorney for prosecution under the general law.

(2) ☐ The petition filed on *(date):* is dismissed without prejudice on the appearance date in (5).

(3) ☐ Bail is set in the amount of: $

(4) ☐ The party is released ☐ on own recognizance ☐ to the custody of:

(5) ☐ The party must attend the court hearing on:

Date of hearing: Time: Dept.:

Reason for hearing:

DRAFT

Date:

Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR *(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: Party's Date of Birth (MM/DD/YY):	
ORDER REGARDING HOUSING IN ADULT FACILITY	CASE NUMBER:

1. **HEARING INFORMATION**

   a. Date of hearing: Dept.: Room:

   b. Judicial officer *(name):*

   c. Persons present:

   ☐ Party ☐ Party's attorney *(name):*

   ☐ Prosecutor *(name):*

   ☐ Probation officer *(name):* ☐ Other:

2. **COURT FINDINGS**

   a. ☐ The court determines based on the totality of the circumstances that the party's case originated in juvenile court, and the party is 19 years of age or older and is not committed to a county juvenile facility or a facility of a contracted entity.

   b. ☐ The court has considered any relevant evidence and each of the following criteria under Welfare and Institutions Code section 208.5(c):

   (1) The impact of being held in an adult facility on the physical and mental health and well-being of the party.

   (2) The benefits of continued programming at the juvenile facility and whether required education and other services called for in any juvenile court disposition or otherwise required by law or court order can be provided in the adult facility.

   (3) The capacity of the adult facility to separate younger and older people as needed and to provide them with safe and age-appropriate housing and program opportunities.

   (4) The capacity of the juvenile facility to provide needed separation of older from younger people given the party currently housed in the facility.

   (5) Evidence demonstrating that the juvenile facility is unable to currently manage the party's needs without posing a significant danger to staff or other youth in the facility.

DRAFT

CASE NAME:	CASE NUMBER:

2. c. Based on the criteria listed in item 2b, the court finds as follows:

3. **COURT ORDER**

(Check a or b):

a. ☐ Order on request to move the party to an adult facility.

The court has considered the probation department's request to move the party to an adult facility and orders that *(check one):*

(1) ☐ The party remain in a juvenile facility. The probation department has **not** overcome the presumption that the party remain in a juvenile facility.

(2) ☐ The party be moved to an adult facility. The probation department has overcome the presumption that the party remain in a juvenile facility.

b. ☐ Order on request to move the party to a juvenile facility.

The court has considered the request to move the party to a juvenile facility and orders that *(check one):*

(1) ☐ The party remain in an adult facility. The requester has **not** shown a change in circumstances.

(2) ☐ The party be moved to a juvenile facility. The requester has shown a change in circumstances.

Date:

Judicial Officer

DRAFT