Rules Committee Action Request Form

Item number: 01

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory 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: October 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-115

For business meeting on October 16, 2026

Appellate Procedure: Required Use of Appendixes in Civil Appeals (DRAFT)

Judicial Council Report Details

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

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 17, 2026

Contact
Jeremy Varon, 415-865-7424
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Executive Summary

The Appellate Advisory Committee recommends amending rules of court to require parties represented by counsel to use appendixes in unlimited and limited civil appeals. The recommended amendments will expedite the record preparation process in civil appeals.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2027, amend rules 8.40, 8.124, 8.702, 8.713, and 8.845 of the California Rules of Court regarding the record in civil appeals to require parties represented by counsel to use appendixes.

The proposed amended rules are attached at pages 6–20.

Relevant Previous Council Action

The Judicial Council adopted California Rules of Court,[1] rule 8.124, which authorizes the use of an appendix in lieu of clerk's transcripts in civil appeals in the Court of Appeal, effective July 1, 1981. As adopted, this rule included a provision setting out counsel's duty to confer and attempt to reach an agreement concerning a joint appendix, which would be more convenient for the court and counsel. In 2001, the council amended the language of this provision to allow parties to prepare separate appendixes but encouraging stipulation to a joint appendix. In 2015, the council amended the rule to eliminate the provision encouraging parties to prepare a joint appendix in an effort to reduce the difficulties and costs for litigants associated with the efforts to reach a stipulation to use a joint appendix in cases in which litigants do not think this option is feasible. In 2009, the council amended rule 8.124 to provide that a respondent may not elect an appendix when the appellant has a fee waiver.

The Judicial Council adopted rule 8.845, which parallels rule 8.124 and applies to limited civil appeals in the appellate division of the superior court, effective January 1, 2021.

The council adopted rule 8.702, effective July 1, 2014, to govern streamlined California Environmental Quality Act (CEQA) appeals; for these types of appeals, the rule requires that parties proceed by appendix in lieu of using a clerk's transcript in an effort to reduce the burden on the trial court associated with the record in these cases and to eliminate the possibility of delay associated with preparation of a clerk's transcript.

The council adopted rule 8.713, effective July 1, 2017, to govern appeals of certain orders denying motions to compel arbitration under Code of Civil Procedure section 1294.4. Because section 1294.4 requires decisions in these types of cases to be issued within 100 days of the notice of appeal, this rule was adopted to parallel rule 8.702 and requires that parties proceed by appendix in lieu of using a clerk's transcript.

Analysis/Rationale

Under 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. Rule 8.124 applies to unlimited civil appeals before the Courts of Appeal, rule 8.702 applies to appeals of streamlined CEQA projects,[2] rule 8.713 applies to appeals from an order dismissing or denying a petition to compel arbitration under Code of Civil Procedure section 1294.4, and rule 8.845 applies to limited civil appeals before the appellate division of the superior court.

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

[2] A separate report to the Judicial Council also recommends amendments to rule 8.702. See Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions Implementation of Senate Bill 676*, item 26-118 (pending). The revisions from this other report only affect subdivisions (b), (c), and (f) and the advisory committee comment of rule 8.702, which would not be revised by this report and are, therefore, not shown in the attached rule document.

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 and the council's prior action requiring appendixes in appeals with expedited timelines, the committee recommends 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 recommends exempting from this general requirement represented civil litigants who have a waiver of the fee for a clerk's transcript. The committee also recommends 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 recommends 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. However, a respondent will not be able to make such an election if the appellant has a fee waiver. Similarly, elections to use appendixes will not be permitted if the court has granted a motion by the opposing party to be exempted from the requirement to use appendixes. The committee further recommends amending the advisory committee comment to clarify the effect of 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 recommends amending those rules to remove the option for joint appendixes, as this option is rarely used in civil appeals. While the amended rules will not expressly provide a joint appendix option, the goal of submitting a single appendix could still be achieved if the parties work together to determine the contents of the appellant's appendix. Parties would still reserve the right to supplement the appellant's appendix with additional records by filing respondents' and reply appendixes. To clarify this process, the committee also recommends adding an advisory committee comment. The advisory committee comment will explain that parties are encouraged to cooperate in the preparation of an appellant's appendix.

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[3] Appellate Caseflow Workgroup, *Report to the Chief Justice* (Dec. 6, 2022), p. 15. 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.

Register of actions

Paragraph (a)(2) in both rules 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 report requiring court clerks to provide the register of actions *in every appeal*,[5] the committee recommends deleting paragraph (a)(2), as well as the corresponding advisory committee comments, from both rules 8.124 and 8.845.

Policy implications

The recommended rule amendments will reduce the burden on the trial court associated with preparing the record in civil appeals and the number of cases delayed by the clerk's transcript preparation process. These amendments are therefore consistent with the *Strategic Plan for California's Judicial Branch*, specifically the goals of Access, Fairness, Diversity, and Inclusion (Goal I); Modernization of Management and Administration (Goal III); and Quality of Justice and Service to the Public (Goal IV).

Comments

This proposal circulated for public comment from April 13 to May 18, 2026, as part of the regular spring comment cycle. Eleven comments were received: two from superior courts, four from bar associations, two from deputy clerks at a Court of Appeal, one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, one joint comment from two legal services nonprofit organizations, and one from a law firm. Commenters were split on the proposal: four agreed, two agreed if modified, and five disagreed. Based on these comments, the committee changed the proposed rule amendments to allow appellants to elect to proceed by appendix when the respondent has a fee waiver because the bulk of the appendix preparation responsibility rests with the appellant. The committee decided to add language clarifying that the fee waiver exception applies when parties have fee waivers at the time of filing the notice designating the record, because parties should know whether they have a fee waiver by that time. (A fee waiver request is deemed granted within five days if the court does not respond.[6]) Although the comments submitted by superior courts disagreed with amending rule 8.845 to allow appellate divisions by local rule to opt out of mandatory appendixes in favor of mandatory clerk's transcripts, the committee recommends including this provision because it will allow individual courts to decide the approach that best suits their unique needs.

A chart with the full text of the comments received and the committee's responses is attached at pages 21–44.

[5] See Judicial Council of Cal., Advisory Com. Rep., *Appellate Procedure: Record Designation Rules and Forms,* item 26-114.

[6] See rule 3.53; Government Code sections 68634(f) and 68634.5(f); see also rules 8.26(d) and 8.818(d).

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 on a single 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 might not be well equipped to prepare an appendix due to cost or complexity.

The committee considered excluding the provision allowing appellate divisions by local rule to opt out of mandatory appendixes in favor of mandatory clerk's transcripts but decided it would be better to allow superior courts to decide on an individual basis what local rule would function best. The committee also considered the alternative of taking no action but rejected this option because the recommended amendments would make the record preparation process more efficient.

Fiscal and Operational Impacts

The committee anticipates the recommended 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.

Attachments and Links

1. Cal. Rules of Court, rules 8.40, 8.124, 8.702, 8.713, and 8.845, at pages 6–21
2. Chart of comments, at pages 22–45

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

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

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(2)–(3) * * *

(b) * * *

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 at the time of the filing of the notice designating the record on appeal under rule 8.121;

(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 e~~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) If 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 ~~elects~~ may elect 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) 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.~~

(C) 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 consider the factors provided in (a)(2)(B)(iii) to determine if there is good cause to grant the motion.

(2) If one party elects to use an appendix, the other party must also use an appendix instead of a clerk's transcript.

~~(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)(1)(B), 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 right of a party 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 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. 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 election, respondents should ~~check~~ determine whether the appellant has ~~been granted~~ a fee waiver that is still in effect. If the trial court has granted appellant a fee waiver for the clerk's transcript, or grants such a waiver after the notice of appeal is filed, respondent ~~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.

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) * * *

(e)–(g) * * *

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) * * *

Rule 8.845. Appendixes

(a) Required use of appendixes

(1) Except as provided in this rule or by local 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 at the time of the filing of the notice designating the record on appeal under rule 8.831;

(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 e~~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) If 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 ~~elects~~ may elect 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) 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.~~

(C) 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.

(2) If one party elects to use an appendix, the other party must also use an appendix instead of a clerk's transcript.

~~(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)(1)(B), 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 right of a party 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 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. 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 election, respondents should ~~check~~ determine whether the appellant has ~~been granted~~ a fee waiver that is still in effect. If the trial court has granted the appellant a fee waiver for the clerk's transcript, or grants such a waiver after the notice of appeal is filed, the respondent ~~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)(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 8.834(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.

SPR26-01 Chart of Comments

Appellate Procedure: Required Use of Appendixes in Civil Appeals (amend Cal. Rules of Court, rules 8.40, 8.124, 8.702, 8.713, and 8.845)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Academy of Appellate Lawyers (CAAL) by Judith Posner, Academy Vice President Woodland Hills	Position: Agree if modified. The California Academy of Appellate Lawyers (calappellate.org), referred to herein as the Academy, one of the nation's first bar organizations devoted to appellate practice, provides comments to the Judicial Council's proposed revisions to California Rules of Court, rules 8.40, 8.124, 8.702, 8.713, and 8.845. As set forth below, the Academy supports parts of the proposal and opposes other parts. **Automatically exempting litigants with fee waivers** The Academy supports the proposal to exempt appellants (see below for an explanation regarding why we are just referencing appellants) with fee waivers from using an appendix. However, the Academy suggests expanding the exemption to appellants with pro bono or legal aid representation.	The committee appreciates the comment.
CAAL (continued)	**Preventing use of Appendix when respondent has a fee waiver** The Academy opposes the proposal's new rule that would forbid a party from using an Appendix if the opposing party has a fee waiver. In many appeals, the respondent does not participate at all, so their fee waiver status should not control the appellant's election choices. Sometimes Clerk's Transcripts contain errors, such as missing pages or documents or mistakenly included documents. There also can be delays in the preparation of the Clerk's Transcript, as well as delays and difficulties in including exhibits in the Clerk's	The committee recommends that amendments to rules 8.124 and 8.845 allow appellants to elect to proceed by appendix in circumstances where either the appellant or respondent has a fee waiver.

Commenter	Comment	Committee Response
	Transcript. Some courts, particularly in family law, do not keep exhibits and instead order them released to the parties. There is also not sufficient reason to preclude appellants from using an Appendix when the respondent has a fee waiver. The appellant is already required to include within the appendix everything that is necessary for the Court of Appeal to decide the case. (CRC 8.124(b)(1)(B).) And if the respondent believes anything is missing, they can file their own appendix. This may require some work for the respondent, but it is decidedly less work than would be required to file a Motion to Augment when a Clerk's Transcript is used and is deficient. Furthermore, to the extent this proposed rule change is meant to provide low-income respondents an advance review of what the record on appeal will exclude, so that they may cross-designate additional documents, the very limited timeline for cross-designating a Clerk's Transcript (10 days per CRC 8.122(a)(2)) would make this a well-intended, but unlikely benefit.	
CAAL (continued)	**Not requiring joint appendices** The Academy supports the proposal to eliminate the ability to use a joint appendix. In our experience a joint appendix is rarely used. Instead, it is common for the respondent to prepare and file a respondent's appendix if necessary.	The committee appreciates the comment.
California Lawyers Association, Litigation Section, Committee on Appellate Courts (CAC) by Julia Shear-Kushner, Chair Encino	Position: Disagree. The Committee on Appellate Courts (CAC) of the California Lawyers Association's Litigation Section submits this response to the Invitation to Comment SPR26-01. The California Lawyers Association is a nonprofit, voluntary organization with approximately 45,000 members statewide. It is dedicated to the professional advancement of attorneys practicing in the State of California. The CAC consists of over twenty experienced appellate practitioners and court staff, drawn from a wide range of practice areas.	The committee appreciates the comment.

Commenter	Comment	Committee Response
	In SPR26-01, the Appellate Advisory Committee proposed Rules of Court amendments mandating an appellant's appendix in most situations. The main objective is to lessen the costs on the superior courts in preparing clerk's transcripts, and to shift the burden to represented parties who have the means and ability to do so. The CAC believes these are sound and important objectives and agrees that reducing the time for designating records will make the appellate process more efficient and reduce delays. However, the CAC finds the proposal—as written—will not accomplish these goals. As explained below, various portions of the proposal are unnecessary and/or will be counter-productive, creating more delay and uncertainty.	
CAC (continued)	**I. Proposed Mandatory Appellant's Appendix Requirement** The CAC strongly opposes the amendment to rule 8.124 to require that all represented parties use an appendix unless "any party" has a fee waiver or is not represented, or if the superior court grants an exemption after a written motion is filed. There are five main reasons for the CAC's opposition. First, the proposed amendment states that "the use of appendixes is required in all appeals under this chapter in which all parties are represented by counsel." (Italics added.) The CAC agrees with exempting unrepresented parties from mandatory appendixes and supports adding this unrepresented party exception to the current rules governing when a respondent can elect an appendix. Self-represented litigants often have a difficult time preparing an appendix—with the required indexes and detailed procedural requirements. An appendix is beyond the capability of most self-represented litigants. However, the proposed rule—as written—does not state when the representation must be in place. Based on the CAC	The committee has found that the proposed amended rules are sufficiently clear that the application of the requirement applies is determined at the time of the filing of the notice designating the record. As such, the question of whether a litigant is represented by counsel is likewise determined at the time of the filing of the notice designating the record on appeal. If a party's representation concludes immediately following the filing of their notice of appeal, they would be self-represented at the time of the filing of the notice designating the record on appeal. However, if a party's representation concludes following the filing of the notice designating the record on appeal, that party could move for an exemption from the appendix requirement.

Commenter	Comment	Committee Response
	members' experience, many litigants will be represented when they file their notice of appeal and/or designation of record, but then will no longer be represented when they need to brief the appeal and prepare an appendix for their appeal. Thus, under the proposed amendment, many self-represented parties will be required to prepare an appendix. If the self-represented litigant does not properly prepare the appendix (with the required indexes and complicated procedural requirements), the party's appeal could be dismissed. The CAC believes this would create unreasonable burdens on self-represented litigants that could and would hinder their access to appellate justice.	
CAC (continued)	Second, the proposed amendment provides an exception to the mandatory requirement for those who have a fee waiver. However, again the rule does not state when the fee waiver must be in place. Under the rules, a party who has a fee waiver in the trial court must reapply in the Court of Appeal for the waiver to apply to a clerk's transcript. (Cal. Rules of Court, rule 8.26.) Thus, the party may not know whether the waiver has been granted when the designation of record must be filed. This uncertainty in the rules would create another unreasonable burden on lower income parties that could hinder their access to appellate justice. Thus, the CAC suggests changing this exception in the current rules to state that the exception applies when a fee waiver has been obtained in the superior court or in the Court of Appeal.	The committee recommends adding a clarification to the rules that a party must have a fee waiver at the time of the filing of the notice designating the record on appeal to qualify for the fee-waiver exception to the appendix requirement.
CAC (continued)	Third, the proposed amendment does not recognize that many attorneys with little or no experience in appeals would have a difficult time preparing an appellant's appendix rather than relying on a clerk's transcript. An appendix requires compliance with all the form and content provisions of rules 8.124 and 8.144, including detailed indexes. This is not an easy task for an inexperienced attorney. Requiring such attorneys to always proceed through an appendix could have the effect of discouraging less experienced attorneys from representing clients on appeal and/or increasing the costs to clients who struggle to afford an appellate attorney, for both appellants and respondents. Additionally, the CAC members	The committee notes that the recommended rule amendments will allow attorneys to move for an exemption from the appendix requirement. The committee further notes, all attorneys have an obligation to provide competent representation; attorneys who lack sufficient learning or skill may still provide competent representation by associating or consulting a lawyer they reasonably believe is competent, by acquiring sufficient learning and skill before performance is required, or referring the matter. (See Cal. Rule of Professional Conduct 1.1.)

Commenter	Comment	Committee Response
	who have served as research attorneys in the Courts of Appeal have found that a clerk's transcript is much preferred and easier to work with than a defective appellant's appendix prepared by an inexperienced attorney or by a self-represented party.	
CAC (continued)	Fourth, the proposed amendment provides an exception to the appellant's appendix's mandatory requirement for those who successfully file a motion for an exemption. In the CAC's view, that required motion practice would create an unreasonable and costly new burden on the parties and the courts. Requiring a superior court judge to read, review, analyze, and rule upon a motion for an exception to the mandatory appellant's appendix rule would add an unnecessary burdensome step in the judicial system for the designation of record process. Likewise, requiring a respondent to file an opposition to such motion would be costly for clients before the appeal process even starts. Thus, the motion requirement would hinder—rather than promote—the Appellate Advisory Committee's stated goals of reducing the time and costs imposed on the parties and the courts with respect to the designation of record process. Instead, should the Judicial Council elect to require appendixes, the CAC suggests that exception be permitted by way of a good cause showing in a space provided on the designation of record form, or an attachment thereto, rather by separate motion.	The committee does not anticipate many represented litigants without a fee waiver will move for an exemption from the requirement to use an appendix. When parties do move for this exemption, the motion practice should not be overly complex. Additionally, the rules provide for a short timeframe, which should not overly burden the courts. The committee believes the improved efficiency from generally requiring appendixes will outweigh any additional burden on the courts from motions for an exemption from this requirement.
CAC (continued)	Fifth, the proposed rule requiring an appellant's appendix rather than a clerk's transcript is unnecessary. Rule 8.124(a) already provides that when an appellant designates a clerk's transcript, a respondent may designate an appendix rather than a clerk's transcript unless the appellant has a fee waiver. Thus, if there is no fee waiver, the respondent can require the appellant to proceed by way of an appendix. In the CAC's experience, most appeals in the Court of Appeal are filed with an appendix rather than a clerk's transcript. It is generally self-represented parties or inexperienced attorneys who use the clerk's transcript, and the respondent in those cases has the right to weigh the particular circumstances and decide whether	The committee appreciates the comment. The committee has found that the proposed rule revisions will improve efficiency by increasing the number of cases in which represented litigants use appendixes.

Commenter	Comment	Committee Response
	it makes sense to permit the party or attorney to use the clerk's transcript process or to require an appendix.	
CAC (continued)	**II. Proposed Elimination of Joint Appendix Option** The CAC understands the reasons for eliminating the joint appendix option. Parties rarely use this option. This is mainly because it is difficult to work with the other side to create a joint appellate record, particularly in high conflict cases such as family law or civil restraining orders. Additionally, a respondent can use a respondent's appendix to add any necessary documents, which, if electronically filed, can be quickly combined, if a justice or staff member so desires into a single, bookmarked PDF. Further, a joint appendix is often unworkable because the process of preparing a joint appendix is tethered closely to the appellate brief preparation, which occurs later in the process. That said, the CAC does not support eliminating the joint appendix option because there may be circumstances when a joint appendix would be the better option. For example, there may be situations where two sophisticated parties can agree on the record, and thus find it less expensive and less burdensome to file a joint appendix. Even eliminating the label of "joint appendix" such parties can and should be able to agree to collaborate on the appellant's appendix to avoid the need for a second respondent's appendix to follow. Accordingly, the CAC does not see a reason for eliminating the option to label such a collaboration a joint appendix. We appreciate your consideration of our comments.	The committee appreciates the comment and has concluded that the benefits of simplifying the rules by eliminating the joint appendix option outweighs the benefits of the use of such appendixes. As noted in the Advisory Committee Comment for rules 8.124 and 8.845, parties may use a single appendix and are encouraged to cooperate.
Elizabeth Ceballos Fourth District Court of Appeal, Division Two, Supervising Deputy Clerk Riverside	Position: Disagree. I feel that this would be a huge mistake. Approximately 95% of appendices are rejected for failure to comply with the rules of court. Both counsel and pro per litigants have a very difficult time preparing appendices. It could lead to the filing of defective appendices, as is, which would then affect the rulings on appeal, due to inadequate records.	The committee appreciates the comment and has concluded that correcting defective appendixes is generally faster and less burdensome on the courts than preparing clerk's transcripts.

Commenter	Comment	Committee Response
Family Violence Appellate Project (FVAP) and Legal Aid Association of California (LAAC) by Cory Hernandez, Senior Managing Attorney Oakland	Position: Agree if modified. The Family Violence Appellate Project (FVAP) respectfully submits the following comments in response to the Judicial Council's Invitation to Comment number SPR26-01. We are joined in our comments by the Legal Aid Association of California (LAAC). This proposal would require represented parties to use Appendixes in appeals. The proposal exempts litigants with fee waivers, and allows the trial court to exempt others on a case-by-case basis. This proposal forbids use of an Appendix if the respondent has a fee waiver. We support some parts of the proposal and oppose other parts, and have suggestions below. FVAP is a State Bar-funded statewide nonprofit organization founded more than a decade ago to address a critical gap in access to justice by providing free appellate representation to survivors of gender-based abuse in civil appeals who cannot afford to challenge adverse trial court rulings. A core part of FVAP's mission is to build a robust body of law that protects survivors and their children. FVAP's mission includes ensuring all litigants, including survivors, have equal and fair access to justice, including the Courts of Appeal. LAAC serves as the unified voice for the over 100 nonprofits that provide free civil legal services to low-income people and communities throughout California. Legal aid programs support vulnerable Californians navigating life-altering civil legal issues, from domestic violence to housing to consumer debt. We advocate on behalf, and with, our members for better laws and policies, including at the Judicial Council.	The committee appreciates the comment.
FVAP and LAAC (continued)	**I. SUPPORT WITH SUGGESTION: Automatically exempting litigants with fee waivers** For the same reason the proposal automatically exempts litigants with fee waivers, we believe this new rule should also automatically exempt litigants with pro bono or legal aid	The committee recommends adding a clarification to the rules that a party must have a fee waiver at the time of the filing of the notice designating the record on appeal to qualify for the fee-waiver exception to the appendix requirement. The committee believes this clarification will address the concerns raised in this comment. Additionally, the

Commenter	Comment	Committee Response
	representation. As a result, we would suggest amending CRC 8.124(a)(2)(A) to say: "Any party has a waiver of the fee for a clerk's transcript, or any party is represented by pro bono or legal aid counsel;" Moreover, we believe the rule should address the situation where a litigant files their Notice Designating the Record on Appeal (NDRA) in pro. per. and then later obtains counsel. We believe the answer is to use the litigant's status at the time they file the NDRA, so that even if they later get counsel their original election on the NDRA would still control, unless the new counsel files a motion to modify or amend the NDRA. For instance, if the pro. per. litigant elects to use a Clerk's Transcript when they file their NDRA, the new counsel should still be able to file a motion to amend the NDRA and choose to use an Appendix. And if the pro. per. litigant elects to use an Appendix when they file their NDRA, the new counsel could file a motion to amend the NDRA and use a Clerk's Transcript only if they qualify under one of the exemptions under the new rule (fee waiver, pro bono, legal aid, case-by-case determination). As a result, we would suggest amending CRC 8.124(a) to add a new subdivision (3) to say: "The party's representation status at the time of filing of the Notice Designating the Record on Appeal shall control for purposes of this rule. If a self-represented party later obtains counsel, the new counsel may file a motion in the appellate court to change the record election, if such a change would otherwise be allowed by this rule."	committee declines to recommend including parties represented by pro bono or legal aid counsel in the fee-waiver exception to the appendix requirement because pro bono and legal aid counsel in any given appellate matter are equipped to either conduct appendix preparation or move for an exception to the appendix requirement.
FVAP and LAAC (continued)	**II. OPPOSE: Preventing use of Appendix when respondent has fee waiver** We oppose the proposal's new rule that would forbid a party from using an Appendix if the opposing party has a fee waiver. In many appeals, the respondent does not participate at all, so their fee waiver status should not control the appellant's election choices. In our experience, when we have used a	The committee agrees and recommends that amendments to rules 8.124 and 8.845 allow appellants to elect to proceed by appendix in circumstances where one or both parties has a fee waiver.

Commenter	Comment	Committee Response
	Clerk's Transcript, there have sometimes been errors with missing pages or documents, and mistakenly included documents, as well as delays in the preparation. Moreover, there can be delays and difficulties in including exhibits in the record on appeal, especially because many courts, especially in family law, do not keep exhibits themselves and instead order them released to the parties. As a result, while we represent our clients without charge, we almost always elect to use an Appendix. And in many of our cases, both parties have fee waivers, meaning that under this new proposal, we would not be able to use an Appendix in many or most of the cases we would otherwise want to do so. There is also no good reason to forbid appellants from using an Appendix when the respondent has a fee waiver. The appellant is already required to include within the Appendix everything that is necessary for the Court of Appeal to decide the case. (CRC 8.124(b)(1)(B).) And if the respondent believes anything is missing, they can file their own Appendix—something that is quite uncommon, in our experience. True, this may be some work for the respondent, but it is decidedly less work than would be required to file a Motion to Augment when a Clerk's Transcript is used. If the respondent believes something is missing from a Clerk's Transcript, they would have to file a Motion to Augment, which is more work than simply filing their own Appendix. With a respondent's Appendix, they just need to organize the documents and add the tables of contents. But with a respondent's Motion to Augment, they would need to organize the documents and add a table of contents, plus prepare the cover page, table of authorities, certificate of compliance, Motion, and memorandum of points and authorities. Furthermore, to the extent this rule tries to provide low-income respondents an advance review of what the record on appeal will exclude, so that they may cross-designate a record on appeal, the very limited timeline for cross-designating a	

Commenter	Comment	Committee Response
	Clerk's Transcript (10 days per CRC 8.122(a)(2)) would make this a well-intended, but unlikely benefit, for the vast majority of fee waiver recipients who are self-represented, or whose legal aid or pro bono attorneys will not continue to represent them on appeal.	
FVAP and LAAC (continued)	**III. SUPPORT: Not requiring joint appendixes** We support the proposal's decision to not require joint appendixes. Requiring such would be especially problematic in particularly contentious cases and appeals with unequal power dynamics—such as domestic violence cases and appeals between a pro. per. litigant and high-powered corporation or governmental entity.	The committee appreciates the comment.
FVAP and LAAC (continued)	**IV. SUGGESTION for clarification** Finally, it may be good to clarify: in any part of this rule CRC 8.124 that mentions a party with a fee waiver, does that apply to a fee waiver in the trial court, the appellate court, or either or both?	The committee notes that proposed rule states that the exception applies to parties with "a waiver of the fee for a clerk's transcript," which is a fee waiver in the trial court.
FVAP and LAAC (continued)	**V. ADDITIONAL SUGGESTIONS FOR ALL ITCs** In addition to our comments above, we strongly and respectfully recommend that the Council revise its protocols for seeking public comments. Specifically, we ask that the Council expand the number of ITC periods from two per year to, perhaps, four per year, and limit the number of ITCs per period, especially when multiple ITCs fall within one area or are otherwise related. 40 proposals in one ITC period, where many proposals almost reach 100 pages, and where many proposals address similar areas of law (e.g., there are a lot of family law and protective order ITCs, there are a lot of appellate ITCs, etc.)—this is unfortunately too much for the field to be able to adequately review and submit comments for. We have heard from dozens of organizations and individuals across the state that there are often too many ITCs released at	This suggestion is beyond the scope of the current proposal, but it will be shared with the internal committee responsible for the Judicial Council's rulemaking process.

Commenter	Comment	Committee Response
	once, with a short timeframe for providing comments, such that they almost always cannot review all ITCs that are relevant to their work, let alone analyze and draft written comments for them all. As a result, many organizations and individuals instead have to forego making comments altogether or on some of the proposals they would otherwise want to comment on. FVAP and other statewide organizations have attempted, to the best of their availability, to help alleviate some of these issues by collecting sign-ons to comments they've developed. However, doing so takes even more time and work for the statewide organization collecting sign-ons, and it seems from the Council's reports that the Council still counts the comments as being from only the one organization rather than individual comments from each sign-on. We understand and appreciate our request for revising the Council's protocols in the ways described above would likely require changes to the Council's work. But we believe these changes would be well worth it to ensure the Council is receiving as much relevant feedback as possible—including feedback from more than just courts, bar associations, and governmental entities, but also feedback from on-the-ground providers and other interested stakeholders.	
Rhonda Hance Fourth District Court of Appeal, Division Two, Assistant Deputy Clerk II Riverside	Position: Disagree. As a Deputy Clerk for the Fourth District, Division Two, for the past 8 years, I have encountered numerous self-proclaimed appellate attorneys that do not know how to properly format/prepare an appendix for appellate review. By changing this CRC, mandating represented parties to proceed by way of appendix will cause an undue burden on the appellate courts. I fully support making the designation of record process easier and more expeditious for the superior court, especially since I was a Legal Processing Assistant in the San Bernardino Appellate Division for 15 years, but I do not feel this requirement is conducive for the appellate courts.	The committee appreciates the comment and has concluded that correcting defective appendixes is generally faster and less burdensome on the courts than preparing clerk's transcripts.

Commenter	Comment	Committee Response
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree. **Does the proposal appropriately address the stated purpose?** Yes, the proposal appropriately addresses the stated purpose by requiring appendixes, but also allowing appropriate exceptions. **Is there anything that joint appendixes achieve that consultation on appellant's appendix does not achieve?** No, consultation on an appellant's appendix is sufficient. **Should rule 8.845 allow appellate divisions by local rule to opt out of mandatory appendixes in favor of mandatory clerk's transcripts?** No, there is no need to provide an opt out and mandatory clerk's transcripts.	The committee appreciates the comment. The committee recommends including the appellate division opt-out provision because it will allow individual courts to decide the approach that best suits their unique needs.
San Diego County Bar Association, Appellate Practice Section (SDCBA) by Jenn French, Chair	Position: Disagree. We write on behalf of the Appellate Practice Section of the San Diego County Bar Association to provide comments on these two proposals, which would make some significant changes to appellate practice in California courts. By way of background, the Appellate Practice Section has over 200 members from the private and the public sector, including certified appellate specialists, who handle civil, criminal, and immigration appeals in state and federal courts. We appreciate the Committee's and the Appellate Caseflow Workgroup's sustained attention to the efficiency of appellate proceedings. As discussed below, we believe some aspects of the proposals have merit, while others raise practical concerns and call for further study before possible enactment. **The Long-Term Goal: Full Electronic Access to the Trial Court Record** As an initial matter, members of our Section strongly believe that the best long-term solution to the issues addressed by these proposals regarding the record on appeal is to make the full trial court record available to the Courts of Appeal in electronic form.	The committee appreciates the comment.

Commenter	Comment	Committee Response
	Several federal circuits have adopted systems in which the appellate court has direct electronic access to the district court's docket and filed documents, obviating the need for either appendixes or a clerk's transcript. We recognize that there are currently budget and technological constraints within the California court system that preclude this from happening immediately. However, given recent technological advances—and the Committee's own concurrent proposal to require superior court clerks to provide the register of actions in every appeal—we believe this goal is feasible in the medium term and would serve the interests of courts, practitioners, and litigants. We encourage the Judicial Council to pursue this objective as a long-term priority, as it would render the appendix-versus-clerk's-transcript debate moot. We appreciate, however, the Committee's attention to simplifying the appellate record for practitioners and self-represented parties alike. The record designation process is itself a barrier to access to justice. All appear to agree that the current process and multiple steps, just to present an adequate record for appellate review, are unnecessarily cumbersome. **The Proposed Requirement to Use Appendixes (SPR26-01)** Our membership is divided on the proposal to amend rules 8.124 and 8.845 to "establish a general requirement that represented civil litigants prepare appendixes." On balance, a majority of our members are opposed to the proposal, but there are sincere and cogent views on both sides. We summarize the competing considerations below.	
SDCBA (continued)	*Arguments in Favor of Appendixes* We recognize that experienced appellate practitioners generally prefer appendixes, and that an appendix is in many ways a superior form of the record of written documents. An appendix is prepared by counsel familiar with the issues on appeal, which allows for a more focused and streamlined record. One significant advantage of the appendix is that it	The committee appreciates the comment.

Commenter	Comment	Committee Response
	avoids the problem of over-designation. At the time a notice of appeal is filed, it is rarely possible to know what issues will ultimately be raised on appeal, and parties therefore tend to over-designate the clerk's transcript, making it far more voluminous—and expensive—than necessary. As the Committee has noted, subdivision (c)(3)(A) of proposed rule 8.124 is intended "to simplify and 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." We support encouraging more practitioners to view an appendix as the default and preferable record form for represented parties.	
SDCBA (continued)	*Arguments Against a Mandatory Requirement to Use Appendixes* That said, we believe there are significant downsides to making appendixes mandatory for all represented parties. Many attorneys who are unfamiliar with appellate practice—particularly trial attorneys handling an appeal for the first time—may struggle with the process of compiling an appendix, especially if counsel's recordkeeping at trial was suboptimal. The Committee itself acknowledged this concern in proposing to exempt parties with fee waivers "because preparing an appendix is both complicated and resource-intensive." But in our experience, these same difficulties affect many represented parties who do not qualify for fee waivers. Moreover, the current rules already contain a mechanism by which a represented respondent may force an appellant to use an appendix—unless the appellant has a fee waiver. *See* Cal. Rules of Court, rule 8.124(a)(1)(B) (current rule permitting respondent's election to proceed by appendix). It is therefore doubtful whether the benefits of a mandatory rule outweigh its downsides in cases in which *both* parties would prefer to use a clerk's transcript rather than an appendix. The proposed motion practice procedure under new subdivision (a)(2)(B)—which requires parties to demonstrate hardship and is "deemed denied unless the court gives notice of action on the motion	The committee appreciates the comment and has concluded that correcting defective appendixes is generally faster and less burdensome on the courts than preparing clerk's transcripts. The committee notes that the recommended rule amendments will allow attorneys to move for an exemption from the appendix requirement. The committee further notes, all attorneys have an obligation to provide competent representation; attorneys who lack sufficient learning or skill may still provide competent representation by associating or consulting a lawyer they reasonably believe is competent, by acquiring sufficient learning and skill before performance is required, or referring the matter. (See Cal. Rule of Professional Conduct 1.1.)

Commenter	Comment	Committee Response
	within 20 court days"—imposes additional burdens on parties who wish to opt out of the appendix requirement. We do not think motion practice regarding the format of a record on appeal is generally a sound use of clients' or judicial resources. In addition, we question whether this proposal would in practice significantly expedite the preparation of the record on appeal. We note that the Appellate Caseflow Workgroup identified "designations of record submitted by self-represented litigants or less experienced attorneys" as a source of delay requiring "time-consuming follow-up measures, such as issuing multiple default notices." However, in our members' experience, it is far more often the preparation of the reporter's transcript—not the clerk's transcript—that is the primary source of delay in readying the appellate record. The chronic shortage of court reporters, backlogs in transcript preparation, and the complexity of the reporter's transcript process under rule 8.130 are well-known sources of delay in civil appeals. While we support efforts to streamline the clerk's transcript process, we respectfully submit that requiring appendixes for represented parties will not significantly alleviate the delays that the Workgroup identified, because the bottleneck lies elsewhere in the process.	
SDCBA (continued)	*A Possible Middle Ground* One way to reconcile these competing views would be to *encourage*, but not *require*, represented parties to use appendixes except in cases where the circumstances make an appendix impractical or undesirable. The amended rules could establish the appendix as the presumptive and preferred form of the record for represented parties—perhaps by listing the appendix first among the options in rule 8.120(a)(1), as the Committee has proposed—while still permitting parties to elect a clerk's transcript without the necessity of filing a motion.	The committee concluded that a rule encouraging the use of appendixes would be less effective at reducing the burden on courts of preparing clerk's transcripts. Because the Judicial Council, in 2015, eliminated the provision from rule 8.124 encouraging parties to prepare joint appendixes, the committee does not recommend adding an encouraging provision back into the rule.

Commenter	Comment	Committee Response
	Contrary to the proposed rule, we do not believe that a motion should be required merely to allow the parties to proceed by clerk's transcript when both sides prefer that option. Such a motion requirement adds cost, delay, and burden to the very process the Committee seeks to streamline. A motion process for case-specific exceptions to a mandatory rule to use appendices, we submit, illustrates that one size does not fit all on this issue. Until there is full electronic access to the appellate record as discussed above, there will be appeals well suited for the appendix option, but others where the clerk's transcript is the more convenient or efficient choice.	
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree. The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-01 Appellate Procedure: Required Use of Appendixes in Civil Appeals," the Court agrees that the proposal appropriately addresses the stated purpose. The Court agrees that the proposal will appropriately eliminate joint appendixes and mandates the use of appendixes in limited civil appeals unless exempt. The Court believes rule 8.845 should not allow appellate divisions by local rule to opt out of mandatory appendixes in favor of mandatory clerk's transcripts. The timeline for an appeal of a proceeding on an appendix is faster than one proceeding on the clerk's transcript. The requirement for mandatory clerk's transcripts has the potential of extending the time to complete an appeal. The Court finds that the proposal may provide cost savings since it would eliminate the need for staff to produce the clerk's transcripts for parties represented by counsel and allow	The committee appreciates the comment. The committee recommends including the appellate division opt-out provision because it will allow individual courts to decide the approach that best suits their unique needs.

Commenter	Comment	Committee Response
	these resources to be directed to other tasks. However, exact cost savings are unknown as it is dependent on the number of appeals where the parties are represented by counsel. To implement the proposal, the Court would need to train staff, which would take about one hour. The Court would also need to revise its written processes. Two months should be sufficient time for implementation. Also, the proposal will benefit courts of all sizes.	
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions by Christine Nguyen, Operations Analyst	Position: Agree. **Does the proposal appropriately address the stated purpose?** Yes. The proposal appears to address the stated purpose by requiring represented parties to use appendixes in civil appeals, which should reduce clerk's transcript preparation and may expedite record preparation. **Is there anything that joint appendixes achieve that consultation on appellant's appendix does not achieve?** No, consultation on the appellant's appendix should achieve most of the practical benefit of a joint appendix without requiring a separate joint-appendix procedure. The advisory committee comment should continue to encourage cooperation so the appellant's appendix is as complete as reasonably possible. **Should rule 8.845 allow appellate divisions by local rule to opt out of mandatory appendixes in favor of mandatory clerk's transcripts?** No. Statewide consistency is preferable. The proposed case-specific exemption process should provide sufficient flexibility for appeals where a clerk's transcript is more appropriate.	The committee appreciates the comment. The committee recommends including the appellate division opt-out provision because it will allow individual courts to decide the approach that best suits their unique needs.

Commenter	Comment	Committee Response
	Would the proposal provide cost savings? If so, please quantify. The proposal may provide indirect cost savings by reducing clerk's transcript preparation in represented civil appeals. Any savings would depend on appeal volume, representation status, fee waiver rates, and the number of exemption motions, and are not readily quantifiable at this stage. **What would the implementation requirements be for courts – for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?** Implementation would require updating appellate record procedures, staff guidance, website/public instructions, and any local references addressing mandatory appendixes, optional appendix elections, exemption motions, fee waiver exceptions, and clerk's transcripts. Appeals/Appellate Division staff, supervisors, and staff who review record designations would need brief training or written guidance on how to identify whether an appeal proceeds by mandatory appendix, optional appendix, clerk's transcript, or exemption order. **Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?** Yes. Two months should generally be sufficient if final rule language and any related SPR26-02 register of actions changes are available promptly. **How well would this proposal work in courts of different sizes?**	

Commenter	Comment	Committee Response
	It would work well. Larger courts may see greater workload reduction because they process more civil appellate records. Smaller courts may have fewer affected appeals but should still benefit from statewide consistency and case-specific exemption flexibility.	
Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee (TCPJAC/CEAC JRS)	Position: Agree. The JRS also notes the following impact to court operations: • Impact on existing automated systems • Results in additional training, which requires the commitment of staff time and court resources. **Specific Proposal Questions and Responses** **Does the proposal appropriately address the stated purpose?** The stated purpose is to expedite the record-preparation process in civil appeals. After discussing extensively with our appeals clerk's office and supervisor, yes. It is unknown whether attorneys are prepared to create appendixes that meet the filing requirements of the appellate courts and if this will cause an unforeseen delay. **Is there anything that joint appendixes achieve that consultation on appellant's appendix does not achieve?** No **Would the proposal provide cost savings? If so, please quantify.** For Monterey, a midsize court, over 80% of our unlimited appeals are represented on both sides. We anticipate this change would significantly reduce the time spent creating a clerk's transcript. The time to create the transcript includes the	The committee appreciates the comment.

Commenter	Comment	Committee Response
	time spent creating notices, following up, phone calls from the attorneys over contents of the transcript, subsequent requests to augment or modify, and the time to create invoices, track payments, collect funds. Unknown: If attorneys were to take a contrary view and decide to file motions requesting exemption, that would create workload for staff and judge even if it were denied. **What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?** The rules around unrepresented parties and the motion for exemption process would require development including new codes, document types, processes. This will also require staff and judge training. **Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?** We believe we can manage the training and CMS changes within 2 months' time. I am not certain this is enough time for attorneys who are not currently prepared to create appendixes for their appeals. **How well would this proposal work in courts of different sizes** While our court has electronic access to case documents available to attorneys, I am not certain that is true for all small courts. I anticipate there are some attorneys who do not currently maintain complete case files and will need to reach out to the court to proceed with the appendix.	

Commenter	Comment	Committee Response
Wilson Elser Moskowitz Edelman & Dicker LLP (Wilson Elser) by Robert Cooper, Of Counsel Los Angeles	Position: Disagree. In response to the proposed rule(s) requiring appendices in lieu of clerk's transcripts, we are submitting our comments against the proposed rule(s).	The committee appreciates the comment.
Wilson Elser (continued)	While the proposal is based on the premise that preparation of an appendix is more efficient than using the clerk's transcripts (in terms of requiring less time and money), our experience in litigating appeals shows otherwise. Based on our extensive experience in handling civil appeals, we have encountered significant issues in most cases where the opposing party proceeded with an appendix. This is not surprising because the rules governing the preparation of appendices impose various time-consuming and technical requirements that most litigants fail to follow, despite being represented by counsel. Such violations inevitably require additional expenditures (in terms of attorney time, motion practice, etc.) to address and rectify such defects. At a minimum, the Committee should consider modifying the proposed rule to allow the respondent to bypass an appellant's election to proceed with an appendix by having the respondent pay for the full cost of the clerk's transcript (for the appellate court and all parties, that is). While preparing a compliant appendix is not necessarily cheaper than the cost of the clerk's transcript, this option would address the perceived benefit of cost-savings associated with an appendix. At the same time, it would allow the prevailing party to have some input in the preparation of the record—rather than allowing the appellant to unilaterally dictate the parties' choice of the record.	The committee concluded that the use of appendixes is generally faster and less burdensome on the courts than preparing clerk's transcripts. Additionally, the proposed rules will allow appellate divisions by local rule to opt out of mandatory appendixes in favor of mandatory clerk's transcripts.
Wilson Elser (continued)	Additionally, rule 8.124(a) should continue to provide trial courts with the discretion to modify an appellant's election to use the appendix. Under the current regime, trial courts have such discretion based on the particular facts and procedural history of the case to require the use of the clerk's transcript. We have successfully invoked this rule in numerous cases, despite full-blown opposition by appellants, by demonstrating to the trial court that the other side has shown an inability or	The committee considered the comment but determined that the recommended rule amendment allowing motions requesting an exemption from the requirement to use an appendix gives trial courts sufficient discretion.

Commenter	Comment	Committee Response
	unwillingness to comply with the appellate rules and, as such, cannot be expected to comply with the complicated rules in preparing a compliant appendix. The leading practice guide cites numerous fact patterns where appellants violated such rules. (See *Eisenberg, et al.*, Civil Appeals & Writs (The Rutter Group 2025) ¶¶ 4:205-4:205.2, 4:210, 4:219-4:220.2.) Rather than listing all such cases here, we point out some of the common mistakes we have encountered: under-inclusion (appellants' failure to include critical documents filed by the appellant and the respondent that are required to decide the appeal); over-inclusion (presenting items that were never referenced by appellants and were not necessary to determination of issues); improper inclusion (presenting items that were not actually filed in the court below, presenting the reporter's transcript in violation of rule 8.124(b)(3)(B), etc.). The practice guide also cites case law where the appendix included "unfiled copies of documents, omitted other required documents, were improperly paginated, were not ordered chronologically, and lacked proper indexes." (Id., ¶ 4:208.)	
Wilson Elser (continued)	The indexing requirement is also challenging in that it requires the appellant to identify and itemize each document and its internal exhibits—both alphabetically and chronologically. Particularly in large-record appeals, this is another time-consuming task that is often honored in the breach. The bookmarking requirement imposes another clerical task that makes the preparation of large appendices more challenging.	The committee appreciates the comment. The indexing and bookmarking requirements are outside the scope of this proposal, but the committee may consider this suggestion in the future as time and resources allow.
Wilson Elser (continued)	These problems are not limited to attorneys that lack appellate experience. (See *Mireskandari v. Edwards Wildman Palmer LLP* (2022) 77 Cal.App.5th 247, 251 & fn. 1 [appeal handled by certified appellate specialist where appellant's appendix was deficient but court ultimately declined to impose sanctions for such deficiencies].) In fact, requiring an appendix presents logistical challenges even for attorneys that practice in large offices—meaning it is not just an issue about access to resources. For example, while our firm has dozens of	The committee concluded that appellate practitioners are well equipped to handle the appendix preparation process. Furthermore, the recommended rule amendments allow parties subject to the appendix requirement to move for a case-specific exemption from the requirement.

Commenter	Comment	Committee Response
	offices, we typically use the clerk's transcripts as well—not just to avoid a perception of inconsistency. As a purely logistical matter, it is difficult to focus on preparing the opening brief when the appellate record is not compiled yet, especially when one faces multiple briefing deadlines. While the rules allow the filing of the appendix on or before the opening brief's deadline, as a practical matter, having the record prepared allows the attorney to focus exclusively on writing the brief (rather than devoting limited time on supervising a paralegal in preparing the appendix, reviewing it for corrections, communicating with trial counsel to find missing items, etc.). A joint appendix does not solve these issues; it simply requires the appellant's attorney to devote more time to meet and confer with the other side, taking precious time that could otherwise be devoted to writing the brief, especially when one is facing multiple briefing deadlines.	
Wilson Elser (continued)	Finally, the notion that proceeding with the clerk's transcript makes the appellate process longer is flawed. The parties are already allowed to stipulate to three sixty-day extensions for their opening, respondent and reply briefs. That adds up to six months of delays. Accordingly, the briefing process has other built-in sources of delay that litigants encounter, regardless of the selection of the appellate record. Likewise, the delays typically associated with the preparation and filing of the reporters' transcripts naturally prolong the appellate process. However, when a party designates the clerk's and reporter's transcripts, the reporters and the appeals units in the trial courts are preparing these two components of the record at the same time. We are not aware of any empirical or even anecdotal data that show that using the clerk's transcript routinely causes significant delays beyond the delay associated with the preparation of the reporter's transcripts. In fact, because most reporters fail to file the reporter's transcripts within the 30-day period contemplated by rule	The committee appreciates the comment. The committee concluded that the use of appendixes is generally faster and less burdensome on the courts than preparing clerk's transcripts. Briefing deadline extensions and reporter's transcript preparation are outside the scope of this proposal, but the committee may consider this suggestion in the future as time and resources allow.

Commenter	Comment	Committee Response
	8.130(f)(1), proceeding with the CT should not cause any significant delays beyond that.	
Wilson Elser (continued)	In conclusion, while the proposed amendments are well-intentioned, they fail to take into account these additional points. If the Committee is otherwise inclined to adopt the proposed amendments, it should consider these counterpoints. At a minimum, instead of adopting a one-size-fits-all approach, the safety valve currently set forth in rule 8.124(a) should remain intact by allowing trial judges to require the use of clerk's transcripts in a given case based on case-specific points. The rules should also allow litigants (whether as the respondent or otherwise) to bypass their opponents' election to proceed with an appendix by paying for the CT.	The committee considered the comment but determined that the recommended rule language allowing motions requesting an exemption from the requirement to use an appendix would adequately address this concern.

Rules Committee Action Request Form

Item number: 02

Rules Committee Meeting Date: September 9, 2026

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

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, and 8.832; repeal rules 8.134 and 8.344; approve forms APP-003(A), APP-003(B), APP-003(C), and APP-003(D); revise forms APP-001-INFO, APP-003, APP-010, APP-101-INFO, APP-103, and APP-110

Advisory 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: October 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 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-114

For business meeting on October 16, 2026

Appellate Procedure: Record Designation Rules and Forms (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
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, and 8.832; repeal rules 8.134 and 8.344; approve forms APP-003(A), APP-003(B), APP-003(C), and APP-003(D); revise forms APP-001-INFO, APP-003, APP-010, APP-101-INFO, APP-103, and APP-110

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 12, 2026

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

Executive Summary

The Appellate Advisory Committee recommends amending the California Rules of Court, revising existing forms, and approving new forms to simplify and improve the clarity of the record-designation process in civil appeals. The recommended changes will make the record-designation process more efficient.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Amend California 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, and 8.832;

2. Repeal California Rules of Court, rules 8.134 and 8.344;

3. Approve forms *Appellant's Notice Designating Record on Appeal—Clerk's Transcript Attachment* APP-003(A), *Appellant's Notice Designating Record on Appeal—Original Trial Court File Attachment* APP-003(B), *Appellant's Notice Designating Record on Appeal—Reporter's Transcript Attachment* APP-003(C), and *Appellant's Notice Designating Record on Appeal—Settled Statement Attachment* APP-003(D); and

4. Revise forms *Information on Appeal Procedures for Unlimited Civil Cases* APP-001-INFO, *Appellant's Notice Designating Record on Appeal—Unlimited Civil Case* APP-003, *Respondent's Notice Designating Record on Appeal—Unlimited Civil Case* APP-010, *Information on Appeal Procedures for Limited Civil Cases* APP-101-INFO, *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* APP-103, and *Respondent's Notice Designating Record on Appeal—Limited Civil Case* APP-110.

These changes will simplify and improve the clarity of the record-designation process in civil appeals, require that the clerk's transcript designations identify documents using names from the trial court register of actions, and remove the option for agreed statements.

The proposed amended and repealed rules, revised forms, and new forms are attached at pages 9–82.

Relevant Previous Council Action

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 California Rules of Court and forms "to be simpler, clearer, and more efficient."[3]

The predecessor to rule 8.122, regarding clerk's transcripts in civil appeals in the Court of Appeal, was adopted effective July 1, 1943. The original rule required that the clerk's transcript in such appeals be prepared within 30 days after the appellant paid the costs of preparing the

[1] Appellate Caseflow Workgroup, *Report to the Chief Justice* (Dec. 6, 2022), p. 1.

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

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

transcript. Effective January 1, 2002, as part of the overall project to update the appellate rules, this rule was amended to alert indigent parties that, as a substitute for depositing the cost of the clerk's transcript, they could submit an application for, or an order granting, a waiver of that cost. Rules 8.120 and 8.121 were adopted effective January 1, 2008 and have not been revised since.

The predecessor to rule 8.832, relating to clerks' transcripts in civil appeals to the superior court appellate division, was adopted effective September 15, 1945. When current rule 8.832 was adopted effective January 1, 2009 as part of the overall revision of the appellate division rules, it was modeled on rule 8.122. Rule 8.831 was also adopted effective January 1, 2009, and it has not been revised since.

The predecessors to rule 8.130 and 8.155 were adopted effective July 1, 1943. Effective January 1, 2002, as part of the overall project to update the appellate rules, this rule was amended to incorporate substantive changes based on modernized practices. Effective January 1, 2006, rules 8.130 and 8.155 were amended to clarify that the appellant is generally responsible for the cost of a reporter's transcript ordered by the court to augment the record.

The predecessors to rules 8.134 and 8.344 were adopted effective July 1, 1943. Rule 8.134 was most recently amended effective January 1, 2008. Rule 8.344 most recently amended effective January 1, 2016. Both rules have not been substantively amended since their adoption.

Form APP-003 was approved for optional use effective July 1, 2004, to assist litigants, particularly self-represented litigants, by providing them with a standardized mechanism for requesting the clerk's and court reporter's transcripts in the appeal of an unlimited civil case. Form APP-103 was approved for optional use effective January 1, 2009 as part of the overall revision of the appellate division rules, and forms APP-010, and APP-110 were approved for optional use effective January 1, 2010, as part of a set of new forms intended to assist litigants, particularly self-represented litigants, seeking appellate review in the superior court appellate division. The council has revised these forms on several occasions to include spaces for additional information required or permitted by statute or rule.

Analysis/Rationale

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 recommends 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

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

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

Form APP-003

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

- Because current form APP-003 is lengthy and litigants need only complete relevant portions of the form, 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-003(A));

    - 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-003(B));

    - 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-003(C));

    - 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-003(D)).

    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,[5] 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.

- 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: (1) appendixes are listed first, (2) the limitations on when an appellant can elect to use an appendix are incorporated, and (3) details about the proposed new attachment forms APP-003(A) (clerk's transcript) and APP-003(B) (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-003(C) (settled statements) and APP-003(D) (reporter's transcripts) have been added.

Form APP-010

The committee recommends revising item 1b on form APP-010 to reflect the concurrent report 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 recommends 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 recommends 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 recommends 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

[5] See Judicial Council of Cal., Advisory Com. Rep., *Appellate Procedure: Required Use of Appendixes in Civil Appeals*, item 26-115.

[6] *Id.*

recommended 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 recommends 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 recommends modifying the left column of the tables from "Electronic Monitor's Name" to "Morning/Afternoon/Both" because this information will be more useful in specifying which proceedings the respondent is designating.

Form APP-110

The committee recommends 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 recommends 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, because respondents may use different types of record designations for different court proceedings, the committee recommends including tables in each designation type to list the proceedings being designated in that type. The committee recommends 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 recommends revising both appellate information forms to reflect the rule amendments and repeals in this report and in the concurrent report to establish a general requirement for the use of appendixes.[8] The committee also recommends 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 will 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 recommended new

[7] *Id*.

[8] *Id*.

subdivisions 8.100(e)(5) and 8.821(d)(5), as well as the recommended 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 will 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 recommended amendments to rules 8.122(a) and 8.832(b), as well as the recommended revisions to the forms discussed above.

Agreed statements

The committee recommends 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. The committee recommends these changes because agreed statements 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 will remove unnecessary language from the relevant rules and forms.

Amendments for consistency

In addition to the above proposed rule amendments and form revisions, the committee recommends 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 will make explicit the requirements that are already present in form APP-003. Additionally, the committee recommends deleting paragraph (4) of subdivision (a) of rule 8.149 because the authority to use a settled statement for written documents has been repealed. The committee also recommends 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]

Policy implications

The recommended rule and form changes will simplify and increase the clarity of the record-preparation process in civil appeals. These changes are therefore consistent with the *Strategic Plan for California's Judicial Branch*, specifically the goals of Access, Fairness, Diversity, and

[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.

[10] See Judicial Council of Cal., Advisory Com. Rep., *Appellate Procedure: Required Use of Appendixes in Civil Appeals*, item 26-115 (pending).

Inclusion (Goal I); Modernization of Management and Administration (Goal III); and Quality of Justice and Service to the Public (Goal IV).

Comments

This proposal circulated for public comment from April 13 to May 18, 2026, as part of the regular spring comment cycle. Eight responsive comments were received: two from superior courts, four from bar associations, one from a legal services nonprofit, and one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee. Commenters generally supported the proposal, with one agreeing, six agreeing if modified, and one disagreeing. A chart with the full text of the comments received and the committee's responses is attached at pages 83–101.

Multiple commenters suggested amending the rules to allow litigants to mark designated documents on an attached register of actions instead of writing document titles on the designation of record form because replicating the document titles is time consuming and potentially confusing to self-represented litigants or less experienced attorneys. The committee does not recommend this change because the requirement that the designation of record form mirror the titles contained in the register of actions sufficiently achieves the goal of reducing confusion and unnecessary delay. Additionally, allowing litigants to simply check titles on the register of actions would eliminate a necessary step requiring discernment, and copying the titles is not very burdensome. Given the commenters' concerns, however, the committee does recommend revising rule 8.122(a)(1) to add the phrase "Except as provided by local rule" to allow trial courts to specify by local rule how documents should be indicated.

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 to provide an agreed statement in an appeal 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.

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 9–22
2. Forms APP-001-INFO, APP-003, APP-003(A), APP-003(B), APP-003(C), APP-003(D), APP-010, APP-101-INFO, APP-103, and APP-110, at pages 23–82
3. Chart of comments, at pages 83–101

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 1. Appellate Rules

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

Chapter 1. General Provisions

Article 5. E-filing

Rule 8.74. Format of electronic documents

(a)–(b) * * *

(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 the notification required by rule 8.100(e)(1).

(b)–(c) * * *

Rule 8.122. Clerk's transcript

(a) Designation

(1) Except as provided by local rule, a ~~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~~ oral proceedings, 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 must provide proof of a valid fee waiver that covers this fee. The deposit for the approximate cost of transcribing the proceedings the party 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 and 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 the settled statement 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) If a clerk's transcript will be used, when the clerk's transcript is certified under rule 8.122(d);

(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~~ A certified transcript 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 the notification required by 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) Except as provided by local rule, a ~~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/courts/courts-appeal.
- 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 on page 12 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 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).

To find the court's local rules, go to courts.ca.gov/courts/courts-appeal and click on the link for the Court of Appeal district for the county where the trial court is located. Then click the link for Rules, Forms & Filing and navigate to the Local Rules page.

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) and attach *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: You, the appellant, are responsible for paying for a reporter's transcript for any oral proceedings that you 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.
  - 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 chose (elected) 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.

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

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.

APP-003

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:		
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 requesting an exemption from the requirement to use an appendix in this case. The motion was filed by ☐ me ☐ another party.

(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. To find the court's local rules, go to courts.ca.gov/courts/courts-appeal and click on the link for the Court of Appeal district for the county where the trial court is located. Then click the link for Rules, Forms & Filing and navigate to the Local Rules page. You must complete form APP-003(B),* Appellant's Notice Designating Record on Appeal—Original Trial Court File Attachment*, 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 Attachment *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 Attachment *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, 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 (5).)*

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. To find the court's local rules, go to courts.ca.gov/courts/courts-appeal and click on the link for the Court of Appeal district for the county where the trial court is located. Then click the link for Rules, Forms & Filing and navigate to the Local Rules page.

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, did you do both of the following: elect to use or file a motion 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 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 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.)*

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

2. 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.)*

	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."

APP-010

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:		
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 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 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 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 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)		

☐ 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 (6).)*

CASE NAME:	SUPERIOR COURT CASE NUMBER:

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 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 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.

APP-101-INFO Information on Appeal Procedures for Limited Civil Cases

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/news-reference/reports-publications/civil-fees (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 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/trf/index.shtml. 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 (designate) 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 on page 12 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 Case*s (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.

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 you have 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 you do 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 *(date):* _____ a notice of appeal was filed 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) 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:*

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 (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 (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 requesting an exemption from the requirement to use an appendix in this case. The motion was filed by ☐ me ☐ another party.

(2) I elect (choose) 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) (iv) (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.

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 you have 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 you do 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:**

Information About the Appeal

2 On *(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 *(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.)*

Trial Court Case Name: _____ Trial Court Case Number:

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 (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)."*

Trial Court Case Name: _____ Trial Court Case Number:

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 (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 (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 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, 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.)*

Trial Court Case Name: _____ Trial Court Case Number:

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 (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 (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.

Trial Court Case Name: _____ **Trial Court Case Number:**

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

SPR26-02 Chart of Comments

Appellate Procedure: Record Designation Rules and Forms (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)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Academy of Appellate Lawyers (CAAL) by Judith E. Posner, Academy Vice President	Position: Agree if modified. The California Academy of Appellate Lawyers (calappellate.org), referred to herein as the Academy, one of the nation's first bar organizations devoted to appellate practice, provides comments to the Judicial Council's proposed revisions to the rules addressing the record designation process. As set forth below, the Academy generally supports the proposals, with some suggestions. **Register of Actions and title of documents** The Academy agrees with the proposal requiring superior court clerks to send parties a copy of the Register of Actions before record designations are due and agrees with the proposal requiring litigants to use the names of documents as they appear on the Register of Actions.	The committee appreciates the comment.
CAAL (continued)	**Elimination of Agreed Statement** The Academy agrees with the proposal to eliminate the option of an agreed statement given it is rarely used and a stipulated settled statement effectively accomplishes the same purpose.	The committee appreciates the comment.
CAAL (continued)	**Comments re: CRC 8.120** The Academy recommends that the proposal to amend CRC 8.120(b) include an electronic recording, and/or official transcript thereof, when used by the court in lieu of a court reporter (and a corresponding change should be made to CRC 8.149(b) and any other relevant forms and rules of court). This way the record on appeal can include the verbatim record in whatever form it has actually been taken. While electronic	The committee appreciates the comment. Electronic recording is outside the scope of this proposal, but the committee may consider this suggestion in the future as time and resources allow.

Commenter	Comment	Committee Response
	recording is statutorily prohibited in most unlimited civil cases, some courts and individual judges have allowed electronic recording given the constitutional issues with the statutory prohibition. And of course, this issue is pending before the Supreme Court.	
CAAL (continued)	**Comments re: CRC 8.130 and APP-003** The Academy generally agrees with the concept of shortening APP-003 and creating sub-forms. The Academy believes, however, that the APP-003 items regarding the record of oral proceedings should be modified and/or clarified. Currently (as well as in proposed revised form APP-003(C)), if the Reporter's Transcript ("RT") designation does not include all of the oral proceedings in the case, the party is required to explain why and identify the issues they intend to raise on appeal. The reference to "all of the oral proceedings in the case" is broader than the language used in CRC 8.130(a)(2), which states "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." Initially, the Academy believes clarification is needed regarding "all of the oral proceedings" and "all the testimony." In many cases that have gone to trial, there are oral proceedings early on the case—such as motion practice—that will have nothing to do with the appeal. On the other hand, some appeals may include no "testimony" but just "oral proceedings." The Academy believes clarification is needed here. Perhaps something along these lines. In an appeal with actual testimony, if all testimony is not designated, the party must explain why. In an appeal with only oral proceedings, but no actual testimony, if all oral proceedings are not designated, the party must explain why. The same rule should apply if the appeal includes both oral proceedings and testimony. The Academy does not believe it is fair or practical	The committee agrees and recommends amending rule 8.130(a)(2) to change "all the testimony" to "all the oral proceedings."

Commenter	Comment	Committee Response
	to require a party to set forth the points that will be raised on appeal at this very early stage of the process even if not all oral proceedings or testimony are designated.	
CAAL (continued)	Additionally, it is the Academy's belief that pro per litigants and newer appellate attorneys struggle with this item and rule, particularly in family law appeals where parties often have simultaneous proceedings in the superior court on different issues, any one of which can be subject to an appeal. The question then arises: if all the RTs for the particular order(s) on appeal are designated but not all the RTs in the broader family law action or other related actions, does the party have to indicate not all of the oral proceedings are included? Our understanding is that the answer is generally no: so long as all the relevant RTs are included for the particular order(s) being appealed, that should be enough to say all the RTs are included, even if other unrelated RTs are not included. As an example, in one family law action, a party can separately appeal a temporary child support order, a temporary spousal support order, a final custody order, a final child support order, a final spousal support order, a DVRO denial or issuance, a dissolution status judgment, a final property order, etc. If a party files an appeal from only the final custody order, and that party includes in their designation all the RTs for that custody order, would that party be able to indicate on the APP-003 form that they included "all" the RTs and thus not have to specify why and the issues they intend to raise on appeal? We believe the answer should be yes, because they are including all the RTs for the particular order they are appealing. The APP-003 form, as existing and as revised, is not clear on this issue and thus should be clarified in accordance with this understanding.	The committee believes the language is sufficiently clear and does not recommend changing the language on proposed form APP-003(C).
California Lawyers Association, Litigation Section, Committee on Appellate Courts (CAC) by Julia Shear Kushner, Chair	Position: Agree if modified. The Committee on Appellate Courts (CAC) of the California Lawyers Association's Litigation Section submits this	The committee appreciates the comment.

Commenter	Comment	Committee Response
	response to the Invitation to Comment SPR26-02. The California Lawyers Association is a nonprofit, voluntary organization with approximately 45,000 members statewide. It is dedicated to the professional advancement of attorneys practicing in the State of California. The CAC consists of over twenty experienced appellate practitioners and court staff, drawn from a wide range of practice areas. **I. Changes to Record Designation Forms** The Appellate Advisory Committee proposes extensive amendments to the rules and forms that are used in designating the contents of the record on appeal. The CAC strongly supports these changes. The proposed amendments make the forms easier to understand and to complete, particularly for less experienced appellate attorneys and self-represented litigants. For these individuals, the current forms are confusing, hard to follow, and difficult to fill out. Although under the proposed rules there will be additional forms, the proposed forms are straightforward, and the instructions are clear and will be easier to follow. **II. Requirement that Superior Court Clerks send copy of register of actions to litigants and rule that default is tied to this notice** The CAC supports the requirement that the superior court clerks send a copy of the trial court register of actions (ROA) to appellate litigants and the proposal to tie the record designation default notice to the date on which the clerk sends the ROA. That ensures the litigants will have the time and tools to appropriately designate the record.	
CAC (continued)	**III. Requirement that clerk's transcript designations are identical to ROA document titles** The CAC supports the proposed rule that clerk's transcript designations identify documents using names from the trial court ROA. This requirement will reduce potential ambiguity,	The committee does not recommend this change because the requirement that the designation of record form mirror the titles contained in the register of actions sufficiently achieves the goal of reducing confusion and unnecessary delay. Additionally, allowing litigants to simply check titles on the

Commenter	Comment	Committee Response
	enhance clarity, and likely will make the process much simpler for the superior court clerks. However, the process of replicating the document titles on the designation of record form is time-consuming and potentially confusing to a self-represented litigant or to a less experienced attorney. Thus, the CAC strongly suggests that the rules include an option for a litigant using the clerk's transcript to attach the ROA and put a check mark next to the designated documents or to circle the designated documents. This option would make it absolutely clear which document was being designated. This would significantly benefit self-represented litigants, the superior court clerks, the respondents, and the judicial system.	register of actions would eliminate a necessary step requiring discernment, and copying the titles is not very burdensome. Given the commenters' concerns, however, the committee does recommend revising rule 8.122(a)(1) to add the phrase, "Except as provided by local rule," to allow trial courts to specify by local rule how documents should be indicated.
CAC (continued)	**IV. Proposal that Agreed Statement is Eliminated** The Appellate Advisory Committee also "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." The CAC does not have a unified position on this proposal. On the one hand, the CAC members agree that parties can use the settled statements process even if they agree. On the other hand, the agreed statement is a simpler process because it does not require court approval. Although the agreed statement process is rarely used, some attorneys noted that the procedure is helpful, particularly when two sophisticated appellate litigants agree as to what happened in the trial court and they simply need a record of the relevant events. We appreciate your consideration of our comments.	The committee appreciates the comment and has concluded that the benefits of simplifying the rules by eliminating the agreed statement option outweighs the benefits of the cases in which they are used.
Family Violence Appellate Project (FVAP)	Position: Agree if modified.	The committee appreciates the comment.

Commenter	Comment	Committee Response
by Cory Hernandez, Senior Managing Attorney Oakland, CA	The Family Violence Appellate Project (FVAP) respectfully submits the following comments in response to the Judicial Council's Invitation to Comment number SPR26-02. We are joined in our comments by the Legal Aid Association of California (LAAC). This proposal makes numerous changes to the Notice Designating the Record on Appeal (NDRA) forms and rules of court. Please see also our comments on ITC SPR 26-01, because there is some overlap between the two proposals. For instance, in our comments on -01 we believe there should be additional exempted cases from the new requirement to use an Appendix, and those additional exemptions should be reflected on the revised APP-003, APP-103, APP-110, etc. forms. FVAP is a State Bar-funded statewide nonprofit organization founded more than a decade ago to address a critical gap in access to justice by providing free appellate representation to survivors of gender-based abuse in civil appeals who cannot afford to challenge adverse trial court rulings. A core part of FVAP's mission is to build a robust body of law that protects survivors and their children. FVAP's mission includes ensuring all litigants, including survivors, have equal and fair access to justice, including the Courts of Appeal. LAAC serves as the unified voice for the over 100 nonprofits that provide free civil legal services to low-income people and communities throughout California. Legal aid programs support vulnerable Californians navigating life-altering civil legal issues, from domestic violence to housing to consumer debt. We advocate on behalf, and with, our members for better laws and policies, including at the Judicial Council. **I. Straightforward places of AGREEMENT** We agree with the proposal requiring superior court clerks to send parties a copy of the Register of Actions. However, we wonder how this would work in Sacramento County, where	

Commenter	Comment	Committee Response
	they do not regularly maintain Registers of Action/Dockets? Furthermore, we presume this rule would still apply in confidential cases like parentage actions, but confirming this in the rule itself would be useful? We agree with the proposal removing the option of an agreed statement, since a stipulated settled statement effectively accomplishes the same purpose.	
FVAP (continued)	**II. COMMENTS re CRC 8.120 changes** We recommend that the proposal amend CRC 8.120(b) to include an electronic recording, and/or official transcript thereof, when used by the court in lieu of a court reporter. (And a corresponding change should be made for CRC 8.149(b) and any other relevant forms and rules of court.) This way the record on appeal can include the verbatim record in whatever form it has actually been taken. And an electronic recording can be superior to a paper reporter's transcript because the court can hear not just what everyone said but also how they said it. While electronic recording is statutorily prohibited in most unlimited civil cases, we know that many courts and individual judges have allowed electronic recording given the constitutional issues with the statutory prohibition. (And of course, this issue is pending before the Supreme Court.)	The committee appreciates the comment. Electronic recording is outside the scope of this proposal, but the committee may consider this suggestion in the future as time and resources allow.
FVAP (continued)	**III. COMMENTS re CRC 8.130 & APP-003 changes** We believe the APP-003 item asking for Reporter's Transcript (RT) should be clarified. Currently, the revised form maintains extant language indicating that if the RT designation doesn't include all of the oral testimony, the party is required to explain why and explain the issues they intend to raise on appeal. (See CRC 8.130(a)(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."].) In our experience, we have seen pro. per. litigants and newer appellate attorneys struggle with this item and rule,	The committee believes the language is sufficiently clear and does not recommend changing the language on proposed rule 8.130 or form APP-003(C).

Commenter	Comment	Committee Response
	particularly in family law appeals where parties often have simultaneous proceedings in the superior court for different issues, any one of which can be subject to an appeal. The question then arises: if I include all the RTs for the particular order(s) on appeal, even if they don't include all the RTs in the broader family law action or other related actions, do I indicate the RTs don't include all of them? Our understanding is that the answer is generally no: so long as all the relevant RTs are included for the particular order(s) being appealed, that should be enough to say all the RTs are included, even if other unrelated RTs aren't included. For instance, in one family law action, a party can separately appeal a temporary child support order, a temporary spousal support order, a final custody order, a final child support order, a final spousal support order, a DVRO denial or issuance, a dissolution status judgment, a final property order, etc. If a party files an appeal of only the final custody order, and they include in their NDRA all the RTs for that custody order, would they then be able to say on the NDRA that they included "all" the RTs and thus not have to specify why and the issues they intend to raise on appeal? It seems the answer should be yes, because they're including all the RTs for the particular order they're appealing. So even though they're not including the RTs for the support orders, dissolution status, or property orders, they are still including "all" the relevant RTs. But the form unfortunately, as existing and as revised, is not clear on this issue and thus should be clarified in accordance with this understanding.	
FVAP (continued)	In addition, we think the form(s) needs to be clarified, for the sake of the litigants and courts and reporters, with regard to what is supposed to happen when a litigant has a previously prepared RT. (See CRC 8.130(a)(1)(E) [litigant must identify if any RT has been previously prepared].) We have unfortunately encountered issues with court clerks and reporters in getting previously prepared RTs properly formatted for appeal. In general, when a party obtains a certified RT in the regular course of litigation, or to review a	The committee believes the language is sufficiently clear and does not recommend changing the language on proposed form APP-003(C).

Commenter	Comment	Committee Response
	matter to see if an appeal is warranted, that prepared RT never complies with the formatting requirements for an RT on appeal. Such a certified RT often lacks the requisite indexes and sometimes lacks correct line numbers and pagination, and naturally will lack the proper information about the appeal that needs to be included on the cover page. Yet we have still encountered resistance and difficulty in getting a court clerk to accept payment for formatting a previously prepared RT, or to tell us how much such formatting would cost. And even after making such payments, we have sometimes seen and received "formatted" RTs that are still not properly formatted for appeal—yet in such cases, if the Court of Appeal hasn't raised concerns about this, neither have we.	
FVAP (continued)	**IV. COMMENTS re APP-003 & attachment changes** We agree with the proposal creating new attachment forms, and shortening the APP-003 itself from 4 pages to 2. We agree with the proposal requiring litigants to use the names of documents as they appear on the Register of Actions. Such should help reduce confusion by the superior court clerk when preparing a Clerk's Transcript. APP-003, item 1(a) and (b). Please see our comments in the remainder of this proposal, and our comments on ITC -01, particularly with regard to our comments on when appendixes are required or prohibited. APP-003, item 1(b)(1)(c). The party should perhaps be required to attach a copy of the superior court order granting an exemption. APP-003, item 2(b)(1). Please see our comments in the remainder of this proposal, particularly with regard to our comments on what it means to be "the full record" or just "part of the record" for a party appealing only one order/issue and not other pending or final orders/issues between the same	The committee appreciates the comment. The committee believes the language as proposed is sufficiently clear and does not recommend any additional changes.

Commenter	Comment	Committee Response
	parties and/or in the same action. Same comments also for APP-003(C), item 2(a)-(c). APP-003(C). Please see our comments in the remainder of this proposal, particularly with regard to our comments on the difficulties we've faced with obtaining RTs, especially properly formatted RTs for appeal, and in electronic form.	
FVAP (continued)	**V. Additional SUGGESTIONS** Because this proposal ITC -02 is intended "to make the record-designation process in civil appeals more efficient," we recommend that the Council also address the following issues: In an appeal last year, we designated use of an Appendix and Reporter's Transcripts (RTs), and paid for the latter. When the superior court clerk sent the formatted electronic RTs to the Court of Appeal, they did not send us a copy, even though we were the appellate attorneys of record who had filed the NDRA in the first place. When we asked the court reporter, they told us they only send a copy to the superior court; when we asked the superior court clerk, they told us to contact the Court of Appeal clerk; and when we asked the Court of Appeal clerk, they told us they can't release the electronic document because of CRC 8.83(c)(2)(A). Despite CRC 8.81(b), and despite us being the attorneys of record on appeal, the Court of Appeal clerk still refused to release the electronic, formatted RTs to us. The clerk told us we needed to get special permission from the Court of Appeal, so we filed an Application for release of the RTs, which the Court granted. However, that took extra time, work, and money to do so. As a result, we suggest the Council amend the rules pertaining to RTs to ensure it is clear who (court reporter, superior court clerk, Court of Appeal clerk) must send the party or their attorney an electronic copy of any formatted RT. In another appeal, earlier this year, we received a default notice from the superior court indicating we were required to format the RTs ourselves. However, our understanding of the	The committee appreciates the comment. While the suggestion is outside the scope of the current proposal, the committee may consider this suggestion in the future as time and resources allow.

Commenter	Comment	Committee Response
	rules was such that we had the option but not requirement to format the RTs ourselves. And given the cost, time, and complexity of formatting RTs, we generally don't format those ourselves. After some back-and-forth with the superior court clerk, we were finally able to convince them to withdraw the default notice and instead require the court reporter to format the RTs, as required by the rules and by our payment of the fees for such. As a result, we suggest the Council amend the rules pertaining to RT formatting to clarify that it is the reporter's responsibility and not the party's. Finally, in another appeal, earlier this year, the superior court issued a default notice for failure to pay NDRA-related fees on the same day we paid those very fees. Even after we spoke with the superior court clerk, showed them the receipt they gave us proving we paid the fees, and confirmed with them no further fees were due, the clerk still told us they could not lift the default because it was issued. Instead, the clerk told us we needed to file a motion for relief from default in the Court of Appeal. We did so, and eventually got the default lifted. But having to do so required more time, work, and money on our end that could have been avoided. Further, the Court of Appeal's order was unfortunately confusing because it also ordered us to pay the NDRA fees—despite the fact that we already paid the fees. As a result, we needed to follow up with the Court of Appeal to ensure we would still be in compliance with the Court's order, even if we did not pay any additional fees (as none were due). Eventually, things got sorted and the record preparation is underway. But a lot of this could have been avoided. As a result, we suggest the Council amend the default notice rules to allow a superior court to lift a default, without Court of Appeal involvement, that the superior court has itself issued, when the superior court itself can determine whether the issue has been cured or not—such as payment of fees owed to the superior court.	

Commenter	Comment	Committee Response
FVAP (continued)	**VI. ADDITIONAL SUGGESTIONS FOR ALL ITCs** In addition to our comments above, we strongly and respectfully recommend that the Council revise its protocols for seeking public comments. Specifically, we ask that the Council expand the number of ITC periods from two per year to, perhaps, four per year, and limit the number of ITCs per period, especially when multiple ITCs fall within one area or are otherwise related. 40 proposals in one ITC period, where many proposals almost reach 100 pages, and where many proposals address similar areas of law (e.g., there are a lot of family law and protective order ITCs, there are a lot of appellate ITCs, etc.)--this is unfortunately too much for the field to be able to adequately review and submit comments for. We have heard from dozens of organizations and individuals across the state that there are often too many ITCs released at once, with a short timeframe for providing comments, such that they almost always cannot review all ITCs that are relevant to their work, let alone analyze and draft written comments for them all. As a result, many organizations and individuals instead have to forego making comments altogether or on some of the proposals they would otherwise want to comment on. FVAP and other statewide organizations have attempted, to the best of their availability, to help alleviate some of these issues by collecting sign-ons to comments they've developed. However, doing so takes even more time and work for the statewide organization collecting sign-ons, and it seems from the Council's reports that the Council still counts the comments as being from only the one organization rather than individual comments from each sign-on. We understand and appreciate our request for revising the Council's protocols in the ways described above would likely require changes to the Council's work. But we believe these changes would be well worth it to ensure the Council is	This suggestion is beyond the scope of the current proposal, but it will be shared with the internal committee responsible for the Judicial Council's rulemaking process.

Commenter	Comment	Committee Response
	receiving as much relevant feedback as possible—including feedback from more than just courts, bar associations, and governmental entities, but also feedback from on-the-ground providers and other interested stakeholders.	
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree if modified. Form APP-003(C), question 2.b. is difficult to follow. To make it easier to read, romanettes "(i)" and "(ii)" should be added: "If you answered 'no' in item 2a, above, did you both (i) 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 (ii) designate in form APP-003(d) …."	The committee appreciates the comment. Because numbering in forms is reserved for separate items and sub-items, the committee does not recommend adding numbering to item 2.b. on form APP-003(C).
OCBA (continued)	**Does the proposal appropriately address the stated purpose?** Yes, while still complicated, the changes should make it easier for someone unfamiliar with the appellate process to complete the forms accurately.	The committee appreciates the comment.
San Diego County Bar Association, Appellate Practice Section (SDCBA) by Jenn French, Chair	Position: Agree if modified. The Proposed Changes to Record Designation Forms and Rules (SPR26-02) Our Section also has comments to share on two aspects of proposal SPR26-02. First, we support the proposal to require that the superior court clerk send a copy of the register of actions to the parties before they submit their record designations. This reform will assist both litigants and clerks in ensuring that record designations are clear and accurate. We also support the proposed amendment to rules 8.122(a) and 8.832(b) requiring litigants to "identify each designated document by its title as listed in the register of actions for the case." However, we suggest that the process would be further improved if the register of actions included checkboxes, or if	The committee appreciates the comment. The committee does not recommend this change because the requirement that the designation of record form mirror the titles contained in the register of actions sufficiently achieves the goal of reducing confusion and unnecessary delay. Additionally, allowing litigants to simply check titles on the register of actions would eliminate a necessary step requiring discernment, and copying the titles is not very burdensome. Given the commenters' concerns, however, the committee does recommend revising rule 8.122(a)(1) to add the phrase, "Except as provided by local rule," to allow trial courts to specify by local rule how documents should be indicated.

Commenter	Comment	Committee Response
	parties could simply circle or check the items they wish to include in the record, rather than requiring parties to reproduce the titles of all documents they wish to designate. This would reduce the potential for error and further simplify the designation process, particularly for self-represented litigants and less experienced attorneys.	
SDCBA (continued)	Second, we have concerns about the proposal to repeal rules 8.134 and 8.344 and thereby eliminate the option of an agreed statement. The Committee notes that "an agreed statement is, in effect, a settled statement to which both appellant and respondent agree," and that "agreed statements have fallen into disuse." While we acknowledge that agreed statements are less common than they once were, our members do still use them on occasion, and they serve an important function: allowing the parties to agree upon the contents of the trial court record when records are unavailable or when both parties wish to narrow the record by mutual agreement. In light of the increasing shortage of court reporters, the need to occasionally rely on an agreed statement to provide a record of specific oral proceedings is likely to persist. However infrequent, an agreed statement is also less burdensome for the trial courts than a settled statement. The Committee has suggested that the function of agreed statements "can be done through a stipulated settled statement" under rule 8.137 because that rule "allows parties to stipulate to a proposed settled statement, effectively converting the proposed statement into an agreed statement." However, neither the current nor the proposed rules provide a clear procedure by which parties may jointly prepare and file an agreed-upon settled statement from the outset, without one party first preparing a proposed statement subject to the other's amendments under rule 8.137. If the Committee proceeds with the repeal of rule 8.134, we respectfully request that the Committee provide more detailed guidance—preferably in the rules themselves, but at the very least in the advisory committee comments—explaining how a stipulated settled statement should work in practice. Parties should be	The committee appreciates the comment and has concluded that the benefits of simplifying the rules by eliminating the agreed statement option outweighs the benefits of the cases in which they are used. The committee does not find it necessary to add a required procedure to rules 8.134 and 8.344 for parties to reach a stipulated settled statement because communication between parties is sufficient.

Commenter	Comment	Committee Response
	expressly encouraged to agree upon the contents of the record wherever possible, and the procedural path for doing so should be clear and straightforward.	
Superior Court of Los Angeles County by Stephanie Kuo	Position: Disagree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-02 Appellate Procedure: Record Designation Rules and Forms," the Court appreciates that the proposal attempts to simplify and improve the clarity of the record designation process to improve efficiency. However, self-represented litigants in limited civil appeals may encounter difficulty in correctly and timely procuring the record on appeal. The proposed changes to APP-101 do not appear to simplify or improve the clarity. The amount of information is overwhelming, and the current layout makes it hard to read. Instead of only refining the existing format, it might be worthwhile to consider alternative ways to present the content.	The committee appreciates the comment. The committee has concluded that the proposed changes will improve the clarity of the complex record-designation process for self-represented litigants.
Superior Court of Los Angeles County (continued)	The Court does not believe the proposal will provide cost savings. To implement the proposal, the Court would need to train its staff, which would take about one hour. The Court would also need to revise its written processes. Two months should be sufficient time for implementation. Additionally, the proposal will benefit courts of all sizes.	The committee appreciates the comment.
Superior Court of Orange County by Christine Nguyen	Position: Agree if modified. **Does the proposal appropriately address the stated purpose?** Yes. The proposal generally appears to address its stated purpose by making the record designation process clearer and	The committee appreciates the comment. The committee has found that the proposed new forms sufficiently clarify the requirements for reporter's transcripts.

Commenter	Comment	Committee Response
	more efficient through shortening and reorganizing the APP forms, requiring designations to use register of actions document titles, and removing infrequently used agreed-statement procedures in Court of Appeal proceedings. Courts would benefit from guidance on how parties should identify documents when the register of actions title is abbreviated, unclear, duplicated, sealed/confidential, or different from the document caption. Suggest that item 2(1)(d) on APP-003 may benefit from additional clarification. Since implementation of e-filing, appellants have submitted transcripts as attachments to the designation e-filing, which clerks cannot accept as the official transcript for purposes of preparing the appellate record. Clarifying the distinction between designating or requesting a transcript and submitting a transcript as an attachment would help reduce filer confusion, deficiency/default processing, and staff follow-up.	
Superior Court of Orange County (continued)	**Would the proposal provide cost savings? If so, please quantify.** No measurable direct cost savings can be quantified at this time. Any savings would likely be indirect, such as fewer deficient record designations, fewer default notices, and less staff time spent clarifying which documents should be included in the record.	The committee appreciates the comment.
Superior Court of Orange County (continued)	**What would the implementation requirements be for courts – for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?** Implementation would require updating procedures. Appellate staff will need training to recognize the new attachments and understand the revised "plain language" instructions to better	The committee appreciates the comment.

Commenter	Comment	Committee Response
	assist public inquires. CMS updates are needed to add new document names.	
Superior Court of Orange County (continued)	**Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?** Yes. Two months should be sufficient if final forms and rule text are issued promptly. Because the proposal affects several forms and record designation workflows, early release would be helpful.	The committee appreciates the comment.
Superior Court of Orange County (continued)	**How well would this proposal work in courts of different sizes?** It would work well. Larger courts may need more coordination amongst the units. Smaller courts may benefit from clearer forms and fewer ambiguous designations, but they will still need a reliable process to provide the register of actions or access instructions.	The committee appreciates the comment.
Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee (TCPJAC/CEAC JRS)	Position: Agree The JRS notes the following impact to court operations: • Impact on existing automated systems • Results in additional training, which requires the commitment of staff time and court resources. The JRS also notes that this proposal should be implemented because this proposal makes changes consistent with the rule changes in SPR26-01 as well as additional rule and form changes. 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." For this reason, the workgroup recommended that the Judicial Council revise the relevant rules and forms "to be simpler, clearer, and more efficient."	The committee appreciates the comment.

Commenter	Comment	Committee Response
TCPJAC/CEAC JRS (continued)	**Suggested modification(s):** A reference to 8.134 remains in the footer of app-010 and should be removed.	The committee appreciates the comment and will include this change in its recommendation.
TCPJAC/CEAC JRS (continued)	**Specific Proposal Questions and Responses** Does the proposal appropriately address the stated purpose? These changes appear to meet the goal of simplifying record designation, creating more precision, and making the forms a bit more user-friendly. These changes will likely also result in fewer default notices and follow-ups by the clerk's office.	The committee appreciates the comment.
TCPJAC/CEAC JRS (continued)	Would the proposal provide cost savings? If so, please quantify. In so much as this is true for SPR26-01.	The committee appreciates the comment.
TCPJAC/CEAC JRS (continued)	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? Yes. We would need to make changes to our system, forms and processes. Also staff training would be needed.	The committee appreciates the comment.
TCPJAC/CEAC JRS (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Due to the number of forms, six months would be better.	Due to the schedule of the rules cycle, along with other comments noting that two months is sufficient time for implementation, the committee does not recommend delaying implementation of the rule and form changes.
TCPJAC/CEAC JRS (continued)	How well would this proposal work in courts of different sizes? Unsure.	The committee appreciates the comment.

Rules Committee Action Request Form

Item number: 03

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory 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: October 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-113

For business meeting on October 16, 2026

Appellate Procedure: Record in Felony Appeals (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 8.320

Effective Date
January 1, 2027

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

Date of Report
August 10, 2026

Report Type
Action Required

Contact
Jeremy Varon, 415-865-7424
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Executive Summary

The Appellate Advisory Committee recommends amending the California Rules of Court to clarify what must be included in the record in criminal felony appeals. The recommended amendments will help reduce the number of appeals in which augmentation or correction of the record is necessary, decreasing court clerks' workload and resulting delays. The proposal originated from a recommendation of the former Chief Justice's Appellate Caseflow Workgroup.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2027, amend rule 8.320 of the California Rules of Court regarding felony appeals to clarify what must be included in the record.

The proposed amended rule is attached at pages 6–11.

Relevant Previous Council Action

California Rules of Court,[1] rule 8.320, governing the normal record on appeal in felony appeals, was adopted as rule 31 in 2004, combining former rules 33(a), 34, and 35(f) as part of a larger effort to revise the appellate rules to make them less complex, easier to understand, and consistent with current law and practice. The rule was renumbered as 8.320 in 2007. Rule 8.320 was previously amended effective January 1, 2007, January 1, 2010, and January 1, 2013, to require the clerk's transcript to contain certain materials. Other amendments to the rule are not relevant to this proposal.

Analysis/Rationale

Under rule 8.320, the normal record on 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. 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 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 recommends 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) will 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 recommends deleting the language on exhibits in subdivision (e) and moving it to subdivision (a). For subdivisions (b), (c), and (d), the committee recommends 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

[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. 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." (*Id.* at p. 1.)

[3] *Id.* at p. 16.

from a postjudgment court 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 will redesignate existing subdivisions (f) and (g) as subdivisions (e) and (f).

To align the rule's language with this restructuring, the committee recommends 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) will list what "the normal record is composed of" because these subdivisions would be definitional. The definition in (1) will be phrased as, "A clerk's transcript containing [various documents]" because clerk's transcripts contain documents; the definition in (2) will 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) will 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 will be stricken from subdivision (a) concerning the type of appeal will be moved into new subdivision (b). The requirements for reporter's transcripts in current subdivision (c) will also be incorporated into new subdivision (b).

The committee also recommends amending the title of subdivision (d) from "Limited normal record in certain appeals" to "Record in appeal from judgment on demurrer 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 recommends 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 committee recommends a new advisory committee comment clarifying two subdivisions. The first comment states that under subdivision (c)(1)(I) clerks should identify the materials other than exhibits the court stated it relied on in making any oral order, and these documents should, if possible, be identified in the minute order for that hearing. Because clerks use minute orders to determine what documents the court relied on, the committee recommends emphasizing the importance of including all documents identified as 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 recommends minor clarifying changes to the existing advisory committee comments.

Policy implications

The recommended rule amendments will 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. These amendments are therefore consistent with the *Strategic Plan for California's Judicial Branch*, specifically the goals of Access, Fairness, Diversity, and Inclusion (Goal I); Modernization of Management and Administration (Goal III); and Quality of Justice and Service to the Public (Goal IV).

Comments

This proposal circulated for public comment from April 13 to May 18, 2026, as part of the regular spring comment cycle. Ten responsive comments were received: two from superior courts, two from bar associations, two from appellate projects, one from a district attorney's office, two from individual attorneys, and one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee (JRS). Commenters were divided—two agreed, four agreed if modified, two disagreed, and two did not indicate their position.

The Superior Court of Los Angeles County and JRS agreed with the proposal but requested modification of the Advisory Committee Comment to section (c)(1)(I) because minute orders do not identify every document reviewed by a judicial officer. Based on these comments, the committee recommends rephrasing the proposed advisory committee comment to state that "[t]he court clerk <u>should</u> include any materials (other than exhibits) the court stated it relied on in making any oral order. These documents should<u>, if possible,</u> be identified in the minute order for that hearing."

The two commenters who disagreed with the proposal, California Appellate Project Los Angeles (CAP-LA) and the Orange County Bar Association, expressed concerns that the renumbered rule provisions would require additional work of appointed attorneys and that the restructuring was not clearer. The committee concluded that any additional work required by the rule amendment will not be overly burdensome and will not outweigh the benefit of clarifying the rule. Based on other comments in support of the proposed rule amendment, the committee found that the restructuring will clarify the rule and accordingly recommends the amendments as proposed.

Both commenters, however, also suggested modifications. CAP-LA suggested adding a section for "Both defense and prosecution sentencing briefs" to the documents required in the record in defendant's appeals from conviction. As this type of document could already be included under the current rule (in section (b)(13)), the committee agrees with this suggestion but recommends the phrasing: "All sentencing motions and briefs" because it is more inclusive.

The Orange County Bar Association and attorney Henry Josefsberg suggested adding additional types of documents to the clerk's and reporter's transcripts. Because these documents are not included in the current rule 8.320, the committee does not recommend adding them at this time.

The California Appellate Project suggested adding references in the rule text to highlight the existence of local rules. The committee, however, does not recommend this change because section (f) of the proposed rule adequately limits the categories of materials that may be required by local rule.

A chart with the full text of the comments received and the committee's responses is attached at pages 12–25.

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 an initial increase in the fiscal and operational burdens of record preparation on the courts, but in the long term the proposed amendments will reduce those burdens. Implementation would involve making the Supreme Court, Courts of Appeal, and superior courts aware of the changes through education and training.

Attachments and Links

1. Cal. Rules of Court, rule 8.320, at pages 6–11
2. Chart of comments, at pages 12–25

Rule 8.320 of the California Rules of Court is amended, effective January 1, 2027, to read:

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) Record in defendant's appeal from conviction or People's appeal 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:

~~(b)~~(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;

(iv) All sentencing motions and briefs;

~~(D)~~(v) ~~The~~ Any probation officer's ~~report~~ reports; and

~~(E)~~(vi) 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 concerning 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~~ appeal from judgment on demurrer 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 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). The court clerk should include any materials (other than exhibits) the court stated it relied on in making any oral order. These documents should, if possible, 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.~~

SPR26-03 Chart of Comments

Appellate Procedure: Record in Felony Appeals (amend Cal. Rules of Court, rule 8.320)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Appellate Project Los Angeles (CAP-LA) by Jennifer Hansen, Deputy Assistant Director Los Angeles	Position: Disagree. We are writing to provide comment on your proposed rule changes to California Rules of Cout, rule 8.320. As you know, we are the non-profit organization that assists the Second District Court of Appeal in selecting counsel for appointment in thousands of felony appeals annually out of Los Angeles, Ventura, San Luis Obispo and Santa Barbara Counties. Staff Attorneys in our office train new attorneys about the existence and application of rule 8.320. We have a birds-eye view of all of the rule 8.340 record correction letters sent to the superior courts by appointed attorneys seeking missing rule 8.320 record materials since we are served with the case filings on every appointed case. Additionally, our office is appointed on some cases and in-house attorneys regular review rule 8.320 to check for record correctness in their own cases. We cannot comment on what would be helpful for the records on appeal in misdemeanor and infraction cases as our office does not appoint attorneys on those appeals. After reviewing the suggested rule changes, we agree with the observations in the Invitation from the Appellate Caseflow Workgroup that the problematic felony record completion delays are stemming from staffing and training issues in the superior courts. In our vast experience, we do not see that the delays or incomplete records are the result of problems with the current rules or unclear/incomplete categories of record materials. At the same time, changing the rule's numbering system for normal record on appeal materials will result in additional work that appointed attorneys will have to do, updating their standard record correction letters to match new numbering conventions for record materials that were already part of the normal record under different subsections. There is likely to be unnecessary confusion if an attorney cites to the old rule number to identify a document that has been renumbered. Thus, we are not confident that these proposed rule changes do address the stated purpose.	The committee acknowledges CAP's disagreement with the proposal and appreciates the comment. The committee has concluded that updating references to the rule is not overly burdensome and does not outweigh the benefit of clarifying the rule. Based on other comments in support of the proposed rule amendment, the committee recommends the amendments as proposed. See the committee responses to CAP's specific suggestions below.

Commenter	Comment	Committee Response
CAP-LA (continued)	That said, if you go forward with the rule changes, we have one observation and some suggestions. We appreciate the inclusion of the rule and Advisory Comment Subdivision (c)(1)(I) urging the clerks to include "other material" the court stated it relied on in the order being appealed from. That is a good "catchall" rule that will hopefully result in fewer requests for items identified in minute orders but not provided on appeal. Our other suggestions are: 1. An additional reference in the text of the rule to highlight the existence of Local Rules Los Angeles County has an expansive Local Rule 1 (Contents of reporter's and clerk's transcripts) that includes many additional documents that are frequently necessary in felony appeals out of Los Angeles County. For example, the Local Rule requires clerks to provide things critical to criminal appeals like transcripts of competency proceedings, motions for a defendant to represent himself and documentary exhibits including PowerPoints which are shown to juries in nearly every case these days. In our experience, the superior court clerks are frequently not providing the Local Rule material which results in many record correction letters by appellate attorneys which delays the appellate process. We note that there is a reference to local rule material in revised, subdivision (f), buried in the very last section of the rule and that the text is somewhat inaccurate. In Los Angeles, the local rule covers both reporter's and clerk's transcript materials so the proposed heading (f) covering "Additional clerk's transcript materials" is not exactly true. Consider adding a reference to the reporter's transcript in the heading in subdivision (f). Additionally, we propose a textual reference to Local Rule material higher up in the rule, specifically in the section describing the overall "Contents" of a normal record, at 8.230, subdivision (a), to both remind attorneys and superior court clerks alike, to check the to see whether relevant local rules should be consulted. The Advisory Comment (g) references the ability of Courts of Appeal to adopt local rules that require additional court records, but the text of the rule never alerts a clerk or attorney to remember to check the local rules for their corresponding Court of Appeal until the very	The committee found that rule 8.320(f) adequately provides for additional documents required by local rules and declines to add an additional reference to local rules because such a reference is unnecessary.

Commenter	Comment	Committee Response
	last subsection of the rule, when many readers, clerks and attorneys alike may have stopped reading. The text of subdivision (a) describing the "Contents" could read: "The record must contain a clerk's transcript and a reporter's transcript, which together with local rule materials constitute the normal record."	
CAP-LA (continued)	2. A reference to defense sentencing memoranda According to proposed Rule 8.320(b)(1)(M)(i) the record includes "any reference to defense motions denied in whole or in part, with supporting and opposing memoranda and attachments." In our experience, this rule is not consistently being interpreted to include sentencing briefs filed by the defense before the sentence is imposed. We suggest adding a (vi) in that section to say, "Both defense and prosecution sentencing briefs."	The committee will incorporate this addition in its recommended amendments to the rule. The committee recommends the phrasing "all sentencing motions and briefs" because it is more inclusive.
CAP-LA (continued)	3. A checklist and additional training for superior court staff We hope that if these updated rules are approved, the county clerks will promptly provide trainings to their staffs. We will have to provide updated training to our panel of appointed attorneys as to the new numbering system. We will also need to amend sample record correction letters we send out and post on our website. While everybody is updating their trainings on the rules, we suggest that clerks are provided check lists that staff could review in every case, which lists both the materials required by the rules *and* the materials covered by local rules, to maximize the opportunities for complete records to be created the first time around.	The committee appreciates the comment.
California Lawyers Association, Litigation Section, Committee on Appellate Courts (CAC) by Julia Shear Kushner, Chair	Position: Agree. The Committee on Appellate Courts (CAC) of the California Lawyers Association's Litigation Section submits this response to the Invitation to Comment SPR26-03. The California Lawyers Association is a nonprofit, voluntary organization with approximately 45,000 members statewide. It is dedicated to the professional advancement of attorneys practicing in the State of California. The CAC consists of over twenty experienced appellate practitioners and court staff, drawn from a wide range of practice areas.	The committee acknowledges CAC's agreement with the proposal and appreciates the comment. The committee will refer this subject to the Center for Judicial Education and Resources for training.

Commenter	Comment	Committee Response
	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. The CAC has reviewed the proposed rule changes and submits that they seem reasonable and make clearer the necessary components of a normal complete record in a felony appeal. The CAC strongly agrees with the committee's observation in the new advisory comment subdivision (c)(1)(I) that it is critical for clerks making the appellate records to view minute orders and include in the record any materials "the court stated it relied on in making any oral order." Based on dialogue with appellate practitioners, specifically those doing criminal appellate work, the CAC agrees with the invitation's observation that the problem of incomplete records seems to stem from issues related to training the superior court staff (Invitation, p. 1–2), rather than any specific problem with unclear or incomplete rules. Thus, if the rules are changed in accordance with this proposal, the CAC hopes that there will be appropriate training provided so that clerks can more promptly and properly create the records. If complete records are provided in the first instance there is less need for appellate attorneys to request completion of the normal record using these updated rule numbers and fewer delays will result.	
First District Appellate Project (FDAP) by Megan Hailey-Dunsheath, Supervising Staff Attorney Oakland	Position: Agree if modified. The First District Appellate Project (FDAP) submits these comments on the proposed amendments to rule 8.320 of the California Rules of Court pursuant to Invitation to Comment SPR26-03. FDAP is the contract-administrator for indigent defense appeals in the First District pursuant to rule 8.300(e). As contract-administrator, FDAP trains and maintains a panel of attorneys qualified to accept appointments in criminal, juvenile delinquency, juvenile dependency, and civil commitment appeals when an indigent individual is entitled to court-appointment counsel. FDAP makes appointment recommendations to the Court of Appeal and provides assistance and consultation to appointed attorneys throughout the appeals process. In fiscal year 2025-2026, FDAP is projected to make over 900 appointment recommendations.	The committee appreciates the comment. See the committee's responses to FDAP's specific suggestions for modification below.

Commenter	Comment	Committee Response
	FDAP's involvement in the appeal begins when the Court of Appeal processes the notice of appeal. FDAP conducts an initial screen of the case and then offers the case to a specific panel attorney based on multiple considerations. Panel attorneys are free to accept or reject case offers and are responsible for managing their own caseloads and workflow. The size of the record on appeal and the status of record preparation frequently factor in to both FDAP's assessment of the appropriate attorney for the case (see rule 8.300(c)(3)) and the panel attorney's ability to accept the appointment. As noted by the Committee, record augmentations and corrections may delay resolution of the appeal and cause additional work for court clerks. In addition, an incomplete or inadequate record on appeal impedes FDAP's ability to make appropriate counsel appointment recommendations and appointed counsel's ability to effectively manage their workload. Especially in the context of appeals related to petitions for resentencing, which frequently involve augmentation with materials relied on by the trial court, underestimating the size of the record has resulted in counsel substitutions and/or multiple extensions of time because the case was larger than originally anticipated. FDAP appreciates this opportunity to comment on the proposed amendments to the court rule setting out the required contents of the normal record in felony criminal appeals. **Does the proposal appropriately address the stated purpose?** Yes, the proposed amendments to rule 8.320 address the stated purpose, to help reduce the number of appeals in which augmentation or correction of the record is necessary. The rule as proposed to be amended will reduce the number of appeals of postjudgment orders in which augmentation of the record is necessary by requiring inclusion in the clerk's transcript of (1) all written petitions and motions that are the subject of the order being appealed (proposed rule 8.320(c)(1)(D)), and (2) materials relied on by the trial court in making the order appealed from (proposed rule 8.320(c)(1)(I)). Appeals of postjudgment orders, particularly resentencing petitions, frequently involve trial court review of documents and transcripts from the	

Commenter	Comment	Committee Response
	original proceedings that rule 8.320 does not presently and clearly list as part of the normal record on appeal. Inclusion of these materials from the beginning of the appeal will reduce delays due to augmentation. It will also reduce delays resulting from the need for counsel substitution or significant extensions of time when it is discovered that the record is much larger than assumed at the time of appointment of counsel.	
FDAP (continued)	We suggest two possible modifications to the proposed amendment to the rule: First, in proposed rule 8.320(c)(1)(D), we suggest changing "that was the **subject of** the court order" being appealed from to "that was **related to** the court order," "**concerning** the court order" or "**incident** to the court order" being appealed from. It may not always be easy to determine whether a written petition, motion, or application was the *subject of* the order being appealed from, and use of "related to" would make clear that all documents relevant to the order should be part of the normal record on appeal. Alternatively, "concerning" would mirror the proposed rule 8.320(c)(1)(G), which mandates inclusion of written decisions "concerning" the order appealed from. And "incident to" would mirror 8.320(c)(2)(A), referring to "oral proceedings incident to the order or other action being appealed."	The committee agrees with the suggested clarification and will recommend that rule 8.320(c)(1)(D) read, "Any written petition, motion or notice of motion, application, or other paper filed in the court concerning the court order or other action being appealed from, with supporting and opposing memoranda and attachments."
FDAP (continued)	Second, in proposed rule 8.320(c)(1)(I), we suggest including "reviewed," so that the rule would mandate inclusion of material "the court stated that it **reviewed** in making the order." The record on appeal should include all documents reviewed by the trial court in making an order. Use of "reviewed" rather than "relied on" would avoid the necessity of augmenting the record with material the trial court reviewed but did not explicitly designate as essential to its ruling.	The committee does not recommend this change because using the term "reviewed" instead of "relied on" would be overbroad.
FDAP (continued)	**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?** Yes, the rule is clearer as proposed, with appeals from a postjudgment order separated out into the new subdivision (c). The current subdivision	The committee appreciates the comment.

Commenter	Comment	Committee Response
	(d) of rule 8.320 has at times resulted in confusion as to whether a "limited record" is appropriate in a particular case. The proposal to separate out appeals from postjudgment orders results in a clearer list of materials to include in the record and will reduce confusion.	
Henry J. Josefsberg Attorney Wrightwood	Position: Not indicated I'd make the following requests: ADD to (b)(1)(M)(i) any hearing on disqualification of counsel, motions for withdrawals of counsel. This would facilitate and document appeals/writs for ineffective assistance of counsel.	The committee appreciates the comment. The committee does not recommend this addition for two reasons. First, to the extent any items that the comment identifies fall under existing items in the identified rule, the committee found that the rule is sufficiently clear as to those items. Second, the addition of documents not included in the current rule is beyond the scope of this invitation to comment. The committee may consider this suggestion in the future as time and resources allow.
Henry Josefsberg (continued)	ADD to (b)(1)(M)(ii) hearings on warrantless searches.	See above response.
Henry Josefsberg (continued)	ADD to (b)(2)(A) guilty pleas made after motions to suppress While the concern here may be addressed by the rule as it is, if the guilty plea is heard after a failed motion to suppress, but on a separate hearing date or time, allowing into the regular transcript the guilty plea will facilitate claims of ineffective assistance or of inadequate disclosures.	See above response.
Henry Josefsberg (continued)	ADD to (b)(2)(I)(i) - guilty pleas made after motions to suppress.	See above response.
Henry Josefsberg (continued)	DELETE from (b)(2)(C) – "but excluding the voir dire examination of jurors and any opening statement" This would be important for Batson/Wheeler motions and potential misconduct or omission of facts from the evidentiary part of a trial.	See above response.

Commenter	Comment	Committee Response
Henry Josefsberg (continued)	ADD a section after (e), or make two subsections to allow stipulations of counsel, which may either be in the Reporter's Transcript or in a post-appealable agreement, to add record material that was actually presented to the Court, but was inadvertently not properly filed. Given the logistics, this may require a comment in the statement of the record on appeal.	See above response.
Orange County Bar Association by Shirin Forootan, President	Position: Disagree 1) Does the proposal appropriately address the stated purpose? No. It uses more words to say the same thing. Nothing is made more clear.	The committee acknowledges OCBA's disagreement and appreciates the comment. Based on other comments in support of the proposed rule amendment, the committee recommends the amendments as proposed.
Orange County Bar Association (continued)	2) Would the rule be clear 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? The old way is more clear.	The committee appreciates the comment. Based on other comments in support of the proposed rule amendment, the committee recommends the amendments as proposed.
Orange County Bar Association (continued)	3) Would it be helpful to adopt similar amendments to the rules for the record on appeal in misdemeanor and infraction cases? No.	The committee appreciates the comment.
Orange County Bar Association (continued)	Additionally, a better option to reduce the number of necessary motions to augment the record would be to include voir dire in the reporter's transcript. The enactment of C.C.P. 231.7 makes this regularly necessary.	The committee appreciates the comment. The committee does not recommend this addition because this category of document is not included in the current rule and therefore the comment is beyond the scope of the invitation to comment. The committee may consider this suggestion in the future as time and resources allow.
San Diego County District Attorney's Office by Emmaline Campbell, Deputy District Attorney	Position: Agree. The proposed amendments to Rule 8.320 represent a meaningful improvement to judicial economy by clarifying what must be included in	The committee acknowledges the commenter's agreement with the proposal and appreciates the comment.

Commenter	Comment	Committee Response
	the record on appeal across a wide range of scenarios, including appeals from post judgment orders. We anticipate that these revisions will help reduce the frequent delays currently experienced in obtaining the record—particularly in People's appeals and in appeals involving post judgment orders. Responses to Specific Inquiries: (1) Appropriateness of Purpose The proposal effectively advances its stated goal of reducing record corrections. Explicitly deeming exhibits part of the record in subdivision (a), as well as requiring inclusion of materials the court "relied on" in subdivision (c)(1)(I), provides welcome clarity and should streamline the record-preparation process.	
San Diego County District Attorney's Office (continued)	(2) Separated Subdivisions Separating post judgment appeals into a dedicated subdivision (c) is a significant improvement over the current paragraph-style format. This structural change makes the distinct requirements for post-conviction motions more visible and easier to apply, thereby reducing clerical errors and increasing the likelihood that a complete record will be prepared in the first instance.	The committee appreciates the comment.
San Diego County District Attorney's Office (continued)	(3) Misdemeanor/Infraction Consistency We strongly support adopting similar amendments for the misdemeanor rules, as the same challenges frequently arise in those cases. Because the District Attorney's Office does not handle infraction appeals, we take no position regarding amendments to the infraction rules.	The committee appreciates the comment.
Heather E. Shallenberger, Attorney Reno, Nevada	Position: Not indicated. Although exhibits are considered part of the normal record on appeal, an appellate attorney, like me, must often jump through hoops to get a copy of said exhibits because the exhibits are needed in almost every case to have a complete record. I spend hours chasing trial attorneys for copies of exhibits they may or may not have. If they do have a copy (often of the entire video, not just the exhibit excerpt), then I often have to mail them a	The committee appreciates the comment. The committee has found that with the current technological capabilities, the decision to automatically include exhibits is best left to individual courts. The committee may consider this suggestion in the future as time and resources allow.

Commenter	Comment	Committee Response
	flash drive with a self-addressed, stamped envelope, or I won't receive it and sometimes I still don't receive it. If they don't have it, then I have to request a copy from the prosecution (who almost never respond) before I move to transmit the exhibits to the local Court of Appeal and beg the project/panel to send someone to make copies. This all takes time away from working on the appeal. It seems to me that it would be easier and much more efficient for everyone if documentary exhibits were automatically included in the record, as is currently the practice in the Second. That's been absolutely wonderful and saved me a lot of time. As for video/audio exhibits, it would be more efficient to either transmit the exhibits to the Court of Appeal so that it can email me a link to the exhibits; or require the Superior Court to email me a link to the exhibits in response to a record correction letter, like it often does for electronic records, if they have the capability to do so. But there's got to be a way to work smarter and not harder when it comes to actually including exhibits in the appellate record.	
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree if modified. The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-03 Appellate Procedure: Record in Felony Appeals," the Court agrees that the proposal appropriately addresses the stated purpose, but has concerns that the new requirement in subdivision (c)(1)(I) would create substantial administrative burden on courtroom clerks and judicial officers.	The committee appreciates the comment. See the committee responses to the court's specific suggestions below.
Superior Court of Los Angeles County (continued)	Regarding CRC, rule 8.320, the Court suggests the rule should be separated into a new subdivision (c), similar to current subdivision (d)(2)(B). The Court also agrees that it would be helpful to adopt similar amendments to the rules for the record on appeal in misdemeanor and infraction cases.	The committee appreciates the comment.
Superior Court of Los Angeles County (continued)	However, there are significant concerns regarding the requirement in new subdivision (c)(1)(I) and the accompanying advisory comment instructing clerks to identify, in minute orders, all materials a court states it relied on when making an oral order. While the amended rule does not explicitly	The committee appreciates the comment. The committee recommends rephrasing the proposed advisory committee comment to state that "[t]he court clerk <u>should</u> include

Commenter	Comment	Committee Response
	reference minute orders in (c)(1)(I), the advisory comment is taken as instructive. For the Court, minute orders do not specify every document reviewed by a judicial officer when ruling from the bench. Judicial officers frequently issue oral rulings after considering motions, briefs, reports, or other filings without enumerating each item on the record. Clerks are not routinely responsible for assembling or verifying a comprehensive list of materials reviewed. Imposing this requirement would create a substantial new administrative burden on courtroom clerks and judicial officers.	any materials (other than exhibits) the court stated it relied on in making any oral order. These documents should, if possible, be identified in the minute order for that hearing."
Superior Court of Los Angeles County (continued)	The Court believes the proposal could provide cost savings if the concerns stated above are addressed. However, exact cost savings are unknown.	The committee appreciates the comment.
Superior Court of Los Angeles County (continued)	Implementation requirements for this proposal could be significant, given the new administrative obligation created by subdivision (c)(1)(I) and the advisory comment instructing clerks to identify all materials a court states it relied on when making an oral order. While the structural reorganization of rule 8.320 itself does not introduce new processes and should make required documents easier to locate, the added expectation that minute orders reflect all materials reviewed by judicial officers would require significant changes to current courtroom practices. Clerks would need additional training, revised workflows, and updated desk manuals to support this responsibility, and judicial officers may also need to adjust how they articulate the basis for their rulings. As a result, implementation would require more time and resources than initially anticipated. If the concerns regarding subdivision (c)(1)(I) are addressed, the remaining components of the proposal could be implemented with limited training (approximately one hour) and could be completed within two months. If the concerns are addressed, then the proposal could work for courts of different sizes.	The committee appreciates the comment.
Superior Court of Orange County	Position: Agree if modified. 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. The Appellate Caseflow Workgroup identified in its December 2022 report the following sources of delay in	The committee appreciates the comment. See the committee responses to the court's specific suggestions below.

Commenter	Comment	Committee Response
	preparing the clerk's transcript: finding case files, reviewing their contents, and identifying relevant documents. 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.	
Superior Court of Orange County (continued)	Does the proposal appropriately address the stated purpose? The proposal addresses its stated purpose of making modifications to the rule to improve clarity for litigants and court staff. The reorganization of the rule into clearer subdivisions may help reduce issues with incomplete records being sent to the Court of Appeal.	The committee appreciates the comment.
Superior Court of Orange County (continued)	Would the rule be clearer as proposed, with appeals from a post judgment 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? A separate subdivision separating appeals from post-judgment orders may make the rule clearer as it would reduce ambiguity.	The committee does not recommend separating appeals and postjudgment orders into two subdivisions because it concluded that the best way to achieve the goal of clarifying the rule is by keeping the rule concise and avoiding repetitive language where possible.
Superior Court of Orange County (continued)	Would it be helpful to adopt similar amendments to the rules for the record on appeal in misdemeanor and infraction cases? Adopting similar amendments for misdemeanor and infraction appellate rules may be beneficial. Adopting similar amendments may promote consistency across felony, misdemeanor, and infraction appeals. Additionally, greater clarity in misdemeanor and infraction appeals may reduce the risk of potential procedural errors preparing and sending the record on appeal.	The committee appreciates the comment.
Superior Court of Orange County (continued)	Would the proposal provide cost savings? If so, please quantify. The proposal may potentially provide cost savings with operational efficiencies. The proposal provides clearer guidance on the appeal record content. This in turn may reduce 1) time spent by court staff correcting or augmenting records, 2) the number of rejections from the Court of Appeal,	The committee appreciates the comment.

Commenter	Comment	Committee Response
	and 3) the time spent preparing unnecessary documents for the appeal record.	
Superior Court of Orange County (continued)	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 of the proposal will require a review of the internal felony appeal procedure for possible modifications. Additionally, to be able to track augmentation requests or corrections sent by Court of Appeal, docket codes may need to be created and/or modified in our case management to determine workload.	The committee appreciates the comment.
Superior Court of Orange County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Two months would be sufficient time for implementation.	The committee appreciates the comment.
Superior Court of Orange County (continued)	How well would this proposal work in courts of different sizes? The proposal's intent in providing clarity and consistency may work well in courts of different sizes. Smaller courts may benefit from the clarity and restructuring of the rule, while larger courts may find efficient ways to standardize and reduce the workload when processing the record on appeal.	The committee appreciates the comment.
Trial Court Presiding Judges Advisory Committee (TCPJAC)/Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree if modified The JRS notes the following impact to court operations: • Increases court staff workload Suggested modification(s): Remove subdivision (c)(1)(I).	The committee appreciates the comment. See the committee response to JRS's specific concern and suggestion for modification below.

Commenter	Comment	Committee Response
	There are significant concerns regarding the requirement in new subdivision (c)(1)(I) and the accompanying advisory comment instructing clerks to identify, in minute orders, all materials a court states it relied on when making an oral order. As drafted, the broader structural revisions to Rule 8.320 should help lower risk of omission. These changes address the stated purpose of minimizing augmentation and correction requests and improving overall clarity.	
JRS (continued)	However, the requirement that clerks list all materials the court relied upon in the minute order raises a serious practical concern. In most courts, minute orders do not identify every document reviewed by a judicial officer when ruling from the bench. Many judges issue oral rulings after reviewing motions, briefs, reports, or other filings without enumerating each document on the record, and clerks are not routinely tasked with assembling or verifying that list. Imposing this requirement would create a substantial new administrative burden on both courtroom clerks and judicial officers, one that may not even be possible to implement in many courts. Implementing it would additionally require complex case management system changes to allow for the merging of different case documents.	The committee appreciates the comment. The committee recommends rephrasing the proposed advisory committee comment to state that "[t]he court clerk <u>should</u> include any materials (other than exhibits) the court stated it relied on in making any oral order. These documents should<u>, if possible,</u> be identified in the minute order for that hearing."

Rules Committee Action Request Form

Item number: 04

Rules Committee Meeting Date: 09/09/2026

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

Title of proposal: 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

Advisory 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: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.) N/A

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-128

For business meeting on October 16, 2026

Appellate Procedure: Clarify Rule Requiring Notice of Failure to Procure the Record [DRAFT]

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 8.140

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 11, 2026

Contact
Nikki Marquez, 415-865-7990
nikki.marquez@jud.ca.gov

Executive Summary

The Appellate Advisory Committee recommends amending rule 8.140 of the California Rules of Court. Under subdivision (a) of the rule, the superior court must notify a litigant that they have failed to timely do an act required to procure the record for the appeal of a civil case. The committee recommends adding an advisory committee comment providing examples of acts required to procure the record. This proposal was prompted by a suggestion from the chair of a county bar association's appellate law section.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2027, amend California Rules of Court, rule 8.140, to add an advisory committee comment providing examples of acts required to procure the record.

The proposed amended rule is attached at page 5.

Relevant Previous Council Action

The initial version of rule 8.140 first came into effect in 1943. The rule was amended in 1977 to encompass its current process, which requires the superior court clerk to notify the appellant of their default when they have not taken proper steps to procure the preparation of the record and requires 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 recommending the 1977 amendment, the Appellate Advisory Committee provided the following examples of steps appellants failed to take for perfecting the appeal: "filing the designation or paying the estimated cost of a transcript."[1]

In 2002, the rule was amended to also include defaults by respondents. The amendment added an advisory committee comment that explained the need for the amendment and provided 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 subsequent 2008 amendment.

Analysis/Rationale

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 for the appeal of a civil case. The committee recommends amending rule 8.140 to include an advisory committee comment providing examples of "act[s] required to procure the record."

The committee recommends the following advisory committee comment language:

> 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 (for example, an approved fee waiver), or pay the estimated cost of a transcript, or a respondent who does not deposit the cost of transcribing proceedings they have designated.

The committee received suggestions and comments that the rule is unclear about what is required to procure the record and what will trigger a default notice. The recommended advisory committee comment addresses that ambiguity by providing examples of acts that are required to procure the record, which if not completed would trigger a default notice.

[1] Judicial Council of Cal., Advisory Com. Rep., *Dismissing Civil Appeals When Record Not Perfected* (Oct. 26, 1976), at p. 1.

Policy implications

The key policy implications in this proposal are increasing court efficiency and accessibility by reducing ambiguity and clarifying what triggers a default notice for court. This proposal is therefore consistent with *The Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The committee solicited public comments on this proposal from April 13 to May 18 as part of the council's spring 2026 invitation-to-comment cycle. The proposal received five comments, including two comments from superior courts (the Superior Court of Los Angeles County and the Superior Court of Orange County), one bar association, one nonprofit organization, and one from an individual attorney. All commenters were in favor of the proposed rule amendment. A chart with the full text of the comments received and the committee's responses is attached at pages 6–11.

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 sought specific comments as to whether a comparable advisory committee comment would clarify for court users what acts trigger a default notice. Three commenters responded to this question stating a similar rule amendment would be useful. The committee may consider similar amendments to rules 8.842, 8.874, and 8.924 in the future, as resources allow.

The Superior Court of Orange County suggested adding language confirming the phrase "proper evidence of excuse from payment" includes an approved fee waiver or other valid basis for nonpayment. The Superior Court of Orange County noted this clarification may help self-represented litigants understand what is required to avoid or cure a default. The committee considered this suggestion and recommends adding "approved fee waiver" as an example of "proper evidence of excuse from payment" in the advisory committee comment. However, the committee declined to add the term "other valid basis for nonpayment" because it is not an example and does not add clarity to the term "proper evidence of excuse from payment."

Alternatives considered

The committee considered not proposing any amendments to rule 8.140 but rejected this option because the amendments 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.

Fiscal and Operational Impacts

The committee anticipates that the proposed amendment will have minimal fiscal and operational impacts on courts. Implementation requirements would involve making litigants, court staff, and judicial officers aware of the change.

Attachments and Links

1. Cal. Rules of Court, rule 8.140, at page 5
2. Chart of comments, at pages 6–11

Rule 8.140 of the California Rules of Court is 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 (for example, an approved fee waiver), or pay the estimated cost of a transcript, or a respondent who does not deposit the cost of transcribing proceedings they have designated.

SPR26-04 Chart of Comments

Appellate Procedure: Clarify Rule Requiring Notice of Failure to Procure the Record (amend Cal. Rules of Court, rule 8.140)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Child Support Association by Michael J. Smitsky, Executive Director	Position: Agree No specific comment.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
Family Violence Appellate Project (FVAP) (joined by Legal Aid Association of California) by Cory Hernandez, Senior Managing Attorney California	Position: Agree The Family Violence Appellate Project (FVAP) respectfully submits the following comments in response to the Judicial Council's Invitation to Comment number SPR26-04. We are joined in our comments by the Legal Aid Association of California (LAAC). This proposal amends the advisory committee comments for CRC 8.140 to provide examples of acts that would require the trial court to send a default notice for failing to procure the record on appeal. We support the proposal. We have seen default notices for just these very reasons listed as examples, and agree having these listed in the advisory committee comments would be useful for pro. per. litigants and attorneys newer to appeals.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
FVAP (continued)	FVAP is a State Bar-funded statewide nonprofit organization founded more than a decade ago to address a critical gap in access to justice by providing free appellate representation to survivors of gender-based abuse in civil appeals who cannot afford to challenge adverse trial court rulings. A core part of FVAP's mission is to build a robust body of law that protects survivors and their children. FVAP's mission includes ensuring all litigants, including survivors, have equal and fair access to justice, including the Courts of Appeal. LAAC serves as the unified voice for the over 100 nonprofits that provide free civil legal services to low-income people and communities throughout California. Legal aid programs	No response required.

Commenter	Comment	Committee Response
	support vulnerable Californians navigating life-altering civil legal issues, from domestic violence to housing to consumer debt. We advocate on behalf, and with, our members for better laws and policies, including at the Judicial Council.	
FVAP (continued)	In addition to our comments above, we strongly and respectfully recommend that the Council revise its protocols for seeking public comments. Specifically, we ask that the Council expand the number of ITC periods from two per year to, perhaps, four per year, and limit the number of ITCs per period, especially when multiple ITCs fall within one area or are otherwise related. 40 proposals in one ITC period, where many proposals almost reach 100 pages, and where many proposals address similar areas of law (e.g., there are a lot of family law and protective order ITCs, there are a lot of appellate ITCs, etc.)--this is unfortunately too much for the field to be able to adequately review and submit comments for. We have heard from dozens of organizations and individuals across the state that there are often too many ITCs released at once, with a short timeframe for providing comments, such that they almost always cannot review all ITCs that are relevant to their work, let alone analyze and draft written comments for them all. As a result, many organizations and individuals instead have to forego making comments altogether or on some of the proposals they would otherwise want to comment on. FVAP and other statewide organizations have attempted, to the best of their availability, to help alleviate some of these issues by collecting sign-ons to comments they've developed. However, doing so takes even more time and work for the statewide organization collecting sign-ons, and it seems from the Council's reports that the Council still counts the comments as being from only the one organization rather than individual comments from each sign-on.	This suggestion is beyond the scope of the current proposal, but it will be shared with the internal committee responsible for the Judicial Council's rulemaking process.

Commenter	Comment	Committee Response
	We understand and appreciate our request for revising the Council's protocols in the ways described above would likely require changes to the Council's work. But we believe these changes would be well worth it to ensure the Council is receiving as much relevant feedback as possible—including feedback from more than just courts, bar associations, and governmental entities, but also feedback from on-the-ground providers and other interested stakeholders.	
Orange County Bar Association by Shirin Forootan, President	Position: Agree Q: Does the proposal appropriately address the stated purpose? A: Yes, this provides clarifying examples.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
OCBA (continued)	Q: 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.) A: To the extent there is confusion, adding examples is helpful.	The committee appreciates the response and may consider adding examples in a future proposal as resources permit.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-04 Appellate Procedure: Clarify Rule Requiring Notice of Failure to Procure the Record," the Court agrees that the proposal appropriately addresses the stated purpose.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	The Court also agrees that amending the record-procurement rules for limited civil, misdemeanor, and infraction cases to add a similar advisory committee comment would be useful.	The committee appreciates the response and may consider adding a similar advisory committee comment in a future proposal as resources permit.
Superior Court of Los Angeles County (continued)	The Court does not believe the proposal will provide cost savings.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train staff, which would take about one hour. Two months is sufficient time for implementation. Additionally, the proposal will benefit courts of all sizes.	The committee appreciates the information.
Superior Court of Orange County by Christine Nguyen, Operations Analyst	Position: Agree Q: Does the proposal appropriately address the stated purpose? A: Yes. The proposal appropriately clarifies the types of record-procurement acts that may trigger a rule 8.140 default notice. The clarification should help litigants understand the reason for the notice and should support more consistent staff processing.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
Superior Court of Orange County (continued)	Suggest confirming whether the phrase "proper evidence of excuse from payment" includes an approved fee waiver or other valid basis for nonpayment. This may help self-represented litigants better understand what they need to provide to avoid or cure a default.	The committee agrees with this suggestion and has added "approved fee waiver" as an example of "proper evidence of excuse from payment" in the advisory committee comment that it is recommending for adoption. However, the committee does not recommend adding the term "other valid basis for nonpayment" because it is not an example and it does not add clarity to the term "proper evidence of excuse from payment."
Superior Court of Orange County (continued)	Q: Would amending the record-procurement rules for limited civil, misdemeanor, and infraction cases to add a similar	The committee appreciates the response and may consider adding a similar advisory committee comment in a future proposal as resources permit.

Commenter	Comment	Committee Response
	advisory committee comment be useful? (See Cal. Rules of Court, rules 8.842, 8.874, and 8.924.) A: Yes. A similar advisory committee comment would be useful for limited civil, misdemeanor, and infraction appeals because Appellate Division staff may face similar questions about what acts trigger a record procurement default notice. Support adding comparable guidance to rules 8.842, 8.874, and 8.924, provided the examples are tailored as needed to the record-preparation requirements for each appeal type.	
Superior Court of Orange County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No measurable direct cost savings are anticipated.	The committee appreciates the information.
Superior Court of Orange County (continued)	Q: What would the implementation requirements be for courts–for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Implementation would require a brief update to Appeals/Appellate Division procedures, staff guidance, and any local default-notice templates that describe record-procurement defaults. Formal training is not expected because the proposal only adds an advisory committee comment and does not change the existing default-notice process. A brief written update or short staff refresher should be sufficient. Significant CMS programming changes do not appear necessary.	The committee appreciates the information.
Superior Court of Orange County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?	The committee appreciates the information.

Commenter	Comment	Committee Response
	A: Yes. Two months should be sufficient because the proposal adds an advisory committee comment only and does not require new or revised forms.	
Superior Court of Orange County (continued)	Q: How well would this proposal work in courts of different sizes? A: It would work well. Larger courts may benefit from clearer statewide examples because multiple staff may issue or review default notices. Smaller courts should be able to implement the clarification with minimal operational burden.	The committee appreciates the information.

Rules Committee Action Request Form

Item number: 05

Rules Committee Meeting Date: September 9, 2026

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

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)

Advisory 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: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-129

For business meeting on October 16, 2026

Appellate Procedure: Extension-of-Time Order in Limited Civil, Misdemeanor, and Infraction Appeals (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Approve form APP-106(O)/CR-127(O)

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 18, 2026

Contact
Nikki Marquez, 415-865-7990
nikki.marquez@jud.ca.gov

Executive Summary

The Appellate Advisory Committee recommends 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.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2027, approve *Order on Application for Extension of Time to File Brief—Limited Civil, Misdemeanor, or Infraction Case* (form APP-106(O)/CR-127(O)), for optional use.

The proposed new form is attached at page 5.

Relevant Previous Council Action

In 2024, the council approved *Application for Extension of Time to File Brief—Criminal Case* (form CR-126) for criminal appeals in the Court of Appeal, which includes a section for a court to issue an order on the extension-of-time request. The council also approved in 2024 *Application for Extension of Time to File Brief—Limited Civil Case* (form APP-106) for limited civil cases in the appellate division. Last year, the council approved *Application for Extension of Time to File Brief—Misdemeanor or Infraction Case* (form CR-127) for misdemeanor and infraction cases in the appellate division.

Analysis/Rationale

Currently, there is no 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 before the appellate division. The advisory committee therefore recommends approval of a new form, *Order on Application for Extension of Time to File Brief—Limited Civil, Misdemeanor, or Infraction Case* (form APP- 106(O)/CR-127(O)), to rule on these extension-of-time requests. This form employs the council's plain-language format because many appellants in these matters are self-represented.

Because the contents of an order ruling on an extension-of-time form in limited civil, misdemeanor, and infraction appeals would be substantially similar, the committee recommends a single form for these three types of cases in the appellate division. Further, in keeping with the council's decision to keep other extension-of-time forms optional, the committee recommends the new form also be optional.

Policy implications

This new form will assist litigants by providing a ruling on their application in a standardized format, which will make it easier for litigants to understand and comply with the court's ruling on their extension-of-time request. This new form is therefore consistent with *The Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The committee solicited public comments on this proposal from April 13 to May 18 as part of the council's spring 2026 invitation-to-comment cycle. The proposal received seven comments, including three comments from superior courts (one from the Superior Court of Los Angeles County and two from the Superior Court of Orange County), two from bar associations, one from an individual attorney, and one from the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee's Joint Rules Subcommittee (JRS). The commenters agreed with the proposal or did not indicate a position. Most of the comments were in response to the requests for specific comments included in the invitation to comment. The substantive comments and the committee's responses are summarized below. A chart of comments and the committee's responses is attached at pages 6–15.

Whether to include a field for updated filing deadlines

The committee asked whether it would be helpful to include a field in item 2a for the court to supply updated deadlines for subsequent filings based on the extension, and what the implementation requirements would be for courts. Two commenters did not support the inclusion of updated deadlines. The JRS commented that this field would not be helpful and would put an additional burden on court staff. The California Lawyers Association, Litigation Section, Committee on Appellate Courts (CAC) commented that this field would not be necessary and could lead to confusion. CAC noted that the due date for subsequent filings is based on when a brief was filed and not triggered by a party's last possible day to file the brief, so the updated deadlines could change. Four commenters were generally in favor of including a field for updated filing deadlines. The committee considered the comments and determined that it should not recommend adding a field for updated filing deadlines. Several commenters raised concerns about an increased risk of calendaring errors, challenges associated with calculating new deadlines, and the increased burden on the courts. The committee determined that the potential benefits associated with adding this field do not offset the concerns raised.

Whether to include a field for previous extensions or final extensions

An attorney suggested adding a line for the court to list any previous extensions and another line for ordering a final extension. He noted that in cases where there are excessive extension requests, these fields would give a busy panel a quick reminder for thoughtful grants or denials and allow a panel to impose a final extension order. The committee considered these comments and does not recommend adding the suggested fields. The number of prior extensions is not a factor considered in ruling on an extension-of-time request. Thus, the committee determined that including a field for previous extensions would be unnecessary and increase the burden on court staff. The committee also does not recommend adding a field for a final extension deadline. In situations where it would be useful to include a final extension date, that information can be listed in item 3 for other orders.

Whether to add checkboxes to provide the reasons for a denial

A court commented that the form would be useful when an extension is granted, but the form may not assist courts or self-represented litigants when an extension is denied. Accordingly, the court suggested providing an explanation for the denial by adding checkboxes covering the factors in California Rules of Court, rules 8.810(b) and 8.811(b). The committee does not recommend the addition of checkboxes to provide the reasons for a denial. The addition of checkboxes would lengthen and complicate an otherwise intentionally short and straightforward form. Rule 8.811(b) does not provide an exhaustive list of reasons why a court may deny an extension request. Rather, the rules provide factors the court must consider and instances where an extension cannot be granted. Ultimately, the decision to grant or deny an extension request is at the discretion of the court, which considers numerous factors, including those listed in rule 8.811(b), and their weight on a case-by-case basis. As a result, checkboxes would rarely be useful or adequate in explaining the court's decision to deny an extension-of-time application.

Alternatives considered

The committee considered not developing a new form for issuing an order on an application for an extension of time to file a brief in limited civil, misdemeanor, and infraction appeals but concluded that a new form will aid appellate efficiency.

The committee also considered developing two new 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 for use in a case.

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

Attachments and Links

1. Form APP-106(O)/CR-127(O), at page 5
2. Chart of comments, at pages 6–15

APP-106(O)/ CR-127(O)

Order on Application for Extension of Time to File Brief—Limited Civil, Misdemeanor, or Infraction Case

Clerk stamps date here when form is filed.

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.

SPR26-05 Chart of Comments (DRAFT)

Appellate Procedure: Extension-of-Time Order in Limited Civil, Misdemeanor, and Infraction Appeals (Approve form APP-106(O)/CR-127(O))

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Lawyers Association's Litigation Section's Committee on Appellate Court (CAC) by Julia C. Shear Kushner, Chair	Position: Not indicated The Committee on Appellate Courts (CAC) of the California Lawyers Association's Litigation Section submits this response to the Invitation to Comment SPR26-05. The California Lawyers Association is a nonprofit, voluntary organization with approximately 44,000 members statewide. It is dedicated to the professional advancement of attorneys practicing in the State of California. The CAC consists of over twenty experienced appellate practitioners and court staff, drawn from a wide range of practice areas.	No response required.
CAC (continued)	In this proposal, the Appellate Advisory Committee took up a suggestion the CAC made in an earlier rule comment. We have reviewed the proposed form and believe it addresses the stated purpose.	The committee appreciates the response.
CAC (continued)	As to whether it would be helpful to include a field in item 2a for the court to also supply updated deadlines for subsequent filings based on this extension, we think that is not necessary and could lead to unnecessary confusion. Oftentimes, the due date for the subsequent filing is based on when the brief is actually filed and is not triggered by a party's last possible day to file the brief.	The committee appreciates the information. In response to several comments on this issue, the committee does not recommend the addition of a new field in item 2a on form APP-106(O)/CR-127(O) for subsequent filing deadlines. Despite the benefits to litigants, the committee was persuaded by concerns raised by commenters, including an increased risk of calendaring errors, challenges associated with calculating new deadlines, and the increased burden on the courts. The committee determined that the potential benefits associated with adding this field do not offset the concerns raised.

Commenter	Comment	Committee Response
Henry J. Josefsberg, Esq. Wrightwood	Position: Not indicated At the risk of making the form more complex, I would recommend a line for previous extensions and another line for ordering a final extension. I appreciate the brevity of the form now, which certainly is helpful, but I have had to deal with inordinate extension requests. The proposed changes would give a busy panel a quick reminder for thoughtful grants or denials of extensions. Thank you for the opportunity to weigh in on this!	The committee appreciates the information and is not recommending revisions in response to this suggestion. Previous extensions are intended to be listed on extension-of-time applications so judges will have access to this information when issuing their order. So, including a field for previous extensions would be unnecessary and increase the burden on court staff. In situations where it would be useful to include previous extensions or a final extension date, that information can be listed in item 3 for other orders.
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree Q: Does the proposal appropriately address the stated purpose? A: Yes	The committee acknowledges the commenter's agreement with the proposal and appreciates the information.
OCBA (continued)	Q: 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? A: Yes, supplying updated deadlines would be helpful, as long as it would not burden the court.	The committee appreciates the information. In response to several comments on this issue, the committee does not recommend the addition of a new field in item 2a on form APP-106(O)/CR-127(O) for subsequent filing deadlines. Despite the benefits to litigants, the committee was persuaded by concerns raised by commenters, including an increased risk of calendaring errors, challenges associated with calculating new deadlines, and the increased burden on the courts. The committee determined that the potential benefits associated with adding this field do not offset the concerns raised.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee.	The committee acknowledges the commenter's agreement with the proposal.
Superior Court of Los Angeles County (continued)	In response to the Judicial Council of California's ITC, "SPR26-05 Appellate Procedure: Extension-of-Time Order in Limited Civil, Misdemeanor, and Infraction Appeals," the Court agrees the proposal appropriately addresses the stated purpose. The proposed form provides a standardized format for orders granting extensions of time. The Court currently uses a form order, which saves time and provides the litigant with an easy to read and understand order.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	However, the proposed order may not assist courts or self-represented litigants when an extension is denied. To streamline explanations, the Court recommends adding checkboxes covering the factors in Cal. Rules of Court, rules 8.810(b) and 8.811(b).	The committee does not recommend revisions in response to this suggestion. California Rules of Court, rule 8.811(b) does not provide an exhaustive list of reasons why a court may deny an extension request. Rather, the rules provide factors the court must consider and instances where an extension cannot be granted. Ultimately, the decision to grant or deny an extension request is at the discretion of the court which considers numerous factors, including those listed in rule 8.811(b), and their weight on a case-by-case basis. As a result, the committee determined checkboxes would rarely be useful or adequate in explaining the court's decision to deny an extension-of-time application. Finally, the committee intentionally recommended a one-page order to ensure the information included is straightforward and accessible to litigants.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	The Court agrees that it would 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 Court's current form order includes updated deadlines for subsequent filings and has found that this information is helpful for self-represented litigants when they are respondents.	The committee appreciates the information. In response to several comments on this issue, the committee does not recommend the addition of a new field in item 2a on form APP-106(O)/CR-127(O) for subsequent filing deadlines. Despite the benefits to litigants, the committee was persuaded by concerns raised by commenters, including an increased risk of calendaring errors, challenges associated with calculating new deadlines, and the increased burden on the courts. The committee determined that the potential benefits associated with adding this field do not offset the concerns raised.
Superior Court of Los Angeles County (continued)	The Court does not find that cross-numbering the proposed form (APP-106(O)/CR-127(O)) for use across three types of proceedings would present any administrative difficulties for courts. Additionally, the Court does not find that (O) designation in the proposed form's numbering (APP-106(O)/CR-127(O)) would present any administrative difficulties for courts.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	The proposal would not provide cost savings.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train staff. Training would take about one hour to explain the new optional form. If item 2a were to include a field to supply updated deadlines for subsequent filings based on the extension, then there would likely be minimal impact on the implementation requirements for courts. Two months should be sufficient time for implementation. Also, the proposal would benefit courts of all sizes.	The committee appreciates the information.

Superior Court of Orange County by Nevely Herrera, Operations Analyst I	Position: Agree 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. The Appellate Advisory Committee proposes approving a new optional form, Order Concerning Application for Extension of Time to File Brief—Limited Civil, Misdemeanor, or Infraction Case (form APP106(O)/CR-127(O)), for issuing an order on an application for an extension of time to file a brief in limited civil, misdemeanor, and infraction appeals.	The committee acknowledges the commenter's agreement with the proposal and appreciates the information.
Superior Court of Orange County (continued)	In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following: Q: Does the proposal appropriately address the stated purpose? A: The proposal appropriately addresses its stated purpose of promoting uniformity and clarity in appellate division extension of time orders. The proposed optional form may provide a standardized format that clearly identifies the court's ruling on the extension of time request.	The committee appreciates the information.
Superior Court of Orange County (continued)	Q: 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? A: Including a field for subsequent briefing deadlines may provide additional clarity to litigants, including self-represented litigants. Inclusion of the proposed field, however, may lead to clerical errors if deadlines are calculated manually. This also may require courts to update case management systems to automatically calculate deadlines.	The committee appreciates the information. In response to several comments on this issue, the committee does not recommend the addition of a new field in item 2a on form APP-106(O)/CR-127(O) for subsequent filing deadlines. Despite the benefits to litigants, the committee was persuaded by concerns raised by commenters, including an increased risk of calendaring errors, challenges associated with calculating new deadlines, and the increased burden on the courts. The committee determined that the potential benefits associated with adding this field do not offset the concerns raised.

Superior Court of Orange County (continued)	The advisory committee also seeks comments from courts on the following cost and implementation matters: Q: Would the proposal provide cost savings? If so, please quantify. A: The proposal may provide minimal administrative cost savings as the proposal may reduce clerical corrections resulting from incomplete or inconsistent orders and fewer clarification inquiries from litigants.	The committee appreciates the information.
Superior Court of Orange County (continued)	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: The case management system will require updates to account for the filing of the proposed form. Communication will need to be provided, advising judicial officers and court staff about the optional form.	The committee appreciates the information.
Superior Court of Orange County (continued)	Q: 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? A: Impact of adding a field to item 2a would entail training for court staff regarding the calculations of appellate deadlines. Similarly, if pursuing an automated calculation, the case management system will require configuration.	The committee appreciates the information.
Superior Court of Orange County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Two months will provide sufficient time for implementation.	The committee appreciates the information.
Superior Court of Orange County (continued)	Q: How well would this proposal work in courts of different sizes? A: As the proposed form is optional, how well it would work in courts of different sizes may depend on how courts incorporate the optional form into their process. OCSC, a larger court, anticipates minimal impact.	The committee appreciates the information.

Superior Court of Orange County (continued)	Q: 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? A: Cross-numbering may create minor confusion initially for staff. However, courts are generally familiar with the JCC practice of cross-numbering as they have seen cross-numbering in other Judicial Council forms.	The committee appreciates the information.
Superior Court of Orange County (continued)	Q: Would (O) designation in the proposed form's numbering (APP-106(O)/CR-127(O)) present any administrative difficulties for courts? A: The (O) designation in the proposed form's numbering would not present any significant administrative difficulties for OCSC. Docket code modifications may be needed or created, and procedures will require clarification as to when the optional form would be used.	The committee appreciates the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions by Christine Nguyen, Operations Analyst	Position: Not indicated Q: Does the proposal appropriately address the stated purpose? A: Yes. The proposed optional form provides a standardized way for courts to issue orders on extension-of-time applications in limited civil, misdemeanor, and infraction appeals.	The committee appreciates the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	Q: 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? A: Yes, if optional. An optional field could be helpful when the court wants to identify all affected briefing deadlines in one order. However, it should not be required in every case because calculating downstream deadlines may add staff work and could increase the risk of calendaring errors.	The committee appreciates the information. In response to several comments on this issue, the committee does not recommend the addition of a new field in item 2a on form APP-106(O)/CR-127(O) for subsequent filing deadlines. Despite the benefits to litigants, the committee was persuaded by concerns raised by commenters, including an increased risk of calendaring errors, challenges associated with calculating new deadlines, and the increased burden on the courts. The committee determined that the potential benefits associated with adding this field do not offset the concerns raised.

Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No measurable direct cost savings are anticipated.	The committee appreciates the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	Q: What would the implementation requirements be for courts – for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Implementation would require adding the new optional form to local procedures, document lists, and CMS descriptions. Appellate Division staff and judicial officers would need brief written guidance or a short update on when the form may be used.	The committee appreciates the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	Q: 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? A: It could modestly increase implementation requirements if courts choose to use that field. Staff would need guidance on calculating and verifying downstream briefing deadlines. The impact would be minimal if the field remains optional and is used only when appropriate.	The committee appreciates the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes. Two months should be sufficient because the proposal approves one optional form and does not create a new filing process or amend the appellate rules.	The committee appreciates the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	Q: How well would this proposal work in courts of different sizes? A: It would work well. Larger courts may benefit from standardizing routine order preparation across multiple staff and departments. Smaller courts should be able to implement the optional form with minimal burden.	The committee appreciates the information.

Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	Q: 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? A: No anticipation of administrative difficulties with cross numbering the form. The form can be located and docketed consistently for limited civil, misdemeanor, and infraction appeals under the proposed cross-numbered title.	The committee appreciates the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	Q: Would (O) designation in the proposed form's numbering (APP-106(O)/CR-127(O)) present any administrative difficulties for courts? A: No anticipation of administrative difficulties with the "(O)" designation. Our CMS can accommodate parentheses in form numbers and document descriptions, so a system-friendly alias does not appear necessary.	The committee appreciates the information.
Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee (TCPJAC/CEAC) Joint Rules Subcommittee (JRS)	Position: Agree JRS notes that the proposal should be implemented because the proposed form meets an existing need. Courts currently create their own forms.	The committee acknowledges the commenter's agreement with the proposal and appreciates the information.
JRS (continued)	Q: 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? A: Not for Monterey. This would put the burden on court staff to update the order with deadlines if (and after) the judge grants the extension.	The committee appreciates the information. In response to several comments on this issue, the committee does not recommend the addition of a new field in item 2a on form APP-106(O)/CR-127(O) for subsequent filing deadlines. Despite the benefits to litigants, the committee was persuaded by concerns raised by commenters, including an increased risk of calendaring errors, challenges associated with calculating new deadlines, and the increased burden on the courts. The committee determined that the potential benefits associated with adding this field do not offset the concerns raised.

JRS (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No	The committee appreciates the information.
JRS (continued)	Q: What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Minimal	The committee appreciates the information.
JRS (continued)	Q: 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? A: See above	No response required.
JRS (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes	The committee appreciates the information.
JRS (continued)	Q: 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? A: Clarification needed on what the 3rd type would be.	The committee intends APP-106(O)/CR-127(O)) for use in three types of proceedings: limited civil, misdemeanor, and infraction appeals.
JRS (continued)	Q: Would (O) designation in the proposed form's numbering (APP-106(O)/CR-127(O)) present any administrative difficulties for courts? A: No.	The committee appreciates the information.

Rules Committee Action Request Form

Item number: 06

Rules Committee Meeting Date: September 9, 2026

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

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, 3.2220, 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

Advisory 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: October 16, 2025 (AAC and CSCAC); revised July 8, 2026 (CSCAC only)
Project description from annual agenda: AAC agenda Item 2. CEQA Rules: Implementation of Streamlining Legislation. 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 agenda Item 3. CEQA Rules: Implementation of SB 676 (similar description)

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-118

For business meeting on October 16, 2026

CEQA Actions: Implementation of Senate Bill 676 (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 3.2200, 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

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

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 13, 2026

Contact
Kristin Burford, 916-263-2989
kristin.burford@jud.ca.gov

Executive Summary

The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending 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). The legislation provides for streamlined CEQA review of 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 projects formerly eligible for streamlining and to make a minor technical change for consistency within the rules.

Recommendation

To implement Senate Bill 676, the Appellate Advisory Committee and Civil and Small Claims Advisory Committee recommend that the Judicial Council, effective January 1, 2027:

1. Amend rules 3.2220 and 8.700 to add a definition for a new project type, designated "wildfire recovery project" and to specify that the streamlining rules apply to actions or proceedings challenging negative declarations and mitigated negative declarations for this project type.

2. Amend rule 3.2223, part of which identifies required contents of a petition, to add a reference to the newly enacted Public Resources Code section 21168.6.2 so that a petition would need to state that the project proponent provided notice to the lead agency that the project was proceeding under that code section.

3. Amend rules 3.2223, 3.2240, 8.702, 8.703, and 8.705, which relate to cost responsibility for streamlined CEQA proceedings, to incorporate the new wildfire recovery project type into these rules.

4. Amend rules 3.2200, 3.2220, 3.2221, and 8.702 to include the newly enacted Public Resources Code section 21168.6.2 in the lists of sections that provide for CEQA streamlining.

In addition, the committees recommend updates to the CEQA streamlining rules, including repealing rules 3.2235–3.2237, to remove content related to projects that were formerly eligible for streamlining. The Appellate Advisory Committee also recommends revising a chapter heading in title 8 for consistency with the corresponding chapter heading in title 3. The recommended amended rules are attached at pages 7–16.

Relevant Previous Council Action

The rules of court related to CEQA streamlining are found in chapter 2 of division 22 of title 3 (rules 3.2220–3.2240) and in chapter 1 of division 3 of title 8 (rules 8.700–8.705).

The current structure of the title 3 (civil) and title 8 (appellate) rules governing CEQA streamlined proceedings was established in 2014.[1] Since 2014, the streamlining rules have been amended regularly to reflect legislative changes (e.g., when a law makes a new project type eligible for CEQA streamlining).[2]

[1] Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: Rules to Implement Senate Bill 743* (Mar. 1, 2014).

[2] See, e.g., Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (Apr. 9, 2025); Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: Initial Case Management Conferences* (Aug. 21, 2024); Judicial Council of Cal., Advisory Com. Rep., *CEQA Actions: New Projects and Fees for Expedited Review* (Oct. 26, 2023).

Analysis/Rationale

Senate Bill 676

Senate Bill 676 (Stats. 2025, ch. 550) added Public Resources Code section 21168.6.2.[3] Section 21168.6.2 will, starting January 1, 2027, and subject to specified limitations, grant certain CEQA streamlining benefits to:

> a project, located in a geographic area for which the Governor declared a state of emergency …, 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.[4]

For these projects, section 21168.6.2(a)(2)(A) specifies that:

> [a]n 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.

Section 21168.6.2(a)(2)(B) directs the Judicial Council to adopt rules to implement this provision.

In addition, section 21168.6.2(a)(3) requires that the applicant "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."

Rule changes to implement Senate Bill 676

The committees recommend the following rule amendments to implement SB 676:

- Adding a definition for "wildfire recovery project" to rules 3.2220 and 8.700. The law does not specify a name for the new project type; "wildfire recovery project" is recommended for the rules because the eligible projects under SB 676 would involve work to "maintain, repair, restore, demolish, or replace property or facilities damaged or

[3] Unless otherwise indicated, all references to code sections in this report refer to sections of the Public Resources Code.

[4] Pub. Res. Code § 21168.6.2(a). This provision provides that it is "subject to subdivisions (b) and (c)," which require that the project be consistent with applicable zoning and land use ordinances ((b)(1)), proposed before the Governor rescinds the declaration of the state of emergency for the applicable geographic area ((b)(2)), and be located in a geographic area that was damaged by fire for which the Governor declared a state of emergency on or after January 1, 2023 ((c)). For information on the active states of emergency in California, see Governor's Office of Emergency Services, Open State of Emergency Proclamations webpage.

destroyed by wildfire." To avoid restating the statutory rules governing which projects would be eligible for streamlining, a "wildfire recovery project" would be defined as "a project that qualifies for judicial streamlining under Public Resources Code section 21168.6.2(a)(2)";

- Adding language to rules 3.2220(b) and 8.700(b) to specify that the scope of streamlining for wildfire recovery projects includes situations where a negative declaration or mitigated negative declaration was prepared;[5]

- Adding a cross-reference to the new section 21168.6.2 in rules 3.2200, 3.2220(b), 3.2221(b) and (c), 3.2223(2)(A),[6] and 8.702(f);[7] and

- Incorporating the new project type into the rules related to the responsibility to pay costs (rules 3.2223(4), 3.2240, 8.702(b)(2), 8.703(b)(2)(D), and 8.705).

Additional technical revisions

The committees also recommend further revisions to remove outdated material and make a minor clarifying edit. Those proposed changes are described briefly below.

Remove outdated material

Some CEQA streamlining laws included an expiration or automatic repeal date, limiting the time frame in which the project is eligible for streamlining. The committees recommend deleting 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).[8] See proposed revisions to rules 3.2222, 3.2231, and 8.702;[9] the advisory committee comment

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[5] The need for this additional language was identified while the proposal was circulating for comment. The language is necessary to ensure that the rules accurately describe the scope of streamlining for wildfire recovery projects, as specified in section 21168.6.2. To minimize potential disruption, the additional rule language is in a separate sentence, which applies specifically to wildfire recovery projects, and is modeled very closely on the language of section 21168.6.2.

[6] Rule 3.2223(2)(A) relates to notice given to a lead agency that the project is proceeding under a code section that authorizes streamlining. While section 21168.6.2 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 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)).

[7] A separate, pending report also recommends amendments to rule 8.702. See Appellate Advisory Com. Rep., *Appellate Procedure: Appendixes*, item no. 26-115. The revisions from this other report only affect subdivision (d) of rule 8.702, which would not be revised by this proposal, and are therefore not shown in the attached rules document.

[8] 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).

[9] Rule 8.702(c)(1) refers to rule 3.2237, which relates to the Sacramento arena project and is proposed for repeal.

to rule 8.702; and the proposed repeal of the heading of title 3, division 22, article 2, chapter 2 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.

Minor edit for clarity and consistency

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").

Policy implications

The committees recommend the rule revisions to implement legislation and to ensure that the rules conform to law. The policy choices have been made by the Legislature.

Comments

The committees solicited public comments on this proposal from April 13 to May 18, 2026, as part of the council's regular spring invitation-to-comment cycle. The proposal received five comments: three from superior courts, one from a local bar association, and one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee. The comments were generally in favor of the proposal, with two commenters suggesting changes. The suggested changes relate to aspects of the proposal that are not required to implement SB 676. Based on the comments, the committees limited the rule revisions unrelated to SB 676 to updates needed to remove outdated rule content (i.e., addressing projects that are no longer eligible for CEQA streamlining) and one minor change to a heading to improve consistency and clarity within the rules. The committees have removed the other initially proposed clarifying and technical revisions from this proposal to facilitate implementation and usability of the rules.[11]

A chart with the full text of the comments received and the committees' responses is attached at pages 17–22.

[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.").

[11] The removed changes include minor clarifying edits to rules 3.2206 and 3.2207 (these rules are no longer included in the proposal), adjustments to definitions in the CEQA streamlining rules (rules 3.2220 and 8.700) for better consistency with the law, and the replacement of lists of code sections with generalized text to facilitate updating the rules.

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 changes beyond those required to implement SB 676 to the rules. When the proposal circulated for comment, the committees sought specific comment on proposed changes to replace lists of code sections (related to CEQA streamlining) with generalized text to facilitate updating the rules. In light of the comments, the committees do not recommend replacing the lists of code sections with generalized text and have limited other clarifying and technical changes in the proposal. The committees do, however, recommend updates to remove content associated with projects that were formerly eligible for streamlining, and the Appellate Advisory Committee recommends a minor revision to a chapter heading in title 8 for consistency and clarity.

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.

Comments from courts indicate 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 cannot be avoided.

Attachments and Links

1. Cal. Rules of Court, rules 3.2200, 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 7–16
2. Chart of comments, at pages 17–22
3. Link A: Sen. Bill 676

Rules 3.2200, 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 are amended; and rules 3.2235, 3.2236, and 3.2237 are 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~~ 21168.6.2–21168.6.8, 21178–21189.3, 21189.70–21189.70.10, and 21189.80–21189.91, the rules in this chapter apply to all actions brought under the California Environmental Quality Act (CEQA) as stated in division 13 of the Public Resources Code.

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) * * *

(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.

~~(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.

~~(6)~~ (7) An "Old Town Center transit and transportation facilities project" or "Old Town Center project" means a project as defined in Public Resources Code section 21189.70.

~~(7) An "environmental leadership transit project" means a project as defined in Public Resources Code section 21168.6.9.~~

(8) * * *

(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. For a wildfire recovery project, the rules in this chapter also govern actions or proceedings brought to attack, review, set aside, void, or annul the adoption of a negative declaration or mitigated negative declaration. Except as otherwise provided in Public Resources Code sections ~~21168.6.6–21168.6.9~~ 21168.6.2–21168.6.8, 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 Public Resources Code sections ~~21168.6.6–21168.6.9~~ 21168.6.2–21168.6.8, 21185, 21189.70.3, and 21189.85. 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)–(2) * * *

(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 Public Resources Code sections ~~21168.6.6–21168.6.9~~ 21168.6.2–21168.6.8, 21185, 21189.70.3, and 21189.85, and these rules; or

(4) * * *

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) * * *

(2) State one of the following:

(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)–(D) * * *

(3) * * *

(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) * * *

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*~~

The 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

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.~~

~~**(c) 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. 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) * * *

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) * * *

(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.

~~(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.

~~(6)~~ (7) An "Old Town Center transit and transportation facilities project" or "Old Town Center project" means a project as defined in Public Resources Code section 21189.70.

~~(7) An "environmental leadership transit project" means a project as defined in Public Resources Code section 21168.6.9.~~

(8) * * *

(b) Proceedings governed

The rules in this chapter govern appeals and writ proceedings in the Court of Appeal to review a superior court judgment or order in an action or proceeding brought to attack, review, set aside, void, or annul the certification of the

environmental impact report or the granting of any project approvals for a streamlined CEQA project. For a wildfire recovery project, the rules in this chapter also govern appeals and writ proceedings in the Court of Appeal to review a superior court judgment or order in an action or proceeding brought to attack, review, set aside, void, or annul the adoption of a negative declaration or mitigated negative declaration.

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) * * *

(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 Public Resources Code sections ~~21168.6.6–21168.6.9~~ 21168.6.2–21168.6.8, 21185, 21189.70.3, and 21189.85 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) * * *

(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) * * *

SPR26-06 Chart of Comments

CEQA Actions: Implementation of Senate Bill 676 (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)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree if modified • Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committees appreciate the comment. See the response below to OCBA's suggested modification.
OCBA (continued)	• Should the lists of Public Resources Code sections found in rules 3.2200, 3.2221, and 8.702, which the committee proposes to replace with generalized text, be retained in the rules? If so, explain why. The lists of code sections should be retained in the rules because having them specifically referenced in the rules provides a time-saving aid to the practitioner. Though the list of codes, over time, may include statutes that have reached a sunset, or been deleted or amended, it will still save the practitioner time to have the code sections readily at hand while researching the applicability of those statutes to the matter the practitioner is handling.	In light of all of the comments received on this issue, the committees recommend retaining the lists of Public Resources Code sections in rules 3.2200, 3.2221, and 8.702, to serve as a resource for rule users and alleviate implementation concerns. The committees recommend revisions to the lists of code sections to reflect changes in the law, including the enactment of SB 676. The committees acknowledge the possible confusion that could arise if these lists become outdated and recognize the importance of keeping the lists up-to-date going forward.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-06 CEQA Actions: Implementation of SB 676," the Court agrees the proposal appropriately addresses the stated purpose. Adding the new project type and definition is necessary and would add clarity to the rule.	The committees acknowledge the commenter's agreement with the proposal and appreciate the comment.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	Regarding the lists of Public Resources Code sections found in rules 3.2200, 3.2221, and 8.702, the Court agrees that replacing the list with generalized text would prevent the misapplication of outdated laws.	Please see the committees' response to the comment of OCBA on this issue.
Superior Court of Los Angeles County (continued)	The Court does not believe the proposal would provide cost savings.	The committees appreciate the information.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train its staff and judicial officers on the new CEQA project type. Two months should be sufficient time for implementation. Additionally, the proposal should work in courts of different sizes.	The committees appreciate the information.
Superior Court of Riverside County by Sarah Hodgson, General Counsel	Position: Not indicated. 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.	No response required; see responses to specific comments below.
Superior Court of Riverside County (continued)	Does the proposal appropriately address the stated purpose? Yes.	The committees appreciate the comment.
Superior Court of Riverside County (continued)	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? No.	Please see the committees' response to the comment of OCBA on this issue.

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? No.	The committees appreciate the information.
Superior Court of Riverside County (continued)	What would the implementation requirements be for the court? Training for judicial officers and staff (Courtroom and Clerk's Office).	The committees appreciate the information.
Superior Court of Riverside County (continued)	Would 2 months provide sufficient time for implementation? Yes.	The committees appreciate the information.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? Depending on the updates needed for the case management system and staff shortages, courts of any size may require more time to make the necessary changes and provide training for staff.	The committees appreciate the information.
Superior Court of San Bernardino, staff committees by Traci Ramos, Confidential Administrative Assistant	Position: Not indicated. Does the proposal appropriately address the statutes purpose? Yes.	The committees appreciate the comment.
Superior Court of San Bernardino, staff committees (continued)	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. No.	Please see the committees' response to the comment of OCBA on this issue.
Superior Court of San Bernardino, staff committees (continued)	Would the proposal provide cost savings? If so, please quantify No.	The committees appreciate the information.

Commenter	Comment	Committee Response
Superior Court of San Bernardino, staff committees (continued)	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? Judicial Officers- 1 hour- Informative training of the changes to take effect. Judicial Assistant and Court Staff- No training or procedures needed.	The committees appreciate the information.
Superior Court of San Bernardino, staff committees (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committees appreciate the information.
Superior Court of San Bernardino, staff committees (continued)	How well would this proposal work in courts of different sizes? Yes, this would work well for any court size.	The committees appreciate the information.
Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee (JRS)	Position: Agree if modified The JRS notes the following impact to court operations: • Impact on existing automated systems o Case Management Systems would need to be updated. • Results in additional training, which requires the commitment of staff time and court resources. o Court staff and bench officers would need training on the new law, codes, and procedures. • Proposed date for implementation is not feasible or is problematic. o A two-month implementation timeline assumes a level of staffing and elastic capacity that many courts may not have. The JRS also notes that the proposal is required to conform to a change of law.	The committees appreciate the comment.

Commenter	Comment	Committee Response
JRS (continued)	Suggested modification(s): The proposal goes beyond what is required by law. It recommends changes that exceed those required to implement SB 676.	The committees acknowledge that the proposal includes clarifying revisions and other updates to the CEQA streamlining rules that are unrelated to the implementation of SB 676.
JRS (continued)	Specific Proposal Questions and Responses Does the proposal appropriately address the stated purpose? Mostly. It exceeds the stated purpose of the legislation.	See previous response.
JRS (continued)	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. Yes. Unless the two-month implementation timeline is extended. Making changes not required by the legislation places added and unnecessary pressure on courts. These changes could be made at a later time. If the implementation timeline is extended, these additional changes would be fine.	Please see the committees' response to the comment of OCBA on this issue.
JRS (continued)	Would the proposal provide cost savings? If so, please quantify. No.	The committees appreciate the information.
JRS (continued)	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? Court Clerks, Courtroom Assistants, and Bench Officers would need training on the new laws, procedures, forms and paperwork. The Operations Division would need to review and create docket codes and IT would need to update CMS. Training would be needed on the new codes and all other impacted areas of impacted civil case divisions.	The committees appreciate the information.

Commenter	Comment	Committee Response
JRS (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? No. Not with the additional changes in documents and rules not required by the legislation. If those changes were postponed, a two-month timeline would probably be fine.	The committees acknowledge the commenter's concern with the implementation date. The committees note that the changes to the law made by SB 676 take effect January 1, 2027. The rules require conforming changes to ensure consistency with the new law on that date. In light of the commenter's concern regarding the implementation time of the changes not required to implement SB 676, the committees recommend moving forward with only a subset of the changes. The committees are no longer recommending clarifying changes to the definitions in rules 3.2220 and 8.700, nor is the Civil and Small Claims Advisory Committee proposing clarifying changes to rules 3.2206 and 3.2207. However, the committees do recommend the removal of rule content associated with projects that are no longer eligible for streamlining, as those changes are necessary to conform to the law. The Appellate Advisory Committee also recommends revising the heading to Chapter 1 of Division 3 of Title 8 for consistency and clarity. The committee anticipates this individual heading change will not require significant implementation time.
JRS (continued)	How well would this proposal work in courts of different sizes? Courts with fewer resources may have a more difficult time implementing the changes in a short amount of time.	The committees acknowledge the commenter's concern about implementation time and court resources. Regarding implementation time, see previous response.

Rules Committee Action Request Form

Item number: 07

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory 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: October 16, 2025, amended July 8, 2026
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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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: Code Civ. Proc., § 412.20(d)
- **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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-133

For business meeting on October 16, 2026

Unlawful Detainer: Form Revisions to Implement Assembly Bills 246, 747, and 863 (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Revise forms SUM-130, UD-100, UD-105, and UD-116

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 18, 2026

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

Executive Summary

Assembly Bills 246 (Stats. 2025, ch. 337), 747 (Stats. 2025, ch. 563) and 863 (Stats. 2025, ch. 344) make changes to laws regarding summonses, complaints, and defenses in unlawful detainer proceedings. The Civil and Small Claims Advisory Committee recommends revising four forms to implement these changes in law, correct misstatements of law, remove inapplicable items, and improve readability and clarity. The committee also recommends 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.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2027, revise the following forms to implement Assembly Bills 246, 747, and 863 and make other improvements:

- *Summons—Eviction* (form SUM-130)
- *Complaint—Unlawful Detainer* (form UD-100)
- *Answer—Unlawful Detainer* (form UD-105)
- *Declaration for Default Judgment by Court* (form UD-116)

The proposed revised forms are attached at pages 10–31.

Relevant Previous Council Action

The Judicial Council adopted form SUM-130 prior to 1977 and last substantively revised it effective January 1, 2025, to reflect a statutory increase in the time to respond to an unlawful detainer summons.[1]

The council approved forms UD-100 and UD-105 effective January 1, 1982, and last substantively revised them effective January 1, 2026, to add items regarding the federal CARES Act and Health and Safety Code section 50897.3(e)(2) on form UD-100 and remove references to repealed COVID-19 legislation on form UD-105.[2]

Form UD-116 has not been substantively revised since it was adopted on January 1, 2003.

Analysis/Rationale

The Civil and Small Claims Advisory Committee recommends revising forms SUM-130, UD-100, UD-105, and UD-116 to implement Assembly Bills 246, 747, and 863, correct misstatements of law, remove inapplicable items, improve readability and clarity, and convert form UD-105 to a plain-language form.

Form SUM-130

AB 863 (see Link A) requires the Judicial Council to create a "single summons form" for mandatory use in unlawful detainer actions that provides the information required by Code of Civil Procedure section 412.20(a) in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. Currently, *Summons—Eviction* (form SUM-130) provides the statutorily required

[1] Judicial Council of Cal., Staff Rep., *Unlawful Detainer: Deadline to Respond to Summons* (Dec. 19, 2024).

[2] Judicial Council of Cal., Advisory Com. Rep., *Unlawful Detainer: Form Revisions to Reflect Repeal of COVID-19 Legislation* (Sept. 29, 2025).

information in English and Spanish. Chinese, Korean, and Vietnamese translations are provided by the Judicial Council as separate documents.

To implement AB 863, the committee recommends revising page 1 of form SUM-130 to provide the content in English only, rather than English and Spanish. Subsequent pages will contain the Spanish, Chinese, Korean, Tagalog, and Vietnamese translations. Only the English version of the form will have fillable fields. To aid users in navigating the form, the committee recommends 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 recommends several substantive revisions to the form:

- Revising the notice on page 1 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 ordered to move out.

- Removing the warning to fee waiver recipients on page 1 because the same warning is provided on the fee waiver forms and is not required when simply advising defendants that fee waiver application forms are available.

- Revising item 3 on page 2 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 recommends revising *Complaint—Unlawful Detainer* (form UD-100) to implement AB 747, correct a misstatement of law, and remove an inapplicable item. The committee also recommends making the form easier to use by reorganizing the form and revising many items to use plain language, as well as revising the form header to implement Assembly Bill 2781 (Stats. 2026, ch. 98) (see Link D).

Assembly Bill 747

Effective January 1, 2027, AB 747 (see Link B) requires the complaint in an unlawful detainer action to state the date, time, and location of effective service of the notice of termination on which the complaint is based. To implement this change in law, the committee recommends revising what is now item 7 on form UD-100 to add date, time, and address fields where necessary.[3]

[3] The committee has recommended rule amendments and form revisions to implement the remainder of AB 747 in a separate report. (See Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons* (pending).)

Correction of item regarding service by posting and mailing
Under Code of Civil Procedure 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 serve a tenant with a notice under section 1161 or 1161a (e.g., a notice to pay rent or quit) by "affixing a copy in a conspicuous place on the property, and also delivering a copy to a person there residing, if such person can be found; and also sending 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 recommends 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 and mailing is not optional, while giving a copy to a person residing at the premises is optional.

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 recommends deleting item 11 from the form 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. September 30, 2026, is 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 revised form UD-100 would become effective, could not include unpaid rent for which the landlord could have received assistance under the state rental assistance program.[4]

Plain-language revisions
The committee recommends revising form UD-100 to make it easier to use by reorganizing the form to combine similar items, presenting each item more clearly, rewriting items in plain language where possible, and defining legal terms that cannot be replaced by plain-language terms.

Assembly Bill 2781
Government Code section 70613 sets the uniform filing fee for the first paper in limited civil cases. The amount of the fee depends on whether the amount demanded exceeds a specific dollar amount. Currently, section 70613(b) requires the first page of the first paper filed in a civil case to "state whether the amount demanded exceeds or does not exceed $10,000." Effective January 1, 2027, AB 2781 increases this dollar amount from $10,000 to $12,500. The committee

[4] 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.

therefore recommends revising the relevant checkboxes in the first-page header on form UD-100 to state that the amount demanded "does not exceed $12,500" or "exceeds $12,500."[5]

Form UD-105

The committee recommends revising *Answer—Unlawful Detainer* (form UD-105) to implement AB 246 and delete several items that are no longer applicable. The committee also recommends revising form UD-105 by reformatting it using the Judicial Council's plain-language template and rewriting the form's content in plain language. Because the revisions are so extensive, they are not highlighted in the attached copy of the form.

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.[6] 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.

To implement AB 246, the committee recommends revising form UD-105 to add items 4e and 14e. Item 4e, in the "Defenses" section, can be checked if the defense created by AB 246 applies. Item 14e, in the "My requests" section, asks the court to stay the case for the applicable length of time.

Removal of inapplicable items

The committee recommends removing item 3m from form UD-105 because it implements Health and Safety Code sections 50897.1(d)(2) and 50897.3(e)(2), which are no longer applicable for the same reasons as with item 11 on form UD-100.

The committee recommends removing item 3n, which asks whether the plaintiff violated a local COVID-19 ordinance regarding evictions, because most local COVID-19 ordinances have sunset, and those that have not can be addressed in item 7, which asks whether the landlord is breaking city or county rent control or eviction control laws.

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[5] This revision did not circulate for comment, but because it is a technical revision, it is within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).) In a separate report, Judicial Council staff have recommended revisions to six other forms to implement AB 2781. (Judicial Council of Cal., Staff Rep., *Civil Practice and Procedure: Form Revisions to Implement AB 2781* (pending).)

[6] Civ. Code, § 1946.3.

The committee recommends removing item 3p because it implements Code of Civil Procedure section 1179.04.5, which 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.

Form UD-116

Declaration of Default Judgment by Court (form UD-116) is used to request a default or default judgment under Code of Civil Procedure 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 recommends 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 or more clearly state legal requirements, and revising the items now numbered 3c, 5a, and 6a to include all the options given in the equivalent items on form UD-100.

Policy implications

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

Comments

The proposal circulated for public comment from April 13 to May 18, 2026, as part of the regular spring comment cycle and received 10 comments: four from superior courts, one from the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, one from Legal Services of Northern California, one from the Public Law Center, one from the Orange County Bar Association, and two from attorneys. Four commenters agreed with the proposal if modified and six did not indicate a position. No commenters disagreed with the proposal.

A chart with the full text of the comments received and the committee's responses is attached beginning at page 32.

Form UD-100

In response to suggestions from commenters, the committee revised item 5c to add an option for tenants who were subsequently added to the rental agreement after the initial lease or rental agreement was made. The committee also revised item 8b to clarify the requirements of the Tenant Protection Act by adding a checkbox indicating that the eviction was for no-fault just cause and adding a field for the date of the payment.

The Orange County Bar Association suggested revising item 6 to clarify that the plaintiff must provide the information requested in items 6 and 7 for all notices on which the complaint is based. The committee addressed this comment by adding a checkbox before item 6 explaining that if the complaint is based on more than one notice, information about additional notices must

be provided in a separate attachment. The committee removed a similar checkbox from item 7a because it would be redundant.

Public Law Center suggested revising item 10e on form UD-100 and a corresponding item on form UD-116, which allow the plaintiff to claim that "[t]he parties have a written agreement that allows plaintiff to ask defendant to pay plaintiff's attorney's fees," to either require the landlord to attach the portion of the written agreement that provides for attorney's fees or allege the specific details of that agreement with respect to attorney's fees. The committee implemented this suggestion on form UD-116 but declined it on form UD-100 because a copy of the agreement is more likely to be useful at the default judgment stage.

In response to a suggestion from Public Law Center, the committee added item 10c, which asks for the fair rental value of the property and the plaintiff's method for calculating this value. This item will allow tenants to deny this allegation and object to the calculation method.

In the invitation to comment, the committee proposed revising item 11b(2) to delete the fillable field asking for the dollar amount of past due rent and replace it with a cross-reference to the dollar amount stated in item 10b. The committee made this change to prevent plaintiffs from entering an amount that does not match the amount provided in item 10b. The Orange County Bar Association suggested restoring the fillable field because "the amount of rent then due at the time of providing the notice is a critical item for both parties" and " 'Plaintiff Requests' … are much better suited for these important remedies and prayers." The committee considered this suggestion but determined that the risks of restoring the fillable field, such as the potential entry of erroneous amounts, outweighed the benefits.

Form UD-105

In the invitation to comment, the committee proposed revising form UD-105 to place the denials section after the defenses section so that defendants could provide relevant facts just once, in their explanation of their defenses, rather than restating those facts in both sections. The committee requested specific comments on whether the denials section should come before or after the defenses section. After considering the comments, the committee determined that the denials section should come first. The committee was persuaded by the argument that defendants should complete the denials section first because denials are integral to the defendant's response and failure to provide complete and accurate answers in the denials section could be fatal to the defendant's case. Due to fatigue, defendants would be more likely to provide incomplete or insufficient responses if the denials section were placed near the end of the form.

Public Law Center suggested combining item 4c, which states that the defendant tried to pay the rent listed in the eviction notice, with item 9e, which states that the landlord refused to accept a rent payment from a third party. The committee revised item 4c to include payment attempts by third parties but did not delete item 9e because that item covers a broader range of circumstances than item 4c.

An attorney suggested revising item 6c to read, "My home is covered by the federal CARES Act. The landlord served a notice to pay rent or quit but the notice didn't provide 30 days to vacate." The commenter noted that courts are currently split on whether the federal CARES Act's 30-day notice requirement applies to any type of notice to vacate or only to nonpayment of rent and argued, "Most jurisdictions follow the reasoning that the 30-day requirement only applies to non-payment of rent." The committee declined this suggestion because California courts have not settled this issue and taking a position on the form would therefore be premature.

In response to a suggestion from Public Law Center, the committee revised item 9c, which concerns unlawful discrimination, to include immigration status, citizenship status, and age because California law prohibits eviction based on these characteristics. The committee also revised item 9c to note that receipt of "public help" includes housing vouchers because housing vouchers are included in the Fair Employment and Housing Act's definition of source of income.

Form UD-116

A commenter suggested revising item 4e, which is selected when attaching a copy of the agreement for a change in the terms of the lease or rental agreement, to remove the requirement to attach a separate declaration and an order to admit the copy. The committee declined this suggestion because items 3e and 4e address the requirements of Evidence Code section 1521 for authenticating copies of business records.

As discussed above, the committee revised item 12 to require the plaintiff to attach the portion of the written agreement that provides for attorney's fees. The committee determined that requiring plaintiffs to attach the agreement would enable courts to more easily assess claims for attorney's fees, such as whether the agreement authorizes attorney's fees in the specific amount sought.

Alternatives considered

The committee did not consider the alternative of taking no action because form revisions are needed to comply with recent changes in law. To the extent the proposed revisions are not statutorily mandated, the committee considered taking no action but ultimately determined the revisions were warranted in light of the benefits they would provide to courts and court users.

As discussed above, the committee considered several alternatives while drafting the proposal and in response to the public comments and concluded that the current recommendations best satisfy the statutory mandate.

The committee considered reformatting form UD-100 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 does not effectively accommodate items such as the designation of the case as a limited or unlimited civil case.

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. These impacts are a necessary effect of the legislative action.

Attachments and Links

1. Forms SUM-130, UD-100, UD-105, and UD-116, at pages 10–31
2. Chart of comments, at pages 32–77
3. Link A: Assem. Bill 863 (Stats. 2025, ch. 344)
4. Link B: Assem. Bill 747 (Stats. 2025, ch. 563)
5. Link C: Assem. Bill 246 (Stats. 2025, ch. 337)
6. Link D: Assem. Bill 2781 (Stats. 2026, ch. 98)

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 pages 1–2 of this form. Translations of the information on pages 1–2 are shown on pages 3–12, but some information specific to your case is shown only on pages 1–2.

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 pages 1–2 of this form. A translation of the information on pages 1–2 is shown on pages 3–4, but some information specific to your case is shown only on pages 1–2.

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 pages 1–2 of this form. A translation of the information on pages 1–2 is shown on page 5–6, but some information specific to your case is shown only on pages 1–2.

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 pages 1–2 of this form. A translation of the information on pages 1–2 is shown on page 7–8, but some information specific to your case is shown only on pages 1–2.

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 pages 1–2 of this form. A translation of the information on pages 1–2 is shown on page 9–10, but some information specific to your case is shown only on pages 1–2.

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 pages 1–2 of this form. A translation of the information on pages 1–2 is shown on page 11–12, but some information specific to your case is shown only on pages 1–2.

SUM-130

SUMMONS—EVICTION

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY

FOR COURT USE ONLY

Case Number:

Notice to Defendant:

You Are Being Sued by Plaintiff:

NOTICE! You have been sued. **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. The court may decide against you without your being heard unless you respond within 10 days.

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 cannot pay the filing fee for your written response, ask the clerk for a fee waiver form.

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 home and be ordered to move out.

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.

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:

PLAINTIFF *(Name)*:	CASE NUMBER:
DEFENDANT *(Name):*	

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 code:

   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 416.20 (defunct corporation).
      ☐ CCP 416.40 (association or partnership).
      ☐ CCP 415.46 (occupant).
      ☐ CCP 416.60 (minor).
      ☐ CCP 416.70 (conservatee).
      ☐ CCP 416.90 (authorized person).
      ☐ 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*):		
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		CASE NUMBER:
☐ **Complaint** ☐ **Amended Complaint** (Amendment Number):		

Jurisdiction *(check all that apply):*

- ☐ **Action is a limited civil case** (amount demanded does not exceed $35,000)
  - ☐ Amount demanded does not exceed $12,500
  - ☐ Amount demanded exceeds $12,500
- ☐ **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 unlawful detainer to general limited civil (possession not in issue).
  - ☐ from limited to unlimited.
  - ☐ from unlimited to limited.

NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

The parties.

1. **Plaintiff** is *(list the name of each plaintiff):*

   Defendant is *(list the names of all adult tenants, even if they are not on the lease; if you do not know the name of a tenant, 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 at least 18 years of age.
   (2) ☐ a public agency.
   (3) ☐ other *(specify):*
   (4) ☐ a partnership.
   (5) ☐ a corporation.

   b. ☐ Plaintiff is doing business under a fictitious name *(specify):*
   and has complied with the fictitious business name laws.

The premises.

3. 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, county, and any necessary identifying information (for example, "upstairs bedroom" or "third bedroom on the right")):*

PLAINTIFF: DEFENDANT:	CASE NUMBER:

3. 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):*
   a. ☐ is the owner of the premises.
   b. ☐ has an interest in the premises as *(specify):*

The lease or rental agreement.

5. 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) ☐ tenants who were added to the rental agreement after the initial lease or rental agreement was made.
   (4) ☐ 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 only if the tenancy was month-to-month from the start)*.
   (b) ☐ tenancy for a fixed period of time *(specify length):*
   which expires on *(date):*
   ☐ the tenancy later became month-to-month, starting 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):*

PLAINTIFF: DEFENDANT:	CASE NUMBER:

5. 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 item g(1) or (2)):*

(1) ☐ Is attached and labeled Exhibit 1, and includes all addenda and agreements that form the basis of this complaint. (*If the property is residential, you must check this item unless an exception in item 5g(2) applies.*)

(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.

Notice given to defendant.

☐ Check this box if this complaint is based on more than one notice and use a separate sheet of paper labeled "Attachment 6" to give the information asked for in items 6 and 7 about the additional notices.

6. 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 covered by the Tenant Protection Act)*

(7) ☐ Final 3-day notice to quit under Civil Code section 1946.2(c) for tenancies covered by the Tenant Protection Act. Prior required 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):*

c. Defendants did not comply with the requirements of the notice by the date stated in item 6b.

d. All facts stated in the notice are true.

e. ☐ The notice included an election of forfeiture.

f. ☐ 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 two notices are required by Civil Code section 1946.2(c), attach copies of both.)*

Service of the notice.

7. a. The notice in item 6 was served on *(name each defendant who was served with the notice):*

☐ The defendant listed above was served on behalf of all defendants who signed a joint rental agreement.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

b. ☐ The notice in item 6 was served on the defendant in item 7a by *(check item 7b(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 as required 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.)

(4) ☐ posting a copy on the premises on *(date):* at *(time):*
AND mailing a copy to defendant at the premises as required on *(date):*
☐ *(optional)* 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."

Tenant Protection Act of 2019.

8. The tenancy 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) and the facts showing this exception applies):*

☐ *If more space is needed, check here and attach a page labeled "Attachment 8a."*

PLAINTIFF: DEFENDANT:	CASE NUMBER:

8. b. ☐ is covered by the Tenant Protection Act of 2019 and:

(1) ☐ the eviction was for no-fault just cause and *(check all that apply):*

(a) ☐ 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 $

(b) ☐ the owner gave a direct payment of one month's rent under section 1946.2(d)(3) to *(name each defendant and the amount given to each):*

The payment was given on *(date):*

(2) ☐ the eviction was for at-fault just cause, so payment or waiver of rent under section 1946.2(d)(1) is not required.

Local rent control or eviction control.

9. Is there a local rent control or eviction control law that applies to defendant's tenancy?

a. ☐ No.

b. ☐ Yes *(give the city or county, the title of the law, and the date the law was passed or most recently amended):*

c. ☐ Plaintiff has met all the applicable requirements of the law listed above.

Other information.

10. *(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 in item 6 was served, the amount of rent due was $

c. The fair rental value of the property is $ per day, calculated as follows *(check (1), (2), or (3)):*

(1) ☐ rent per month of $ x 0.03288 *(12 months divided by 365 days)*

(2) ☐ rent per month of $ divided by 30

(3) ☐ other valuation *(specify calculation method):*

d. ☐ Defendant's continued possession of the property is malicious and plaintiff is entitled to statutory damages of up to $600. (Code Civ. Proc., § 1174(b).) *(If you check this box, you must explain the facts that support your claim. Write your explanation on a separate sheet of paper with the title "Attachment 10d.")*

e. ☐ The parties have a written agreement that allows plaintiff to ask defendant to pay plaintiff's attorney's fees.

f. ☐ Plaintiff's complaint includes other facts, claims, or statements, which are written on a separate sheet of paper labeled "Attachment 10f."

g. Plaintiff accepts the jurisdictional limit, if any, of the court.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

Plaintiff's requests.

11. 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 court costs (such as filing fees) for this case.

(2) ☐ Past due rent as stated in item 10b.

(3) ☐ Reasonable attorney's 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 the amount in item 10c 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. *(Do not check this box unless item 10d is checked.)*

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 through 12f):*

a. Assistant's name:

b. Phone:

c. Street address, city, and zip code:

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.

For more information about how to complete this form, including deadlines for filing and service, visit selfhelp.courts.ca.gov/eviction-tenant/respond.

1 Your Information

All defendants (tenants or other residents) filing this Answer must be listed here and must sign this Answer unless their attorney signs.
If there is more than one defendant, you can file one Answer together only if your answers to 3 through 14 are the same. If you have different answers for any of those items, each person should file their own Answer.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

a. Your Name:

_____

Your Lawyer *(if you have one for this case):*
Name: _____ State Bar No.: _____
Firm Name:

_____

b. Your Mailing 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.)*

Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

c. Second Defendant *(If more than one defendant is filing this Answer together, list the second defendant here):*

Name: _____
Mailing Address *(if different):* _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

☐ *Check here if there are more than two defendants filing this Answer together. List the names, addresses, and contact information of the other defendants 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. *(If the plaintiff used form UD-100* (Complaint—Unlawful Detainer) *for their complaint, their name will be in item 1.)*

Plaintiff's Name: _____

Case Number:

3 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 is 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. If the plaintiff used form UD-100* (Complaint—Unlawful Detainer) *for their complaint, the amount the plaintiff is asking for will be found in item 11, "Plaintiff's requests.")*

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 and explain why. If the plaintiff used form UD-100 for their complaint, identify each statement using its item number from form UD-100.):*

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 3" for a title.*

Defenses

Defenses are reasons why you should not be evicted. 4 through 10 list the most common defenses in eviction cases. You can have more than one defense. Check each box in 4 through 10 that applies to you. If you have defenses that are not listed, write them in 11. In 12, give the facts that explain why you checked each box.

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 Defenses you can use in an eviction case on the Self-Help Guide to the California Courts.

4 The landlord is trying to evict me because they claim that rent is unpaid, but I have defenses

The landlord is trying to evict me because they claim that rent is unpaid, but I have the following defenses *(check any that apply; do not check any of these boxes if the eviction is not for nonpayment of rent):*

a. ☐ My home isn't safe or livable (the landlord "breached the warranty to provide habitable premises") because the landlord hasn't fixed 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. ☐ 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.)

Case Number:

4 c. ☐ I tried to pay, or a third party tried to pay on my behalf, 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.
I, or the third party, tried to pay on *(date):* _____

d. ☐ The rent the landlord claims is unpaid was due more than one year ago. (Code Civ. Proc., § 1161.)

e. ☐ 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. 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.) *(In 12, explain how and when the benefits were ended, delayed, or reduced, and why it is not your fault.)*

5 The eviction notice was changed or canceled

(Check any that apply):

a. ☐ The landlord changed or canceled the eviction notice. (For example, you were told that you had more time to pay or that you didn't actually have to move out.)

b. ☐ The landlord took money for rent that covered a time period after the eviction notice expired. (Civ. Code, § 1945.)

6 The eviction notice doesn't follow the law

(Check any that apply):

a. ☐ The eviction notice is missing information. *(In 12, explain which information is missing.)*

b. ☐ 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.)*

c. ☐ The eviction notice doesn't follow the law in another way. (For example, see Code Civ. Proc., § 1161; Civ. Code, §§ 1946–1946.2.) *(In 12, explain how the notice doesn't follow the law.)*

7 The landlord is breaking rent control or eviction control laws

☐ The landlord is breaking city, county, state, or federal rent control or eviction control laws, including Section 8. *(In 12, give the title of the law, the date the law was passed or most recently amended, and identify the city or county if it is a city or county law.)*

Case Number:

8 I have defenses under the Tenant Protection Act

The Tenant Protection Act (TPA) caps rent increases for most residential tenants in California and creates statewide eviction protections for most residential tenants after they have lived in their unit for 12 months. The TPA applies to **all** residential units in the state **except** those specifically identified in the law. (Civ. Code, §§ 1946.2, 1947.12.) Some examples of properties not covered by the TPA include:

- Single-family homes not owned or controlled by a corporation or real estate investment trust (the TPA does apply to single-family homes owned or controlled by a corporation or real estate investment trust)
- Units covered by a local rent control ordinance that is more protective than the TPA
- Units issued a certificate of occupancy within the past 15 years (this is a rolling timeline, so tenants will gain protection once their building turns 15)
- Mobilehomes, unless the mobilehome is owned and offered for rent by the owner or manager of a mobilehome park
- Duplexes where the owner is living in one of the units at the time the tenant moves into the other unit, but only as long as the owner continues to live there
- Housing that is restricted as affordable housing by deed, government agency agreement, or other recorded document, or that is subject to an agreement that provides housing subsidies for affordable housing
- Dorms

The TPA applies to recipients of Section 8 Housing Choice Vouchers. For more information on this and other issues related to the TPA, visit Landlord-Tenant Issues on the website of the California Office of the Attorney General.

(If the TPA applies to you, check any of these defenses that apply to your situation):

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 no-fault just cause reason covered by the TPA and didn't give me money to help me move or waive my final month of rent, or didn't comply with the TPA relocation assistance requirements in another way.

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.

f. ☐ The landlord violated the TPA in another way.

Case Number:

9 The landlord is discriminating or retaliating against me

(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 problem) or because I asserted my rights in another way. (Civ. Code, § 1942.5.)

b. ☐ The landlord is trying to evict me because I called police or emergency services (like an ambulance) to keep myself or someone else safe. (Civ. Code, § 1946.8.)

c. ☐ The landlord is trying to evict me because of my race, sex, religion, national origin, immigration or citizenship status, marital status, sexual orientation, number of children, job, age, physical or mental disability, or because I get public help (like benefits or a housing voucher). (Unruh Act (Civ. Code, § 51); Fair Employment and Housing Act (Gov. Code, §§ 12955–12956); Code Civ. Proc., § 1161.4.)

d. ☐ I have, or a member of my household has, a disability and asked the landlord for a change to my tenancy that would have helped me stay in my home (called a "reasonable accommodation"). The landlord refused my request. (Cal. Code Regs., tit. 2, §§ 12176–12185.)

e. ☐ Another person or agency offered to pay my rent and my landlord refused to accept the offer. (Civ. Code, § 1947.3.)

10 My eviction relates to abuse or violence experienced by me or someone in my home

☐ 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.)

a. The abuse or violence was committed by *(check one):*

(1) ☐ A person who does not live in my home.

(2) ☐ A person who lives in my home.

b. I have *(check at least one):*

(1) ☐ A temporary restraining order, protective order, or police report that *(check at least one):*

(a) ☐ is not more than 180 days old.

(b) ☐ was not more than 180 days old when I gave a copy to my landlord.

(2) ☐ 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.

(3) ☐ Another document or other evidence showing that the abuse or violence happened.

c. AND *(check at least one):*

(1) ☐ I already gave a copy of a document listed in item a(2) to my landlord.

(2) ☐ I have attached a copy of a document listed in item a(2).

(3) ☐ I will give my landlord a copy of a document listed in item a(2) at or before trial.

Case Number:

11 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. In 12, 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 11" for a title.*

12 Facts supporting my defenses and objections

For each box checked in 4 through 11, 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 12" for a title.*

Case Number:

13 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 13b" for a title.*

c. ☐ 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 13c" for a title.*

14 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 court 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 4 e)* 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 14f" for a title.*

Case Number:

15 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 15 a through f):*

a. Assistant's name: _____

b. Telephone: _____

c. Address: _____

City: _____ State: _____ Zip: _____

d. County of registration: _____

e. Registration no.: _____

f. Registration expires on *(date)*: _____

16 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***
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:

The plaintiff and the property.

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, and any necessary identifying information (for example, "upstairs bedroom" or "third bedroom on the right"))*:

The lease or rental agreement.

3. 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 item 3b

      (1) agreed to rent the property as a *(check one):*

         (a) ☐ month-to-month tenancy *(check this box only if the tenancy was month-to-month from the start)*.

         (b) ☐ tenancy for a fixed period of time *(specify length):*
         which expires on *(date):*

         ☐ the tenancy later became month-to-month, starting on *(date):*

         (c) ☐ other type of tenancy *(specify):*

PLAINTIFF *(Name):* DEFENDANT *(Name):*	CASE NUMBER:

3. c. (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):*

d. ☐ The original agreement is attached *(check one):*
   (1) ☐ to the original complaint.
   (2) ☐ to the application for 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 writ of possession.
   (2) ☐ to this declaration, labeled Exhibit "3e."

Changes to the agreement.

4. ☐ The lease or rental agreement changed. *(Check all that apply):*

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 (1) through (3), and check (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 under 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 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 writ of possession.
   (2) ☐ to this declaration, labeled "Exhibit 4e."

PLAINTIFF *(Name):* DEFENDANT *(Name):*	CASE NUMBER:

Notice given to defendant.

5. 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 covered by the Tenant Protection Act)*

(7) ☐ Final 3-day notice to quit under Civil Code section 1946.2(c) for tenancies covered by the Tenant Protection Act.
Prior required notice to perform covenants was served on *(date):*

(8) ☐ Other *(specify):*

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.)*

Service of the notice.

6. a. The notice in item 5a was served on defendant *(name each):*

(1) ☐ personally *on (date):*

(2) ☐ by substituted service, by leaving a copy with another adult (18 or older) at defendant's home or workplace
on (date):
AND mailing a copy to defendant at defendant's home as required 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.

Proof of service of the notice.

7. 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.)*

PLAINTIFF *(Name):* DEFENDANT *(Name):*	CASE NUMBER:

Expiration of the notice.

8. 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 to cover a time period after the notice expired.

Fair rental value.

9. The fair rental value of the property is $ per day, calculated as follows *(check a, b, or c):*

   a. ☐ rent per month of $ x 0.03288 *(12 months divided by 365 days)*

   b. ☐ rent per month of $ divided by 30

   c. ☐ other valuation *(specify calculation method):*

Possession.

10. The defendant *(check one):*

   a. ☐ vacated the premises *on (date):*

   b. ☐ continues to occupy the property on *(date of this declaration):*

Holdover damages, attorney's fees, and costs.

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 a and b):*

   d. Total holdover damages *((daily rental value in item 9) x (number of days in c)):* $

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 $

   (Complete a, b, or c):

   a. ☐ The agreement authorizing attorney's fees is the one identified in item 3d or 3e.

   b. ☐ The original agreement authorizing attorney's fees is attached to this declaration, labeled "Exhibit 12b."

   c. ☐ A copy of the agreement authorizing attorney's fees, with a declaration and order to admit the copy, is attached to this declaration, labeled "Exhibit 12c."

13. ☐ Court costs in this case, including the filing fee, are $

PLAINTIFF *(Name):* DEFENDANT *(Name):*	CASE NUMBER:

Requested judgment.

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):*

SPR26-07 Chart of Comments (DRAFT)

Unlawful Detainer: Form Revisions to Implement Assembly Bills 246, 747, and 863 (Revise forms SUM-130, UD-100, UD-105, and UD-116)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
John Cadwalader, Attorney Law Office of John W Cadwalader Fresno	Position: Agree if modified The Tenant Protection Act (Civil Code 1946.2(d)) requires a landlord provide relocation assistance or rent waiver for an eviction based on a not-at-fault just cause. Section 1946.2(d)(3)(B) allows a landlord to recover the relocation assistance or rent waiver in an unlawful detainer case. I suggest adding a paragraph to UD-116 for the landlord to recover any relocation assistance or rent waiver.	The committee acknowledges that the commenter agrees with the proposal if it is modified. This suggestion is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.
John Cadwalader (continued)	Also regarding Form UD-116, I suggest removing the requirement to file a declaration and order to admit a copy of the rental agreement from the form. This requirement is unduly burdensome in a world of e-filing.	The committee is not recommending revisions in response to this suggestion because items 3e and 4e on form UD-116 address the requirements of Code of Civil Procedure section 1521, and revising the form to address document authentication in a different way is beyond the scope of this proposal and would require further public comment. The committee will consider this suggestion as time and resources permit.
Legal Services of Northern California by Sarah Fielding, Managing Attorney; Jocelyn Dorland, and Minyoung Shin	Position: Not indicated Legal Services of Northern California (LSNC) submits these comments in response to Invitation to Comment SPR26-07. LSNC provides free legal services to lower income individuals and families in 23 northern California counties – from Sacramento to the Oregon border. While we provide legal services on a wide variety of issues, we assist thousands of tenants each year in housing matters, including at all stages of unlawful detainer cases. Our comments on SR26-07 are informed by our experience assisting tenants prepare the answer form and reviewing complaints and answers in the course of assisting or representing tenants in unlawful detainers.	Please see the committee's responses to the commenter's specific suggestions below.

Commenter	Comment	Committee Response
Legal Services of Northern California (continued)	**Form SUM-130** Cover page and translations We support the use of a cover page with multiple languages so that it is immediately clear that a translation is included. The use of a larger font on the cover letter makes it easier for individuals to read and more likely that they will locate the translated pages. We believe the phrasing "Read the information on page 1 of this form. A translation (for information only) of page 1 is located on page _" is not sufficiently clear for individuals who do not read any English. It needs to be changed. The individuals reading a translation are reading a blurb in a language they understand, but it directs them to read a page in English. Putting the term "(for information only)" in the middle of a phrase makes it harder to read and understand. It would be useful to be more clear why the person needs to review page 1 instead of solely the translation (for instance, because it will provide valuable information on service). It may be helpful to provide further instruction on the translation regarding how information on page 1 would fit into the translation. We applaud efforts to ensure the formatting of the translations matches the English version as closely as possible to help people be able to piece together what information from page 1 is missing from the translated page, but until the formatted translations are available for review we cannot speak to whether this will be effective.	The committee agrees and has revised the cover page of form SUM-130 to state, "A translation of the information on pages 1–2 is shown on pages [#], but some information specific to your case is shown only on pages 1–2." Additionally, the committee has confirmed with the Language Access team that the fillable fields on the translated pages will state, "for information only."
Legal Services of Northern California (continued)	Deadline to file a written response and possibility of removal We appreciate the committee's proposal to update the language on the summons so that it more clearly informs Defendants of their deadline to file a written response and the risk to them if they do not. On the proposed summons, it uses the language "You may lose the right to live in your rental unit, and the landlord might have you removed without further warning from the court." We recommend updating this language to the language used in the invitation to comment "You may lose the right to live in your home and you may be removed without further warning from the court." We work every year with many individuals who have lost their homes in foreclosure and are now facing unlawful detainer lawsuits. These individuals do not consider themselves to live in a "rental unit" or to have a "landlord." As such, they may not understand the gravity of their situation if the proposed language remains in place.	In response to several similar suggestions, the committee has revised this portion of the notice on page 1 to state, "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 home and be ordered to move out."

Commenter	Comment	Committee Response
Legal Services of Northern California (continued)	We appreciate that this language is provided in large font on the cover sheet. We strongly encourage the committee to put the three paragraphs beginning with "NOTICE!" and ending with "You can locate these nonprofit . . . or county bar association." in size 14 font. These paragraphs contain important information for defendants, including how to contact free legal assistance, but in the current font size this information is not accessible to individuals with vision disabilities. Making this language larger will also be helpful to people without vision disabilities because it focuses the reader on the most important information on this page, which is dense and can be difficult to read.	The committee agrees and has put the notices on page 1 in 14-point font.
Legal Services of Northern California (continued)	**Form UD-100** *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.* Generally, we think plain language in court forms primarily used by pro per litigants is helpful. For the complaint, we see at least two places where the proposed plain language may lead to confusion and/or be too limiting. First, in paragraph 1 the proposed description after "Defendant" may lead to improper defendants being listed and named in the unlawful detainer, including minor children who a pro per landlord may not understand are not a legal tenant or resident. If this description is included in the complaint, it should clarify that only people over 18 should be listed.	In response to several similar suggestions, the committee has revised the parenthetical instruction after "Defendant is" to ask for a list of "all adult tenants" rather than "all tenants and residents."
Legal Services of Northern California (continued)	Second, paragraph 5(e)(1)(a) reads that the plaintiff would only check this option if the tenancy was initially for a fixed period but became month-to-month. But, it is not uncommon for tenancies to be month-to-month initially. This should read "(check this box if the tenancy was initially a fixed period but became month-to-month, or was month-to-month from the start.)"	In response to several similar suggestions, the committee has revised the instruction for item 5e(1)(a) to state that it should be checked "only if the tenancy was month-to-month from the start" and added a checkbox in item 5e(1)(b) stating that "the tenancy later became month-to-month, starting on [date]."

Commenter	Comment	Committee Response
Legal Services of Northern California (continued)	Proposed Changes to Tenant Protection Act Allegations We support adding the additional allegations as to why a plaintiff is alleging the tenancy is not subject to the Tenant Protection Act (TPA) because when a plaintiff alleges this, the basis for the allegation is often not clear from the complaint. The additional allegations are at paragraphs 8 (a)(1)-(2) of the proposed form. To further ensure the basis for the plaintiff's allegation that the tenancy is not subject to the TPA is properly pled, the following red language should be added to the description in paragraph 8(a)(3): (list the exception from section 1946.2(e) that applies and the facts that show this exception applies.) This suggested language is necessary because it is not uncommon for a plaintiff to list an exception that does not appear to apply to the tenancy.	In response to several similar suggestions, the committee has revised the instruction for item 8a(3) to ask for "the facts showing this exception applies." The committee has also added a checkbox to indicate that the plaintiff's explanation is provided on a separate attachment.
Legal Services of Northern California (continued)	**UD-105** *On form UD-105, should the tenant's denials appear before or after the tenant's defenses?* We strongly oppose the placement of the tenant's denials after "Defenses and Objections" and request that denials be returned to where they are located on the current answer form. Denials should be placed prior to the "Defenses and Objections" because a tenant's failure to include this information would be fatal to their case. As discussed more below, we appreciate the Judicial Council's efforts to make the answer more pro per friendly through the use of plain language. One effect of using plain language is that it makes the form longer and requires more reading. With the proposed answer form, we are concerned that some defendants will not understand the importance of the "Denials" section and may not even get to it on page five of the seven page form or will be so fatigued by the time they get to page five they may not have the ability / time / stamina to go through the complaint and identify all paragraphs to deny, which can be the most time consuming part of preparing the answer. We agree with the proposed changes to the denial section itself, but again, strongly believe it should come before "Defenses and Objections."	The committee has considered all the commenters' responses to this question and determined that the denials section should appear before the defenses section to aid defendants in understanding the importance of completing the denials section fully and accurately.

Commenter	Comment	Committee Response
Legal Services of Northern California (continued)	*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.* Overall, we support the use of plain language and think it may be easier for pro per litigants to understand the answer form. We are concerned about the length of the form and suggest some ways to shorten it. We are on the fence about whether to use the groupings for defenses at all (paragraphs 3-10 and 12 on the proposed answer) because some of the groups are confusing and some of the grouped items seem unrelated. We also address some areas where the form is legally incorrect below.	Please see the committee's responses to specific suggestions below.
Legal Services of Northern California (continued)	Listing of Defendant(s) and Plaintiff – Paragraphs 1 and 2 While the proposed changes to the first page have some benefits for tenants filing an answer with multiple defendants, we believe that the length of the information requested on the first page could lead to confusion and reading fatigue. The current UD-105 form heading takes up less space and requires less reading. We suggest keeping the caption to help reduce the overall length of the form. In our experience pro per defendants can understand and complete the caption in its current form.	The committee has not recommended revisions in response to this suggestion because Judicial Council forms must either use the "standard" template, which has the caption block at the top, or the "plain-language" template, which uses different fonts, bubble numbers, and other formatting to make the form easier to read, but does not have the caption block at the top. Elements from the two templates cannot be combined because distinct templates are necessary to ensure all Judicial Council forms have a consistent appearance. Adding the caption block to form UD-105 would require placing it back on the standard template and removing the bubble numbers and other beneficial formatting used on the plain-language template.
Legal Services of Northern California (continued)	We appreciate the proposed language at paragraph 1 "Your Information" reminding defendants that different defenses require multiple answers. We propose changing the language at paragraph 1 of the proposed answer form to: Defendant (all defendants filing this answer must be listed here ~~for whom this answer is filed must be named~~ and must sign this answer unless their attorney signs. 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.	The committee agrees and has revised the instruction in item 1 to add the following sentence: "All defendants (tenants or other residents) filing this Answer must be listed here and must sign this Answer unless their attorney signs."

Commenter	Comment	Committee Response
Legal Services of Northern California (continued)	Additionally, to shorten the proposed plain language form we suggest not including the detailed information for multiple defendants which is at paragraphs 1(c) and 1(d) of the proposed answer. In our experience it is not common for two defendants, with different addresses, to prepare the same answer and therefore we do not think this part of the form will be used regularly. We do appreciate the proposed addition of the checkbox directly under paragraph 1(d) to allow multiple defendants with different contact information to list this information on a separate form. We suggest including this checkbox under Paragraph 1 of the current answer to allow multiple defendants with different contact information to list this information separately. We also suggest modifying the heading of the current answer form to include "Mailing Address" instead of just "Address" so tenants write the address where they receive mail. This is especially important for tenants in rural areas who often do not receive mail at their home address and may not understand that the court could send mail, including information about their trial date, to the listed address, and may believe that their home address is being requested because this case relates to their home.	The committee agrees that item 1d is unlikely to be used and has therefore deleted it. The committee has retained item 1c because deleting that item would create a large area of white space that cannot be filled because item 3 cannot be moved onto page 1 due to its size.
Legal Services of Northern California (continued)	<u>Nonpayment defenses should be grouped together</u> The current UD-105 form groups paragraphs 3a–3d by stating "(nonpayment of rent)," which signals to defendants that these defenses apply specifically to nonpayment cases. This organization makes the form easier to navigate, especially for pro per defendants who may already be overwhelmed by the eviction process. By separating and labelling these defenses together, the current form helps users quickly identify the sections most relevant to their case without having to search through the entire form. The proposed answer no longer groups these defenses together, requiring readers to review all seven pages to identify applicable defenses. This increases the risk of missing important defenses due to reader fatigue. If the Judicial Council proceeds with an answer form that groups certain defenses together, we propose that all defenses that apply only to nonpayment of rent cases be grouped together. We suggest the heading: "My eviction case is about nonpayment of rent. (Other defense sections may still apply.)" We recommend grouping what are listed in the proposed form as paragraphs 3a, 3b, 4a, 5a, 8a, and 12c in the current proposed form as nonpayment defenses because all of these defenses are only available if the case is about nonpayment of rent.	The committee agrees and has revised form UD-105 to place the nonpayment defenses, including the new defense regarding Social Security hardship, together in item 4.
Legal Services of Northern California (continued)	One suggested nonpayment defense, Social Security hardship, appears as paragraph 12c in the proposed form. We appreciate the inclusion of this new statutory protection in the "Other Statements" paragraph requesting a stay.	Please see previous response.

Commenter	Comment	Committee Response
	However, California Civil Code section 1946.3 creates an affirmative defense, requiring dismissal if the tenant pays once Social Security benefits are restored or enters a mutually agreeable payment plan. Although including this provision in "Other Statements" may be sufficient to raise the defense, placing it in the "Defenses" section would more clearly reflect its legal effect and make the form easier for tenants and courts to use.	
Legal Services of Northern California (continued)	Defense in Paragraph 7b is unintelligible The wording of paragraph 7b renders it meaningless. As lawyers who regularly practice both unlawful detainer and subsidized housing law, we cannot tell what this defense is supposed to mean. Most subsidized housing is exempt from rent control or eviction control laws and subsidized housing rights are not called rent or eviction control. If the intent of this defense is to provide tenants a way to assert rights specific to a particular federal, state, or local subsidized housing program, we would suggest wording the defense in some other way such as "The landlord is violating my rights as a tenant in a federal, state, or local housing program by evicting me or not providing me with a legal Notice to terminate my tenancy."	The committee has revised item 7 to combine items 7a and 7b into one item, which reads: "The landlord is breaking city, county, state, or federal rent control or eviction control laws, including Section 8."
Legal Services of Northern California (continued)	Paragraph 8 should be reorganized and the wording should be changed The proposed paragraph 8 is titled "The landlord is treating me unfairly." The term "unfairly" is unnecessarily vague and does not provide meaningful guidance to pro per defendants who often believe their landlord is treating them unfairly even when acting within the bounds of the law. We find that pro per defendants generally are familiar with the terms retaliation and discrimination, which are more legally precise and easier to understand. We therefore suggest revising the heading to "The landlord is discriminating or retaliating against me." In our experience, tenants are often familiar with these words and the concepts they represent. Even if this understanding is different from the legal definition, we believe it would still be more helpful to have these defenses identified as "retaliation" or "discrimination" instead of using plain language for these ideas. We appreciate the committee's commitment to accessibility with the answer form but believe these words may be more effective on their own rather than their plain language counterparts.	The committee agrees and has changed the title of this item (now item 9) to "The landlord is discriminating or retaliating against me."

Commenter	Comment	Committee Response
Legal Services of Northern California (continued)	Additionally, paragraph 8d is worded overly restrictive. A reasonable accommodation can provide a defense to an unlawful detainer even if the landlord is not evicting the tenant "because of" the tenant's request. The wording in the currently effective UD-105 is more accurate or we recommend the wording, "I have a disability and my landlord refused to grant me a request I made for a reasonable change to my tenancy that would help me stay in my home (called a "reasonable accommodation.")"	In response to this and other comments, the committee has revised this item (now item 9) as follows: "I have, or a member of my household has, a disability and asked the landlord for a change to my tenancy that would have helped 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, §§ 12176–12185.)"
Legal Services of Northern California (continued)	As earlier mentioned, we also recommend moving paragraph 8e to a nonpayment of rent grouping.	Please see the committee's previous response to this suggestion.
Legal Services of Northern California (continued)	With the change in heading, we also recommend creating a new grouping specifically for paragraph 8f titled "My eviction relates to violence I or someone in my home experienced."	The committee agrees and has made this question a separate item (numbered item 10).
Legal Services of Northern California (continued)	Definition of Tenant Protection Act of 2019 on the Proposed Form Is Not Legally Correct Paragraph 6 of the proposed answer form defines the Tenant Protection Act of 2019 (TPA) in a way that is not legally correct and is far too incomplete to be sufficient information for a tenant to determine if they are or are not covered by the TPA. As just one example, a tenant could still be protected under the TPA even if they are "being evicted for a reason that's [their] fault" or if their landlord plans to move in, remodel, or take the home off the rental market. The TPA information in the court's self-help website (selfhelp.courts.ca.gov/eviction-tenant/respond-defenses), which the form links to, is also legally incorrect as it mirrors much of the language used in the proposed answer form. We support using the description from the Attorney General's Office to explain who this law applies to, which is available here: https://oag.ca.gov/tenants#who. Because eligibility under the TPA can sometimes still be difficult to assess we suggest removing the bullet points and information listed under Paragraph 6 for when the TPA may not apply and changing the heading for this section to "Defenses under the Tenant Protection Act" or another title that is less exclusive. This will allow tenants to choose to assert the defense themselves and some tenants who are in fact protected under the TPA will not accidentally miss out on possible defenses to their case.	In response to this and other comments, the committee has revised the introductory text in the TPA item to include information about the protections provided by the TPA and replace the explanation of when the TPA does not apply with the one provided on the Attorney General's website.

Commenter	Comment	Committee Response
Legal Services of Northern California (continued)	Also, we believe the inclusion of a general TPA defense similar to one of the current answer form would be good to include. That defense could be: "the landlord violated the TPA in another way."	The committee agrees and has added the suggestion option to the TPA item.
Legal Services of Northern California (continued)	"I have other defenses or objections" should appear before "Facts supporting my defenses and objections" In the proposed form, "I have other defenses or objections" appears after "Facts supporting my defenses and objections." We recommend moving "Facts Supporting My Defenses and Objections," to follow the paragraph that allows defendants to write in additional defenses. Reordering the paragraphs would allow defendants to include supporting facts for all of their defenses in one place, rather than in two places. This will not only be more concise but easier for the court and plaintiff to review the answer.	The committee agrees and has switched the order of these items so that "I have other defenses or objections" appears before "Facts supporting my defenses and objections."
Legal Services of Northern California (continued)	Defense related to the Immigrant Tenant Protection Act should be added The proposed UD-105 does not contain a check box to assist tenants with preserving and asserting their rights under the Immigrant Tenant Protection Act and we recommend that the form include such defenses. The Immigrant Tenant Protection Act provides a defense to an unlawful detainer that prevents landlords from evicting tenants due to their immigration status (see Code of Civil Procedure section 1161.4.) We suggest the following wording: "The landlord is evicting me because of the immigration or citizenship documentation or status of me or someone else associated with me in violation of the Immigrant Tenant Protection Act."	This suggestion is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.
Orange County Bar Association by Shirin Forootan, President	Position: Agree if modified The OCBA agrees that this proposal appropriately addresses the stated purposes. However, we agree with the proposal only if modified as indicated in order to comply with various statutory requirements for unlawful detainer proceedings.	The committee acknowledges that the commenter agrees with the proposal if it is modified.

Commenter	Comment	Committee Response
Orange County Bar Association (continued)	Form SUM-130 "Summons-Eviction" is similar to the existing mandatory form, except that it proposes to eliminate the Spanish language requirement of CCP #412.20(a)(6) which is a continuing requirement; (1) the OCBA recommends that the requirements of CCP #412.20(a)(6) be satisfied by including the Spanish language;	The notice provided on the cover page of form SUM-130 satisfies the requirements of Code of Civil Procedure section 412.20(a)(6). That statute and section 1167 require the summons to state in English and Spanish, before any other matter: "Notice! You have been sued. The court may decide against you without your being heard unless you respond within [10] days. Read information below." As proposed, this notice is at the top of the first page of form SUM-130, except that, for the sake of clarity, the form instructs the reader to "Read the information on page 1 of this form" rather than "below."
Orange County Bar Association (continued)	(2) it also appears that the AB-863 statute itself is incorrect by referencing a summons authorizing an U.D. response "within 30 days" rather than the required "10 days after service" and such error should be noted; nonetheless the proposal does attempt in a good format to add various "cover sheet notices" in five (5) non-English languages ahead of the January 1, 2027 deadline in AB- 863 for such languages in a residential property summons.	AB 863 amends Code of Civil Procedure section 412.20 and provides that a response must be made within 30 days because section 412.20 applies to summons in all civil matters. Code of Civil Procedure section 1167 clarifies that summons in unlawful detainer actions "shall be in the form specified in section 412.20 except that when the defendant is served, the defendant's response shall be filed within 10 days."
Orange County Bar Association (continued)	Form UD-100 "Complaint – Unlawful Detainer" properly attempts to add both plain language and new statutory language required from AB-246, AB-747, and AB-863, but needs modifications: (1) paragraph 6 only asks the plaintiff to identify a single notice given to the tenant for termination, but CCP #1166(a)(5) and (d)(1)(A) specifically require information be given in the complaint about "the notice <u>or notices of termination</u>"; in addition case law also indicates that a landlord can give various notices of termination which can be combined into one unlawful detainer complaint, with the exception that the plaintiff can only proceed with obtaining past due rent if it fully proceeds with the CCP #1161(2) provisions for a 3-day notice to "pay rent or quit";	The committee has moved the checkbox regarding different notices from 7a so that it now appears before item 6 and more clearly explains that if the complaint is based on more than one notice, information about additional notices must be provided in a separate attachment.

Commenter	Comment	Committee Response
Orange County Bar Association (continued)	(2) in the typical CCP #1161(2) unlawful detainer proceeding the amount of rent then due at the time of providing the notice is a critical item for both parties, but this new format limits references to the amount of rent due to one subparagraph 9.b and then has the "prayer" of the complaint just referencing obliquely that subparagraph without actual numbers; the current provisions of form UD-100 at paragraph 20 whereby "Plaintiff Requests" items a to i are much better suited for these important remedies and prayers.	The committee is not recommending revisions in response to this suggestion because it has determined that the benefits of replacing the fillable field in item 11b(2) with a cross-reference to the amount entered in item 10b outweigh the risks. A fillable field in item 11b(2) could be used to enter an amount that differs from the one in item 10b or that is otherwise incorrect or inappropriate.
Orange County Bar Association (continued)	Form UD-105 "Answer-Unlawful Detainer" presents a good "plain language" format and appears to cover all of the indicated defenses appropriately with the following exceptions which should be modified: (1) the tenant "denials" should be placed more prominently BEFORE the affirmative defenses as is the case in most all other answer formats since they are integral to the tenant's response;	The committee has considered all the commenters' responses to this question and determined that the denials section should appear before the defenses section to aid defendants in understanding the importance of completing the denials section fully and accurately.
Orange County Bar Association (continued)	(2) the Social Security hardship claims as now authorized by AB 246 and Civil Code #1946.3 should not be placed at the end at subparagraph 12.c under "Other Statements" because this defense and stay of the proceedings is unique to unlawful detainer cases and needs to be more highlighted in accordance with the statutory mandates;	The committee agrees and has moved this defense into item 4.
Orange County Bar Association (continued)	(3) this form nowhere advises the tenant that he/she has to serve this answer on the Plaintiff nor does it explain how service can be accomplished; since this form will be more often relied upon by in pro per tenants then such an explanation needs to be set forth somewhere on the form;	The committee has revised the instructions at the top of page 1 of form UD-105 to note that the linked webpage contains information about deadlines for filing and serving the form.
Orange County Bar Association (continued)	Form UD-116 "Declaration for Default Judgment by Court" is very similar to the existing form and is a good plain language format with the following modifications suggested: the Summary of Exhibits should include a ledger or summary of charges/receipts regarding the rent claims to ease the burden on the court.	This suggestion is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.

Commenter	Comment	Committee Response
Public Law Center by Emily Phillips, Staff Attorney, Housing and Homelessness Prevention, and Richard Walker, Directing Attorney, Housing and Homelessness Prevention	Position: Not indicated Public Law Center (PLC) is a 501(c)(3) not-for-profit organization that provides free civil legal services to low-income individuals and families across Orange County. The civil legal services that we provide include consumer, family, immigration, housing, veterans, community organizations, and health law. PLC's Housing and Homelessness Prevention Unit consistently works with the Judicial Council of California Unlawful Detainer Forms through legal assistance and representation to defendants in unlawful detainer proceedings, including assisting pro per defendants with completing form UD-105 in response to UD-100. The Directing Attorney for PLC's Housing and Homelessness Prevention Unit has assisted tenants in unlawful detainer actions for over ten years at PLC, and combined, the Unit's staff represent decades of experience assisting tenants in unlawful detainer proceedings. PLC provides the following comments in reliance on that experience. PLC appreciates the opportunity to comment on Invitation SPR26-07 regarding: (1) proposed revisions to form SUM-130 (Summons – Unlawful Detainer); (2) proposed revisions to form UD-100 (Complaint – Unlawful Detainer); (3) proposed revisions to form UD-105 (Answer – Unlawful Detainer); and (4) proposed revisions to form UD-116 (Declaration of Default Judgment by Court).	Please see the committee's responses to the commenter's specific suggestions below.
Public Law Center (continued)	**I. Proposed Revisions to Form SUM-130 (Summons – Unlawful Detainer)** In general, PLC supports the adoption of the revised form SUM-130. However, PLC recommends modifying the proposed language on Page 1 of the form to more accurately explain the potential impacts if a tenant does not file a written response to the complaint. Specifically, PLC recommends removing the Judicial Council's proposed language ". . . and the landlord might have you removed without further warning from the court" because it does not align with the protections of California law. Under Civil Code § 789.3, it is unlawful for a landlord to lock a tenant out of the unit themselves. Only a Sheriff, a Marshal, or their deputies may perform a tenant lockout, and only with a court order. (See Code Civ. Proc. §§ 712.010, 715.010 et seq., 1159 et seq.; Civ. Code § 789.3; Penal Code § 418.) The proposed language could lead to misunderstandings among landlords and tenants about their rights and obligations. Removing this portion of the proposed language would help ensure that the rights of tenants are protected throughout the unlawful detainer process.	In response to several similar suggestions, the committee has revised this portion of the notice on page 1 to state, "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 home and be ordered to move out."

Commenter	Comment	Committee Response
	Thus, PLC recommends revising the proposed language in the third paragraph of Page 1 as follows: 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~~ be ordered to move out.	
Public Law Center (continued)	**II. Proposed Revisions to Form UD-100 (Complaint – Unlawful Detainer)** In general, PLC supports the adoption of the revised form UD-100, as its organization and revised language would assist landlords and tenants in understanding the allegations landlords are making in the complaint. However, PLC recommends several modifications to the form to further explain the necessary legal terms and concepts, increase accessibility for landlords and tenants, and more accurately reflect the law. **A. Item 1** Generally, the unlawful detainer process is reserved for resolving disputes between landlords and tenants. As such, landlords should only name those with whom they have a landlord-tenant relationship as defendants in an unlawful detainer case. (See Code Civ. Proc. § 1161.) PLC urges the Judicial Council to remove "residents" from the parenthetical instruction to landlords about who to name as defendants in an unlawful detainer case in Item 1. Naming residents who are not tenants in an unlawful detainer action can have a disproportionately negative impact on individuals with disabilities and people assisting them. For example, live-in care providers who are residents at a rental unit are not responsible for fulfilling the tenant's obligations under the lease and should not be at risk of ending up with an eviction on their record as a result of living in the unit and caring for a tenant with disabilities. Likewise, PLC also urges the Judicial Council to include language to clarify that only adult tenants should be named in an unlawful detainer case. When a minor is named in an unlawful detainer action, it can have lifetime impacts on them even though they are not the party responsible for fulfilling the obligations under the lease agreement.	In response to several similar suggestions, the committee has revised the parenthetical instruction after "Defendant is" to ask for a list of "all adult tenants" rather than "all tenants and residents."

Commenter	Comment	Committee Response
	Accordingly, PLC recommends the following revision to Item 1: Defendant is (list the names of all adult tenants ~~and residents~~, even if they are not on the lease; if you do not know the name of a tenant, describe them (for example, "adult male child of the named defendant"):	
Public Law Center (continued)	**B. Item 3** In Item 3(a), PLC suggests instructing landlords to include any necessary information that would help the Sheriff identify the correct rental unit at issue in the unlawful detainer case. This will help prevent another tenant living at the property from being wrongfully locked out or denied access to the property. Accordingly, PLC recommends the following revision to Item 3(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, and any necessary identifying information [for example "Upstairs bedroom" or "3rd bedroom on the right"]):	The committee agrees and has revised the instructions for item 3a using the commenter's suggested language.
Public Law Center (continued)	**C. Item 5** **Item 5(c):** PLC suggests adding an option under Item (5)(c) for tenants who were subsequently added to the rental agreement after the initial lease or rental agreement was made. PLC's experience is that this is a common category that named defendants fall into. Therefore, adding this as an option may make the form easier for landlords to complete and for tenants to understand.	The committee agrees and has added item 5c to indicate that there are tenants who were subsequently added to the rental agreement after the initial lease or rental agreement was made.
Public Law Center (continued)	**Item 5(e):** PLC recommends that the Judicial Council remove the language in parentheses after Item 5(e)(1)(a) instructing plaintiffs to check the month-to-month tenancy box "if the tenancy was initially for a fixed period but became month-to-month." The inclusion of this instruction may lead to ambiguity about whether the information requested in Items 5(e)(2) and 5(e)(3) is asking plaintiff to state the rent that was agreed upon initially when the agreement was for a fixed term or the rental rate at the time when the tenancy became month-to-month. There is also potential for confusion because Item 5(f) asks the plaintiff to state whether the agreement was later changed.	In response to several similar suggestions, the committee has revised the instruction for item 5e(1)(a) to state that it should be checked "only if the tenancy was month-to-month from the start" and added a checkbox in item 5e(1)(b) stating that "the tenancy later became month-to-month, starting on [date]."

Commenter	Comment	Committee Response
	Additionally, because the proposed instruction tells landlords to mark the month-to-month tenancy box specifically when a fixed term tenancy later changed to month-to-month, pro per landlords may be uncertain about which box to check if the tenancy was month-to-month initially. The proposed language does not specifically address that scenario, and there is no other month-to-month option for them to mark. To clarify this, PLC suggests adding another item below Item 5(e)(1)(b) asking the plaintiff to check a box stating whether the tenancy was initially a fixed term tenancy that later became month-to-month. This would help landlords and tenants understand that the information about the tenancy throughout Item 5 relates to the initial rental agreement and still captures the key information about whether the fixed term later changed to a month-to-month agreement. Accordingly, PLC suggests revising Item 5(e)(1) as follows: 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): ☐ <u>the tenancy later became month-to-month on (date):</u> (c) ☐ other type of tenancy (specify):	
Public Law Center (continued)	**Item 5(g):** PLC recommends that the Judicial Council include a slightly modified version of language in parentheses on the current form UD-100 to clarify that landlords must attach a copy of the written rental agreement unless one of the exceptions in Item 5(g)(2) applies.	The committee agrees and has revised item 5g(1) to add a parenthetical instruction stating: "If the property is residential, you must check this item unless an exception in item 5g(2) applies."

Commenter	Comment	Committee Response
	Thus, PLC suggests revising Item 5(g)(1) as follows: g. ☐ A copy of the written agreement (check item (1) or (2)): (1) ☐ Is attached and labeled Exhibit 1. I have included all addenda and agreements that form the basis of this complaint. (Required for residential property, unless item 5(g)(2)(a), (b), (c), or (d) is checked. See Code Civ. Proc., § 1166.)	
Public Law Center (continued)	**D. Item 6** **Item 6(a)(6):** In Items 8(a) and 8(b), the Judicial Council's proposed revisions include changing the language to "not covered by" and "covered by" instead of "not subject to" and "subject to" when referencing the Tenant Protection Act (TPA). However, in Item 6(a)(6), the language "not subject to" and "subject to" are still being used. PLC suggests using consistent language throughout the form.	The committee agrees that the form should use consistent language and has changed "subject to" to "covered by."
Public Law Center (continued)	**Item 6(a)(7):** Under Civil Code § 1946.2(c), a landlord must serve a tenant with a written notice of a curable lease violation and provide an opportunity to cure before the landlord may serve a written notice to terminate the tenancy based on that curable lease violation. The language in the current version of form UD-100 stating "Prior required notice to perform covenants" more accurately captures this two-step process than the proposed revisions in Item 6(a)(7). The language "required" makes clear that the first step is mandatory; whereas omitting "required" may lead landlords and tenants to misunderstand the law and mistakenly believe that the first step is optional. Additionally, a landlord may serve a tenant with more than one written notice to perform covenants throughout their tenancy. The language "prior" instead of "first" better accounts for this common practice and may help clarify that the landlord is not meant to state the date of the first notice to perform covenants they ever served on the tenant, but rather the specific notice to perform covenants that is directly related to the unlawful detainer action and was served prior to the notice to quit. Accordingly, PLC recommends revising Item 6(a)(7) as follows: (7) ☐ Final 3-day notice to quit under Civil Code section 1946.2(c) for tenancies covered by ~~subject to~~ the Tenant Protection Act. Prior required ~~first~~ notice to perform covenants was served on (date):	The committee agrees and has revised the portion of item 6a(7) regarding prior notice to refer to "prior required notice" instead of "first notice."

Commenter	Comment	Committee Response
Public Law Center (continued)	**Item 6(b):** The statements in Item 6(b) of the revised form UD-100 are listed as separate allegations on the current form in Items 9(b)(1) and 9(b)(2). Since the allegation that the termination expired on a specific date is separate from the allegation that the defendants did not comply with the requirements of the notice by that date, PLC recommends making these statements separate subsections of Item 6 that tenants have the opportunity to deny separately.	The committee agrees and has revised item 6b to make the second sentence ("Defendants did not comply with the requirements…") a separate item (item 6c).
Public Law Center (continued)	**Item 6(e):** PLC supports the proposed instruction in parentheses to help landlords and tenants understand what landlords are required to attach to the complaint. However, PLC recommends further clarifying the notice requirements of Civil Code section 1946.2(c). The proposed language could be more clearly written to reflect that when Civil Code section 1946.2(c) applies, two notices are always required. Thus, PLC recommends the following revision to the parentheses in Item 6(e): 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 two notices are required pursuant to Civil Code section 1946.2(c), attach copies of both.)	The committee agrees and has revised the instructions for item 6e (now item 6f) using the commenter's suggested language.
Public Law Center (continued)	**E. Item 7** **Item 7(a):** To conform with the rest of the form UD-100 for consistency with our suggested revision to the language in Item 6(a)(7), PLC recommends modifying the language in Item 7(a) regarding the prior notice required by Civil Code section 1946.2 to more specifically state: 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 to perform covenants as required by Civil Code Section 1946.2. 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.)	In response to other comments on this proposal, the committee has revised the checkbox regarding additional notices to eliminate the examples from the instructional text.

Commenter	Comment	Committee Response
Public Law Center (continued)	**Item 7(b):** PLC suggests inserting the word "item" after "check" in Item 7(b) to clarify that landlords should not necessarily check up to 5 boxes for the method of service, but rather they should check Item 7(b)(1), 7(b)(2), 7(b)(3), 7(b)(4), or (7)(b)(5).	The committee agrees and has revised the instructions for item 7b using the commenter's suggested language.
Public Law Center (continued)	PLC supports the proposed plain language explanations in Item 7(b) that help landlords and tenants understand the requirements of each service method. Nonetheless, PLC recommends minor modifications to further clarify that mailing a copy to the defendant is required for service in Items 7(b)(2) and 7(b)(4). (Code Civ. Proc. § 1162, subds. (a)(2) and (a)(3)). Thus, PLC recommends inserting "as required" to the mailing portion of those items as follows: Item 7(b)(2): AND mailing a copy to defendant at defendant's home <u>as required</u> on (date): at (address): because defendant cannot be found at their home or usual workplace." Item 7(b)(4): "AND mailing a copy to defendant at the premises <u>as required</u> on (date)"	The committee agrees and has revised items 7b(2) and 7b(4) using the commenter's suggested language.
Public Law Center (continued)	**F. Item 8** The language in Item 8 could more accurately reflect that under the Tenant Protection Act (TPA), a tenant may be covered by the protections of the TPA even if the terms of their current lease or rental agreement do not state that. For example, a tenant who is named as a defendant may have moved into their rental unit less than 12 months ago, but if their roommate has been living there for 3 years, then the tenancy may be covered by the TPA even though the defendant's rental agreement may not make that readily apparent. It is more accurate to state that a tenancy is covered by the TPA rather than the lease or rental agreement itself. Thus, PLC recommends revising the first line of Item 8 as follows: 8. Tenant Protection Act of 2019. The <u>tenancy</u> ~~lease or rental agreement~~ described in item 5 (check a or b):	The committee agrees and has revised the introductory sentence in item 8 to refer to the "tenancy" rather than the "lease or rental agreement."

Commenter	Comment	Committee Response
Public Law Center (continued)	**Item 8(a):** As with our suggestion for Item 6(a)(6), PLC suggests using either "covered by" or "subject to" consistently when referencing the Tenant Protection Act (TPA).	The committee agrees that the form should use consistent language and has changed "subject to" to "covered by."
Public Law Center (continued)	PLC also recommends asking landlords who mark Item (8)(a)(3) alleging that the tenancy is exempt from the TPA to explain on an attachment why the exception they listed in Item 8(a)(3) applies. This would help both landlords and tenants to better understand whether an exception from Civil Code § 1946.2(e) applies to the tenancy. It would also help landlords meet their obligation to allege sufficient facts to support their claims and potentially help judicial officers when deciding a case. Tenants may be able to more effectively identify relevant defenses if they understand why a landlord believes a specific exception to the TPA applies.	In response to several similar suggestions, the committee has revised the instruction for item 8a(3) to ask for "the facts showing this exception applies." The committee has also added a checkbox to indicate that the plaintiff's explanation is provided on a separate attachment.
Public Law Center (continued)	**Item 8(b):** PLC recommends adding a box for no-fault just cause that the plaintiff can mark in Item 8(b), consistent with the format of the current form UD-100. The TPA requires that landlords have just cause to evict a tenant. Providing check boxes where the plaintiff can indicate whether the eviction is for at-fault just cause or no-fault just cause may be easier for landlords and tenants to follow along with the requirements of the law. It may also encourage landlords to review the just cause reasons for evicting a tenant in the TPA before filing a complaint, helping them to understand their obligations under the law. In PLC's experience, organizing the TPA section in this way also helps tenants understand their protections and possible defenses under the TPA. PLC also recommends inserting a field for landlords to state the date they gave the tenant a direct payment for relocation assistance under the TPA. If Civil Code § 1946.2(d) applies and a landlord chooses to give a tenant a direct payment rather than waiving rent, the payment must be provided to the tenant within 15 calendar days of service of the notice. For that reason, it would be helpful for landlords to allege in the complaint the specific date they gave the tenant the direct payment. We suggest including a citation to Civil Code § 1946.2(d)(3) regarding direct payments for consistency with the citation provided to Civil Code § 1946.2(d)(2) for rent waiver.	The committee agrees and has revised item 8b using the commenter's suggested formatting and language.

Commenter	Comment	Committee Response
	Thus, PLC recommends the following revisions to Item 8(b): b. ☐ is covered by the Tenant Protection Act of 2019 and: (1) ☐ The eviction was for no-fault just cause and: (a) ☐ 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 $ (b) ☐ the owner gave a direct payment of one month's rent under section 1946.2(d)(3) to (name each defendant and the amount given to each): The payment was given on (date): The amount given was $ (2) ☐ the eviction was for at-fault just cause, so payment or waiver of rent under section 1946.2(d)(1) is not required.	
Public Law Center (continued)	**G. Item 9** The language in Item 9(b) could be more clearly written to reflect that a plaintiff should only check this box if they are basing the unlawful detainer action on a 3-day notice to pay rent or quit. In PLC's experience, pro per landlords sometimes mark this item if they gave the tenant a notice to pay rent or quit in the past, even if they are not evicting the tenant for nonpayment of rent. This often leads to confusion and inconsistencies within the complaint that result in demurrable issues. Thus, PLC suggests modifying the language in Item 9(b) as follows: b. ☐ At the time the 3-day notice to pay rent or quit in item 6 was served, the amount of rent due was $.	The committee agrees and has revised item 10b (previously item 9b) accordingly.

Commenter	Comment	Committee Response
Public Law Center (continued)	Item 9(c) allows the plaintiff to allege that the parties have a written agreement that allows the plaintiff to recover attorney's fees from the defendant, but it does not include an option for the landlord to attach the agreement or allege the specific details of that agreement with respect to attorney's fees. Without having that information, a tenant and the court cannot know whether there is a maximum amount of attorney's fees that the plaintiff can recover or the other details that the landlord is alleging are part of the written agreement for attorney's fees. Accordingly, PLC recommends either requiring the landlord to attach the portion of the written agreement that provides for attorney's fees or check boxes stating the terms of the agreement.	The committee is not recommending revisions in response to this suggestion, but is recommending that the corresponding item on form UD-116 require the plaintiff to attach the agreement authorizing attorney's fees. The committee determined that requiring attachment of the agreement is more likely to be helpful to the court at the default judgment stage than when the complaint is filed.
Public Law Center (continued)	**H. Item 10** PLC recommends several amendments to Item 10. First, since the TPA is also a rent/eviction control law and we are interpreting Item 10 as intended to specifically address city or county rent/eviction control ordinances, PLC suggests updating the title of this item to "Local rent control or eviction control" and moving it up one section on the form so it is immediately following the TPA section and before the "Other information" section.	The committee agrees and has retitled this item and moved it so that appears directly after the item regarding the TPA (now item 9).
Public Law Center (continued)	Second, for the same reasons as explained in Item 8 above, PLC also suggests replacing "lease or rental" with "tenancy" in the question in this item so that it becomes: Is there a local rent control or eviction control law that applies to defendant's tenancy?[1] [1] Alternatively, if the Judicial Council proceeds with its proposed version of this question, PLC recommends inserting the word "agreement" at the end of the question so that it becomes as follows: "Is there a local rent control or eviction control law that applies to defendant's lease or rental agreement?"	The committee agrees and has revised item 9 (previously item 10) to refer to the "tenancy" rather than the "lease or rental agreement."
Public Law Center (continued)	Third, because local rent/eviction control ordinances are often amended after they are passed, PLC recommends modifying Item 10(b) to request the date the law was passed or the date it was most recently amended so that the court and all parties are reviewing the most current version of any local ordinance. Thus, PLC recommends revising Item 10(b) as follows:	The committee agrees and has revised the instructions for item 9b (previously item 10b) using the commenter's suggested language.

Commenter	Comment	Committee Response
	b. ☐ Yes (give the city or county, the title of the law, and the date the law was passed or the date it was most recently amended):	
Public Law Center (continued)	Fourth, the statement in Item 10(b) that "Plaintiff has met all the applicable requirements of the law listed above" is a separate allegation from the statement that there is a local rent or eviction control law that applies to the tenancy. A landlord who is required to check a box stating they have met all the applicable requirements of the law may be encouraged to review the law, and it signals to the tenant that there are requirements in the law that the landlord is alleging have been met. This promotes a better understanding among landlords and tenants of the requirements under local rent/eviction control laws. For that reason, PLC recommends making this statement its own subsection labeled 10(c) and adding a checkbox to it. Accordingly, PLC recommends modifying Item 10 as follows: 10. Rent control or eviction control. Is there a local rent control or eviction control law that applies to defendant's tenancy ~~lease or rental~~? a. ☐ No. b. ☐ Yes (give the city or county, the title of the law, and the date the law was passed or the date it was most recently amended): c. ☐ Plaintiff has met all the applicable requirements of the law listed above.	The committee agrees and has given the sentence "plaintiff has met all the applicable requirements of the law listed above" its own subdivision and checkbox.
Public Law Center (continued)	Lastly, PLC recommends adding a new item number after Item 10 where landlords can state whether or not the premises is subject to federal, state, or local regulations for affordable housing and whether the tenant participates in any housing voucher program. The landlord is usually the party in the best position to know this information, rather than the tenant. Whether the property is federally subsidized determines what type of cause may be needed for terminating the tenancy, what type of termination notice is required, and what limitations exist on rent charges and rent increases. This information is necessary to allege sufficient facts to constitute a cause of action, so including it in the complaint and would help landlords and tenants better understand the landlord's obligations. Additionally, if landlords are not required to provide this information in the complaint, they can take advantage of a tenant being unaware of any subsidy programs that may apply to the premises and the defenses they may have as a result.	This suggestion is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.

Commenter	Comment	Committee Response
Public Law Center (continued)	**I. Item 11** PLC suggests that the language in Item 11(b)(1) be modified slightly to specify that the plaintiff is requesting their court costs and not other types of costs.	The committee agrees and has revised item 11b(1) to refer to "plaintiff's court costs" instead of "plaintiff's costs."
Public Law Center (continued)	In Item 11(b)(5), the Judicial Council asks the landlord to provide the fair rental value of the premises. The current version of form UD-100 includes this information as an allegation that a tenant can deny, but in the proposed form, it only appears in the plaintiff's requests section. PLC recommends including the fair rental value as an allegation that the defendant can deny in Item 9 ("Other information"). PLC also suggests including questions about how the fair rental value is being calculated, similar to Item 9 of the proposed form UD-116.	The committee agrees and has revised the form to add item 10c, which asks for the fair rental value of the property and is copied from the corresponding item on form UD-116.
Public Law Center (continued)	Likewise, the statement in Item 11(b)(6) that defendant's continued possession is malicious under Code of Civil Procedure § 1174(b) is a separate allegation on the current version of form UD-100 but only appears in the requests section of the proposed form. PLC recommends adding this back as a separate allegation that the tenant can deny in Item 9 ("Other information").	The committee agrees and has added item 10d, which states that possession is malicious and plaintiff is entitled to statutory damages and which instructs the plaintiff to explain the facts supporting this claim on a separate attachment.
Public Law Center (continued)	**III. Proposed Revisions to Form UD-105 (Answer – Unlawful Detainer)** In general, PLC supports the adoption of the revised form UD-105, as its organization and revised language would assist pro per litigants in understanding their possible defenses and how to complete the Answer form. However, PLC recommends several modifications to the form to further explain the necessary legal terms and concepts and more accurately reflect the law. **A. Section 1** PLC supports the inclusion of the proposed instruction under Section 1 explaining that defendants can file an Answer together if they are raising the same defenses and making the same denials, and that they should file their own Answer if they do not share the same defenses or denials. However, the current language of Section 1(c) may cause a defendant to inadvertently include other defendants in their Answer simply because there is more than one defendant in the action and not necessarily because they have agreed to share the same Answer. To avoid this and further emphasize the instructions of Section 1, PLC recommends amending the proposed language in Section 1(c) as follows:	The committee agrees and has revised item 1c and the checkbox under item 1c as suggested by the commenter. The committee has deleted item 1d from the form because it is unlikely to be used.

Commenter	Comment	Committee Response
	If more than one defendant <u>is filing this Answer together</u>, list second defendant here: Likewise, in Section 1(d), PLC recommends amending the language as follows: If more than two defendants <u>are filing this Answer together</u>, list third defendant here: PLC recommends the same revision to the checkbox below Section 1(d) as follows: ☐ Check here if there are more than three defendants <u>filing this Answer together</u>. List the other defendants, including their addresses and contact information, on an attached sheet of paper, and write 'Attachment 1' for a title."	
Public Law Center (continued)	**B. Section 2** To accomplish the goal of creating more user-friendly forms that facilitate the answer process for pro per defendants, PLC recommends including more specific information in Section 2 about where on the first page of the complaint defendants can find the plaintiff's name. For example, defendants could refer to Item 1 on the complaint, if the landlord is using form UD-100. PLC recommends providing information about where defendants can find necessary information on the complaint throughout the form UD-105.	The committee agrees and has revised item 2 to add the following information: "If the plaintiff used form UD-100 *(Complaint—Unlawful Detainer)* for their complaint, their name will be in item 1."
Public Law Center (continued)	**C. Section 3** Section 3(a) allows a defendant to raise a defense of breach of the warranty to provide habitable premises if their landlord has failed to fix "serious problems in the home." However, California case law and Civil Code §§ 1941–1941.4 do not require that a problem in the home be considered "serious" by the tenant in order for a tenant to raise that defense. In PLC's experience, many tenants live in conditions that would be considered uninhabitable under the law even when the tenant may describe their living conditions as "fine" because they are not aware that the problems in their home would be considered unsafe under the law. To avoid confusion and better align with the requirements of the law, PLC recommends that Section 3(a) be amended to remove the word "serious" as follows: 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.)	The committee agrees and has deleted "serious" from this item (now item 4a).

Commenter	Comment	Committee Response
Public Law Center (continued)	**D. Section 4** In furtherance of the Judicial Council's effort to group similar defenses together, PLC suggests moving the defense in Section 8(e) regarding a landlord's refusal of rent from a third party to Section 4(a). Alternatively, PLC suggests removing the defense in Section 8(e) and revising the defense in Section 4(a) as follows: a. ☐ The landlord is trying to evict me because they claim that rent is unpaid. On (date): _____ I tried to pay or a third party tried to pay on my behalf 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.	The committee revised item 4c (previously numbered 4a) to include payment attempts by third parties but did not delete item 9e (previously numbered 8e) because that item covers a broader range of circumstances than item 4c.
Public Law Center (continued)	PLC recommends modifying the language in Section 4(b) from "Notice to Quit" to "eviction notice" for consistency with language elsewhere on the form and to better account for common occurrences in which a tenant is served with a different type of notice that is not titled "Notice to Quit." Accordingly, PLC recommends revising Section 4(b) as follows: b. ☐ The landlord changed or canceled the ~~Notice to Quit~~ eviction notice. (For example, you were told that you had more time to pay or that you didn't actually have to move out.)	The committee agrees and has revised this item, now item 5a, to change "Notice to Quit" to "eviction notice.
Public Law Center (continued)	Section 4(c) allows a defendant to raise a defense that a landlord accepted rent after the eviction notice expired. PLC supports language making the defense in Section 4(c) easier for tenants and landlords to understand. However, the language in Section 3(j) of the current form UD-105 more accurately states the law. A tenant has a defense to unlawful detainer if their landlord accepts rent that covered a time period after the eviction notice expired, even if rent was due before the notice expired. For example, in May, a tenant might have received a 30-day eviction notice that expires on June 15, but the landlord charged the tenant rent for the full month of June on June 1. Then the notice expires on June 15, and the tenant is expected to vacate, despite having been charged rent for the entire month. A tenant may raise the defense in Section 4(c) if the landlord accepted the tenant's rent money for the time period between the notice expiring and the last day of the month. Thus, PLC recommends revising the language in Section 4(c) as follows:	The committee agrees and has revised this item, now item 5b, as suggested by the commenter.

Commenter	Comment	Committee Response
	c. ☐ The landlord took money for rent that ~~was due~~ covered a time period after the eviction notice expired. (Civ. Code, § 1945.)	
Public Law Center (continued)	**E. Section 5** PLC supports the inclusion of Code of Civil Procedure § 1161 in parentheses at the end of Section 5(b) because it helps landlords and tenants understand what information needs to be included in an eviction notice. However, PLC recommends including the phrase "for example" at the beginning of the parenthetical because Code of Civil Procedure § 1161 is one of many laws that govern the content that must be included in an eviction notice depending on the specific circumstances surrounding the tenancy. PLC also recommends including some additional statutes that govern notice requirements, including Civil Code §§ 1946, 1946.1, and 1946.2. Thus, PLC recommends revising the language in Section 5(b) as follows: b. ☐ The eviction notice is missing information or doesn't follow the law in another way. (For example, see Code Civ. Proc., § 1161; Civ. Code, §§ 1946–1946.2.)	The committee agrees and has revised this item, now item 6a, as suggested by the commenter.
Public Law Center (continued)	PLC also suggests adding another common defense to Section 5 in a new Section (d) as follows: d. ☐ My home is part of a covered housing program as defined by the Violence Against Women Act (34 U.S.C. 12491(a)) and the landlord did not attach the required VAWA forms to the eviction notice.	This suggestion is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.
Public Law Center (continued)	Because there are many ways in which an eviction notice can fail to comply with the law, PLC also recommends adding an "other" option in a new Section 5(e).	The committee has separated "The eviction notice is missing information or doesn't follow the law in another way" into separate questions (in item 6) to make it clearer which box to check if the eviction notice fails to comply with the law in a manner not addressed by other questions on the form.

Commenter	Comment	Committee Response
Public Law Center (continued)	**F. Section 6** PLC supports making this form more accessible to tenants and landlords by providing information about the Tenant Protection Act (TPA). In furtherance of that goal, we recommend inserting additional language about the TPA at the beginning of Section 6 that may help landlords and tenants understand the basic protections of the law, such as summarizing that the TPA is a California law that provides eviction protects and limits the amount a landlord can increase a tenant's rent. We also recommend inserting language to clarify that the information provided about the TPA on this form is provided by way of example and should not be relied upon by tenants or landlords as complete information.	In response to this and other comments, the committee has revised the introductory text in the TPA item to include information about the protections provided by the TPA and replace the explanation of when the TPA does not apply with the one provided on the Attorney General's website.
Public Law Center (continued)	PLC also recommends several amendments to Section 6 to better align with the law. First, PLC urges the Judicial Council to remove bullet points 1, 5, and 6 from the list of examples when the TPA might not apply to a tenancy. The proposed language in those bullet points does not reflect circumstances when the TPA does not apply, but actually ways in which the landlord may be following the law. The proposed language may lead landlords and tenants to misunderstand the TPA and believe that so long as a landlord has just cause to evict a tenant, the landlord is not required to comply with the TPA. This is not an accurate explanation or interpretation of the TPA. Under Civil Code § 1946.2, a landlord must have just cause to evict a tenant, but that is not the only requirement of the statute. When the TPA applies to a tenancy, the landlord must comply with all of the requirements of Civil Code § 1946.2. The first bullet point provided as example of when the TPA might not apply states, "You're being evicted for a reason that's your fault (like not paying rent, damaging the home, or committing a crime)." However, as explained above, the TPA still applies to tenants who are being evicted for at-fault just cause. Likewise, the fifth bullet point states, "Your landlord plans to move in, remodel, or take the home off the rental market" and the sixth bullet point states, "The government ordered people to leave the home," which are all no-fault just cause reasons a landlord may have for evicting a tenant. However, the TPA still applies when a landlord is evicting a tenant for no-fault just cause. Therefore, PLC urges the Judicial Council to remove bullet points 1, 5, and 6 from the list of examples.	Please see the committee's previous response regarding the introductory text in the TPA item.

Commenter	Comment	Committee Response
Public Law Center (continued)	Second, PLC recommends revising the proposed language in the second bullet point to make it easier for landlords and tenants to understand. The bullet point states, "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." However, if a tenant has lived in a unit for less than 12 months, then it is not possible that all of the tenants in the unit have lived there for 12 months or longer. Thus, PLC recommends revising the second bullet point as follows: 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.	Please see the committee's previous response regarding the introductory text in the TPA item.
Public Law Center (continued)	Regarding the third bullet point, the proposed language "You live in the same home as the owner" may lead landlords and tenants to incorrectly believe that the TPA does not apply any time the owner lives in the same home as the tenant. Under Civil Code § 1946.2(e), there are limited and specific circumstances in which an owner living in the same unit as the tenant means the tenancy is exempt from the TPA. For example, the exemption in Civil Code § 1946.2(e)(5) requires not only that the owner and tenant live in the same residence, but also that the owner rents no more than two units or bedrooms in the home. Accordingly, PLC urges the Judicial Council to remove the third proposed bullet point to prevent misunderstandings of the law.[2] [2] Alternatively, if the Judicial Council proceeds with including the third bullet point, PLC recommends modifying the language to the following: "You live in the same home as the owner, <u>under certain circumstances. (See Civ. Code, § 1946.2(e).)</u>" This language more closely aligns with the TPA and helps landlords and tenants understand where they can find more information about the TPA and whether it applies to them.	Please see the committee's previous response regarding the introductory text in the TPA item.
Public Law Center (continued)	As for the fourth bullet point, PLC is interpreting "(1) a duplex where the owner lives in the other unit," to be a reference to Civil Code § 1946.2(e)(6). With that interpretation in mind, PLC recommends inserting language to more accurately align with the statute's requirement that in order to be exempt from the TPA, the landlord must have been living in the other unit as their principal place of residence since the beginning of the tenancy.	Please see the committee's previous response regarding the introductory text in the TPA item.

Commenter	Comment	Committee Response
	Thus, PLC recommends revising the fourth bullet point as follows: You live in certain types of housing, like (1) a duplex where the owner ~~lives~~ has lived in the other unit full time since you moved in, (2) a home built in the last 15 years, (3) nonprofit or government housing, (4) a dorm or hospital, or (5) temporary housing. (See Civ. Code, § 1946.2(e).)	
Public Law Center (continued)	PLC also recommends revising the language in Section 6(c) to make clearer that a landlord must either give a tenant a direct payment or waive rent, that there are additional requirements under Civil Code § 1946.2(d) that a landlord must comply with when providing the direct payment or rent waiver, and that such rental assistance or waiver are only required by the TPA when a landlord is evicting a tenant for no-fault just cause. Thus, PLC suggests revising Section 6(c) as follows: c. ☐ The landlord wants me to move for a no-fault just cause reason covered by the TPA and didn't give me money to help me move or waive my final month of rent or didn't comply with the TPA relocation assistance requirements in another way. (Civ. Code, §§ 1946.2(b)(2), 1946.2(d).)	The committee agrees and has revised this item, now item 8c, as suggested by the commenter.
Public Law Center (continued)	Because in PLC's experience there are additional common defenses related to the TPA, PLC recommends that the Judicial Council keep the "other" option that is on the current form, such as the following: f. ☐ My landlord did not comply with the TPA in another way.	In response to this and other comments, the committee has added item 8f: "The landlord violated the TPA in another way."
Public Law Center (continued)	**G. Section 7** PLC is interpreting Section 7 to be specifically addressing city or county rent/eviction control ordinances. Since the TPA is also a rent/eviction control law, PLC suggests updating the title of Item 7 to include the word "local" as follows to reduce potential confusion among landlords and tenants: 7. My home is protected by local rent control or eviction control laws (check any that apply)	The committee has revised the title of item 7 to read, "The landlord is breaking rent or eviction control laws." The committee did not insert the word "local" because the options in item 7 were revised to address local, state, and federal eviction laws in the same question.
Public Law Center (continued)	Additionally, because local rent/eviction control ordinances are often amended after they are passed, PLC recommends revising the language in Section 7(a) as follows so that the court and all parties are reviewing the most current version of any local ordinance:	The committee agrees and has revised this item as suggested by the commenter.

Commenter	Comment	Committee Response
	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 or most recently amended.)	
Public Law Center (continued)	Regarding Section 7(b), PLC is interpreting this defense as referring to state or federal laws protecting individuals who are part of subsidized housing programs or Section 8 voucher programs. With that interpretation in mind, PLC recommends moving this defense to its own section that is labeled with a different section number since it is separate from city or county rent or eviction control ordinances. We recognize and support the Judicial Council's efforts to organize related defenses into categories that can be more easily identified and understood by litigants. PLC also appreciates that local ordinances and subsidy programs are similar in that they both provide limitations on rent and evictions; however, we believe that their distinctiveness justifies separating them so that each is more straightforward and clear, which may lead to less confusion on the part of defendants and the court. To further clarify their distinctiveness from local rent control laws, PLC also suggests modifying the language in this defense as follows: ☐ The landlord is breaking ~~rent control or eviction~~ laws or regulations that ~~apply~~ limit rent amounts or evictions because my home is part of a federal housing program or was rented using Section 8.	The committee has revised item 7 to combine items 7a and 7b into one item, which reads: "The landlord is breaking city, county, state, or federal rent control or eviction control laws, including Section 8."
Public Law Center (continued)	**H. Section 8** PLC recommends several amendments to Section 8 to make it easier for tenants and landlords to understand and better align the information in this section with the law. **Section 8(a):** Consistent with our recommended revisions to Section 3(a) above, PLC suggests removing the word "serious" from the list of examples in parentheses at the end of Section 8(a) because California case law and Civil Code § 1942.5 do not require that a tenant have a "serious problem" in the home in order for the landlord's actions to amount to retaliation. And each landlord and tenant may have a different subjective definition of "serious" that may lead them to misunderstand what the law requires. Additionally, the protections of Civil Code § 1942.5 are not limited to a tenant's reports about uninhabitable conditions. A tenant may raise retaliation as a defense if their landlord is attempting to evict them because they "lawfully and peaceably exercised any rights under the law" (Civ. Code, § 1942.5(d).)	The committee agrees and has revised this item, now item 9a, as suggested by the commenter.

Commenter	Comment	Committee Response
	Accordingly, PLC suggests revising Section 8(a) as follows: 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) or because I asserted my rights in another way. (Civ. Code, § 1942.5.)	
Public Law Center (continued)	**Section 8(b):** A tenant may assert the protections of Civil Code § 1946.8 as a defense in an unlawful detainer action if they called emergency services on their own behalf or on behalf of someone else. The proposed language may lead a tenant to believe that they are not protected from eviction when calling for help for themselves, but only when calling for help for someone else. In PLC's experience, this distinction is important for individuals who experience domestic violence, who may already be hesitant to seek assistance for themselves and may be more prone to interpret the language in the proposed form as excluding protection when calling to protect themselves. To clarify that a tenant is protected by Civil Code § 1946.8 when they call for help to protect themselves, PLC suggests amending the proposed language in Section 8(b) as follows: b. ☐ The landlord is trying to evict me because I called police or emergency services (like an ambulance) to keep myself or someone else safe. (Civ. Code, § 1946.8.)	The committee agrees and has revised this item, now item 9b, as suggested by the commenter.
Public Law Center (continued)	**Section 8(c):** PLC urges the Judicial Council to add "immigration or citizenship status" to the list of protected classes in Section 8(c). There are several statutes in California that prohibit a landlord from evicting, discriminating against, or retaliating against a tenant based on their immigration or citizenship status, including Code of Civil Procedure § 1161.4 and Civil Code §§ 1940.2(a)(5), 1940.3, 1940.35, and 1942.5. In PLC's experience, landlords and tenants would significantly benefit from the inclusion of "immigration or citizenship status" in this list to increase their awareness of and compliance with California's housing laws. Omitting this category from the form UD-105 could lead to pro per tenants being unaware of important defenses that may be available to them under the law.	The committee agrees and has revised this item (now numbered 9c) as suggested by the commenter.

Commenter	Comment	Committee Response
	PLC also urges the Judicial Council to revise the list of protected classes to specifically reference housing vouchers. Housing vouchers are included in the Fair Employment and Housing Act's definition of source of income (2 CCR § 12140), and in PLC's experience, discrimination based on source of income commonly occurs in instances when a tenant has a housing voucher. Likewise, age is another important protected class that PLC recommends adding to Section 8(c) in order to help tenants and landlords understand their legal rights and obligations. Thus, PLC recommends amending Section(c) as follows: c. ☐ The landlord is trying to evict me because of my race, sex, religion, national origin, immigration or citizenship status, marital status, sexual orientation, number of children, job, age, physical or mental disability, or because I get public help (like benefits or a housing voucher). (Unruh Act (Civ. Code, § 51), Fair Employment and Housing Act (Gov. Code, §§ 12955–12956), Code Civ. Proc., § 1161.4.)	
Public Law Center (continued)	**Section 8(d):** PLC supports the Judicial Council's efforts in Section 8(d) to make reasonable accommodations easier to understand for landlords and tenants. However, the proposed language improperly and unnecessarily limits the scope of disability rights and should be revised as described below to more fully capture the scope of disability protections for tenants. First, the tenant who is completing their Answer need not be the individual with a disability in order for them to raise their landlord's denial of a reasonable accommodation request as a defense in an unlawful detainer action. For example, an adult tenant may make a request to accommodate their minor child's disability. (2 CCR § 12176(f)(2).) PLC recommends revising the proposed language in Section 8(d) to make clear that another individual in the household may be the person who has a disability that requires an accommodation. Second, the proposed language in Section 8(d) stating "The landlord refused and is trying to evict me because of my request" helps landlords and tenants understand that a landlord may not retaliate against a tenant for requesting an accommodation.	In response to this and other comments, the committee has revised this item (now numbered 9d) as follows: "I have, or a member of my household has, a disability and asked the landlord for a change to my tenancy that would have helped 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, §§ 12176–12185.)"

Commenter	Comment	Committee Response
	PLC recommends modifying this language to help landlords and tenants further understand that under 2 CCR § 12176(f)(8), a tenant may raise a failure to provide a reasonable accommodation as an affirmative defense even when the landlord is not filing the unlawful detainer case to retaliate against the tenant for making the request. For example, a tenant may request that the landlord change the day of the month that their rent is due to accommodate the date they receive their disability benefits. If a landlord denies that request and proceeds with an unlawful detainer action based on the tenant's failure to pay rent on time, a tenant may raise the landlord's denial of their request as a defense even though the landlord is not necessarily evicting the tenant because of the request. Third, PLC suggests more clearly defining what a "change" might mean in this context or providing examples to help landlords and tenants better understand the concept of a reasonable accommodation request. The proposed language "to help me stay in my home" could be more broadly written to help landlords and tenants understand that there are many different types of changes that a tenant can request as a reasonable accommodation. To address each of these issues, PLC recommends modifying Section 8(d) as follows: I ~~have~~ or a member of my household has a disability and asked the landlord for a change to the landlord's normal requirements or policies that would have helped me stay in my home (called a "reasonable accommodation"). The landlord ~~refused and~~ is trying to evict me because ~~of~~ they refused my request. (Cal. Code Regs., tit. 2, §§ 12176–12185.)	
Public Law Center (continued)	**Section 8(f):** The language in Section 8(f)(2) could be interpreted to mean that a tenant is required to attach one of the three listed documents in 2(a), 2(b), or 2(c) to their Answer in order to raise Code of Civil Procedure §§ 1161.3, 1174.27 as a defense. However, a tenant is not required to attach documentation evidencing abuse to their Answer in order to raise this defense. Under Code of Civil Procedure § 1161.3, a tenant must provide one of the required forms of documentation to their landlord. A tenant may but is not required to file that documentation with their Answer. They may instead choose to provide documentation to their landlord before or after filing their Answer.	The committee agrees and has revised this item as suggested by the commenter, except that citations have not been added to items f(1)(a) and (b) (now items 10a(1)–(3)). Judicial Council forms in the plain-language format omit citations to the extent possible.

Commenter	Comment	Committee Response
	Therefore, PLC recommends revising the language in Section 8(f)(2) to reflect that attaching documentation is optional. Additionally, Code of Civil Procedure § 1174.27 requires that a defendant raise Code of Civil Procedure § 1161.3(d)(2) as an affirmative defense. In order to eliminate any ambiguity as to whether a defendant has done that by checking the box in Section 8(f)(1)(b), PLC recommends adding a citation to Code of Civil Procedure § 1161.3(d)(2) immediately following the proposed language in Section 8(f)(1)(b). For consistency, PLC also recommends including a citation to Code of Civil Procedure § 1161.3(d)(1) after the proposed language in Section 8(f)(1)(a). Accordingly, PLC recommends modifying the language in Section 8(f) as follows: 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. (Code Civ. Proc., §1161.3(d)(1).) (b) ☐ A person who lives in my home. (Code Civ. Proc., §1161.3(d)(2).) (2) I have the following (check at least one): (a) ☐ A temporary restraining order, protective order, or police report that (check at least one): i. ☐ is not more than 180 days old ii. ☐ was not more than 180 days old when I gave a copy to my landlord (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.	

Commenter	Comment	Committee Response
	(c) ☐ Another document or other evidence showing that the abuse or violence happened. (3) AND (check at least one): (a) ☐ I already gave a copy of a document listed in item (f)(2) to my landlord. (b) ☐ I have attached a copy of a document listed in item (f)(2). (c) ☐ I will give my landlord a copy of a document listed in item (f)(2) at or before trial.	
Public Law Center (continued)	**I. Section 10** PLC recommends reversing the order of Section 9 and Section 10 so that the opportunity to raise other defenses or objections is before the section asking the tenant to provide facts supporting their defenses. This change would allow tenants to explain each defense or objection all in one attachment rather than being required to provide two separate attachments.	The committee agrees and has switched the order of these items so that "I have other defenses or objections" appears before "Facts supporting my defenses and objections."
Public Law Center (continued)	**J. Section 11** At the end of the parenthetical instruction in Section 11(a), PLC suggests providing information about where in the complaint tenants can find the amount of money a landlord is requesting. For example, tenants could be directed to the Plaintiff's Requests section on the complaint, Items 11(b)(2) and 11(b)(4) or Items 9(b) and 8(b) if the landlord is using proposed form UD-100.	The committee agrees and has added the following information to this item (now item 3a): "If the plaintiff used form UD-100 *(Complaint—Unlawful Detainer)* for their complaint, the amount the plaintiff is asking for will be found in item 11, 'Plaintiff's requests.')"
Public Law Center (continued)	**K. Section 13** PLC suggests that the language in Item 13(b) be modified slightly to specify that the tenant is requesting their court costs and not other types of costs.	The committee agrees and has revised this item (now 14b) to refer to "my court costs" instead of "my costs."
Public Law Center (continued)	In PLC's experience, tenants also regularly request the following in unlawful detainer actions, which PLC suggests including as additional requests that a defendant could make in Section 13: • Leave to amend their answer according to proof, up to and including at trial • Dismissal of the entire action with prejudice	This suggestion is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.

Commenter	Comment	Committee Response
	• Reinstate the tenancy, or in the alternative grant relief from forfeiture per CCP § 1179 • Seal the record after dismissal or judgment	
Public Law Center (continued)	**IV. Proposed Revisions to Form UD-116 (Declaration of Default Judgment by Court)** PLC suggests several modifications to the proposed form UD-116. **A. Item 2** Consistent with our suggested revision to language in the Item 3(a) of the proposed form UD-100 above, PLC suggests instructing landlords to include any necessary information (such as the specific location of a rented bedroom) that would help the Sheriff identify the correct rental unit at issue in the unlawful detainer case in Item 2 of the proposed form UD-116. This will help prevent another tenant living at the property from being wrongfully locked out or denied access to the property.	The committee agrees and has revised item 2 to add an instruction to provide "any necessary identifying information (for example, "upstairs bedroom" or "third bedroom on the right")."
Public Law Center (continued)	**B. Item 3** For the same reasons as explained above regarding Item 5(e) of the proposed form UD-100, PLC suggests deleting the instruction in Item 3(c)(1)(A) of the proposed form UD-116 that landlords should select this box if the tenancy began as a fixed term lease and later became month-to-month. Removing this instruction may help reduce ambiguity or inconsistencies that often result in demurrable issues.	Please see the response regarding this suggestion on form UD-100. The revisions made to form UD-100 have also been made on form UD-116.
Public Law Center (continued)	**C. Item 5** Just as with our suggested revisions above to Item 5(a)(7) on the proposed form UD-100, PLC recommends similarly revising the language in Item 5 of the proposed form UD-116 regarding the TPA's two-notice requirement under Civil Code § 1946.2(c).	The committee agrees and has revised item 5a(7) to refer to "prior required notice" instead of "first notice."
Public Law Center (continued)	**D. Item 6** PLC suggests that the Judicial Council reformat Item 6(a)(2) to make it consistent with the formatting of Item 6(a)(4) by asking the landlord to state both the date the notice was given to another adult at the premises and the date the notice was mailed.	The committee agrees and has revised this item to add separate fillable fields for the date the documents were left with another person and the date the documents were mailed to the defendant.

Commenter	Comment	Committee Response
Public Law Center (continued)	**E. Item 8** Pursuant to Civil Code § 1945 and consistent with our suggested revision above to Section 4(c) of proposed form UD-105, PLC suggests modifying the language in the last sentence of Item 8 to "No money has been received and accepted to cover a time period after the notice expired."	The committee agrees and has revised item 8 using the language suggested by the commenter.
Public Law Center (continued)	**F. Item 12** For the same reasons as explained in Item 9(c) of the proposed form UD-100 above, PLC suggests amending Item 12 to require the plaintiff to include the specific terms of the attorney's fees agreement, including whether there is any limit on how much the prevailing party may obtain in attorney's fees.	The committee has revised this item to require the plaintiff to attach a copy of the agreement authorizing attorney's fees.
Public Law Center (continued)	**V. Conclusion** In conclusion, PLC appreciates the Judicial Council's work on updating these forms to reflect new protections for tenants under state law. We also appreciate the efforts made by the Civil and Small Claims Advisory Committee to make these forms as accessible and comprehensive as possible. Thank you for your consideration of these comments. Should you have any questions, please do not hesitate to reach out to us using the contact information below.	No response required.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree if modified. The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-07 Unlawful Detainer: Form Revisions to Implement Assembly Bills 246, 747, and 863," the Court agrees the proposal appropriately addresses the stated purpose. The revised UD-100 appears easier to follow because it groups related information more logically, uses plainer wording, and defines legal terms where they cannot be avoided. The revisions to the notice-service section are also helpful because they require more specific information about how the notice was served, including date, time, and location where applicable. That should make the form clearer for parties and may help courts review whether service was properly alleged.	The committee appreciates the response and acknowledges that the commenter agrees with the proposal if it is modified.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	One area that may benefit from clarification is item 7b on UD-100. The form appears to intend that the plaintiff select one method of service for the notice identified in item 6, unless different defendants, notices, dates, or methods require Attachment 7. However, because item 7b lists multiple service methods with several date, time, and address fields, self-represented users may mistakenly believe they need to complete each method. The form may be clearer if it more prominently states: "Check only one service method for this notice, unless you are using Attachment 7 for different notices, defendants, dates, or methods."	The committee has moved the checkbox regarding different notices from 7a so that it now appears before item 6 and more clearly explains that if the complaint is based on more than one notice, information about additional notices must be provided in a separate attachment.
Superior Court of Los Angeles County (continued)	The plain-language revisions and reformatting of form UD-105 does appear to be easier for landlords and tenants to understand. The Court recommends placing the tenant's denials first on form UD-105. The Court finds that most people would likely read the allegations first, identify what they deny or dispute, and then explain their defenses. Denials are also fundamental to the answer because failing to deny an allegation may be treated as admitting it.	The committee has considered all the commenters' responses to this question and determined that the denials section should appear before the defenses section to aid defendants in understanding the importance of completing the denials section fully and accurately.
Superior Court of Los Angeles County (continued)	The proposal will not provide cost savings. To implement the proposal, the Court will need to train judicial officers and staff. Internal documents and training materials will need to be updated, as well. The Court believes a 120-day implementation period would be best for this proposal. Smaller courts may have fewer staff to train and fewer local systems to update, but they may also have less dedicated IT, self-help, and forms support. Larger courts will likely face greater coordination challenges because unlawful detainer filings may be processed across multiple locations, staff units, e-filing workflows, public-facing materials, and CMS configurations.	The committee appreciates the response.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions by Christine Nguyen, Operations Analyst	Position: Not indicated 1. Does the proposal appropriately address the stated purpose? Response: ☒ Yes ☐ No Yes. The proposal appropriately addresses its stated purpose. Support the proposed multilingual SUM-130 packet and suggest that the final instructions clearly identify page 1 as the English fillable summons and pages 2–6 as translated informational pages to avoid filer and processing confusion. Suggest clarification on whether handwritten entries on translated pages would still be accepted.	The committee appreciates the response. Regarding handwritten entries on translated pages, the committee has confirmed with the Language Access team that the fillable fields on the translated pages will state, "for information only."

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	2. 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 necessary legal terms or concepts missing, incomplete, or inadequately described? Response: ☒ Yes ☐ No The revised UD-100 is easier to follow, especially in the organization of the lease, notice, service, and request sections. The plain-language revisions should be helpful to litigants, particularly self-represented parties, and the retained legal terms, such as "possession" and "premises," appear sufficiently explained. No major legal terms or concepts appear to be missing, but the service section should continue to direct users clearly to Attachment 7 when different defendants were served differently.	The committee has moved the checkbox regarding different notices from 7a so that it now appears before item 6 and more clearly explains that if the complaint is based on more than one notice, information about additional notices must be provided in a separate attachment.
Superior Court of Orange County (continued)	3. 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 necessary legal terms or concepts missing, incomplete, or inadequately described? Response: ☒ Yes ☐ No The plain-language format should make form UD-105 more approachable for self-represented tenants while preserving the key defenses and requests for relief. The revised structure should also help landlords and court staff identify the tenant's defenses more quickly. No major legal terms or concepts appear to be missing, but the general-denial limitation and the need to state supporting facts should remain prominent because they are important to accurate completion.	The committee has considered all the commenters' responses to this question and determined that the denials section should appear before the defenses section to aid defendants in understanding the importance of completing the denials section fully and accurately.
Superior Court of Orange County (continued)	4. On form UD-105, should the tenant's denials appear before or after the tenant's defenses? Response: After the tenant's defenses. The denials should remain after the defenses. This sequence reduces repetition, encourages tenants to identify substantive defenses first, and is consistent with the revised instruction that tenants do not need to restate facts already provided in the defense sections. To reduce the risk that self-represented tenants overlook the denials section after completing the defenses, the form could include a short bold reminder directing the user to complete the denials section before filing.	Please see the previous response.
Superior Court of Orange County (continued)	5. Would the proposal provide cost savings? If so, please quantify. Response: No measurable direct cost savings are anticipated.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	6. 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? Response: Implementation should be modest. Courts will likely need to update unlawful detainer procedures and train relevant staff, including clerk's office (legal processing staff) and courtroom staff.	The committee appreciates the response.
Superior Court of Orange County (continued)	7. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Response: Yes, two months should generally be sufficient if final forms are issued promptly.	The committee appreciates the response.
Superior Court of Orange County (continued)	8. How well would this proposal work in courts of different sizes? Response: It would work well. Larger courts may benefit most from standardization and plain-language improvements across high-volume UD calendars, while smaller courts may benefit from clearer statewide forms and reduced need for local explanatory materials.	The committee appreciates the response.
Superior Court of Riverside County	Position: Not indicated. Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the response.
Superior Court of Riverside County (continued)	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? Most revisions appear to be easier for plaintiffs and tenants to understand. Below are a few suggestions for improvement: In item 1 under the defendant section, add clarifying language to indicate only adult tenants should be named in the complaint (i.e. "list the names of all adult tenants and residents, even if they are not on the lease"). There have been several instances where plaintiffs have mistakenly listed minor occupants on the Complaint due to misunderstanding the current instructions.	In light of all the comments received on this issue, the committee has revised the parenthetical instruction after "Defendant is" to ask for a list of "all adult tenants" rather than "all tenants and residents."

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	In item 7b(4), clarify that giving a copy to a person who lives at the residence is optional, the proposed wording of this item could lead a plaintiff to believe they must also serve someone who lives at the residence when utilizing this service option (i.e. "(optional) A copy of the notice was also given to a person who lives at the premises on").	The committee agrees and has revised this portion of item 7b(4) to include "(optional)" after the checkbox.
Superior Court of Riverside County (continued)	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? Yes.	The committee appreciates the response.
Superior Court of Riverside County (continued)	On form UD-105, should the tenant's denials appear before or after the tenant's defenses? The proposed form UD-105 with the denials after the defenses is sufficient.	The committee has considered all the commenters' responses to this question and determined that the denials section should appear before the defenses section to aid defendants in understanding the importance of completing the denials section fully and accurately.
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? No.	The committee appreciates the response.
Superior Court of Riverside County (continued)	What would the implementation requirements be for the court? Updates to the case management system (CMS), procedures, and trainings for judicial officers and staff (Self-Help, Courtroom and Clerk's Office).	The committee appreciates the response.
Superior Court of Riverside County (continued)	Would 2 months provide sufficient time for implementation? Yes, provided the final forms are available timely.	The committee appreciates the response.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? Depending on the updates needed for the case management system and staff shortages, courts of any size may require more time to make the necessary changes and provide training for staff.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	Suggestion: On the Summons (SUM-130), change mention of "landlord" to "plaintiff" to conform with plain language changes to the Answer (UD-105).	The committee is not recommending revisions in response to this suggestion because a tenant receiving form SUM-130 will also be receiving form UD-100, which uses the terms "plaintiff" and "defendant." The committee determined that notices and information on form SUM-130 will be easier for tenants to understand if they use the same terminology as form UD-100. When proposing revisions to form UD-100, the committee determined that the form should continue to use the term "plaintiff" instead of "landlord" because the plaintiff in an eviction case is not always the person the tenant knows as the landlord.
Superior Court of San Bernardino County, Staff Committees	Position: Not indicated. Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the response.
Superior Court of San Bernardino County (continued)	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. Yes. It will make details clearer for the parties to see the information more clearly and is written well enough to understand.	The committee appreciates the response.
Superior Court of San Bernardino County (continued)	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. Yes. Plain language makes it easier to understand. Legal terms seem okay.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of San Bernardino County (continued)	On form UD-105, should the tenant's denials appear before or after the tenant's defenses? The denials should come before defenses.	The committee has considered all the commenters' responses to this question and determined that the denials section should appear before the defenses section to aid defendants in understanding the importance of completing the denials section fully and accurately.
Superior Court of San Bernardino County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes. No changes other than printing out new packets.	The committee appreciates the response.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee) (JRS)	Position: Agree if modified The JRS notes the following impact to court operations: • Requires development of local rules and/or forms. o Filing guides prepared by Self Help Center staff may need to be updated to reflect the modified forms. Web site changes will be needed to update the unlawful detainer forms and information. Guide and File program will need new forms to be uploaded for court users. • Results in additional training, which requires the commitment of staff time and court resources. o Training will be required for all clerical and Self Help staff to familiarize them to the changes to all the unlawful detainer forms. The training will also include information on how to explain changes to court users, as needed.	The committee appreciates the response and acknowledges that the commenter agrees with the proposal if it is modified.
JRS (continued)	Under (7) on UD-105, the following bullet point is confusing: "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."	In response to this and other comments, the committee has revised the introductory text in the TPA item to include information about TPA protections and replace the explanation of when the TPA does not apply with the one provided on the Attorney General's website.

Commenter	Comment	Committee Response
	How can you have lived there for less than 12 months, but also you and the other tenants have all lived there for 12 months? Recommend changing it to: "You've lived in the home for less than 12 months, unless there are other tenants living there with you, at least one tenant has legally lived there continuously for 24 months or more."	
JRS (continued)	Under 12(c) on UD-105, should we clarify that (c) only applies to evictions based solely on rent? We see cases that involve, e.g., tenants harassing neighbors/committing crimes, who are also very behind on rent. It doesn't seem like the intent of AB 246 intended such a tenant to be able to stay the case for 6 months when there are other reasons for the eviction.	In response to several similar suggestions, the committee has moved the Social Security hardship defense into an item that groups all nonpayment defenses together and instructs defendants to select those defenses only if the eviction is for nonpayment of rent.
JRS (continued)	Regarding whether to have defenses or denials first: I believe it's better to have defenses first.	The committee has considered all the commenters' responses to this question and determined that the denials section should appear before the defenses section to aid defendants in understanding the importance of completing the denials section fully and accurately.
Francisco G. Torres, Zanghi Torres Adams LLP, San Francisco	Position: Not indicated. I am submitting my proposed revisions to Unlawful detainer forms UD-100, UD-105. I am also submitting suggestions to modify Form Interrogatories-Unlawful Detainer DISC-103/UD-106. [*Note from the committee*: The commenter attached copies of forms UD-100, UD-105, and DISC-103/UD-106 with handwritten revisions. Those revisions are the same as those described in the narrative portion of the comment.]	Please see the committee's responses to the commenter's specific suggestions below.

Commenter	Comment	Committee Response
Francisco G. Torres (continued)	**Form UD-100:** The period within which a tenant can pay rent after service of a Notice to Pay Rent or Quit (CCP 1161(2), and the period within which to cure after service of a Notice to Cure or Quit (CCP 1161(3), can end up being 3,4, 5 or 6 calendar days depending on whether there is a Saturday, Sunday or Holiday between the date the notice is served and the date it ends. The period of a "30" day Notice and a "60" day notice can have a period of time longer than 30 and 60 days if the 30th day or 60th day ends on a Saturday, Sunday or holiday. My office previously checked the boxes with the "3-day", "30 day" and "60 day" language, but we often received a demurrer alleging that the allegation of the notice served did not match other allegations in the complaint and did not match the actual termination day alleged in the complaint. As a result, we now just check the box for "Other" and write in that the notice was a Notice to Pay Rent or Quit; a Notice to Perform Covenants or Quit, Notice to Quit. We suggest that form UD-100 delete the terms "3-days" "30-days" "60-days" before the words Notice to Pay or Quit, and Notice to Perform Covenant or Quit, and Notice to Quit. The type of notice should simply refer to the notice as a Notice to Pay or Quit, Notice to Perform Covenant or Quit, or Notice to Quit. The allegation in proposed item number 6.b contains the allegation of when the notice expired. The allegation in proposed item number 7 contains the allegation of when the notice was served.	This suggestion is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.
Francisco G. Torres (continued)	**Form UD-105:** There is a split in published decisions for various states, and in California the question is unanswered, regarding whether the 30 days to vacate required by the CARES Act applies solely to non-payment of rent, or whether it applies to any type of notice to vacate. Most jurisdictions follow the reasoning that the 30-day requirement only applies to non-payment of rent. Item 5.c should be revised to read: "My home is covered by the federal CARES Act. The landlord served a notice to pay rent or quit but the notice didn't provide 30 days to vacate."	The committee is not recommending revisions in response to this suggestion. Because this question is unsettled, taking a position on the form would be premature.

Commenter	Comment	Committee Response
Francisco G. Torres (continued)	**Form Interrogatories—Unlawful Detainer; Form DISC-003/UD-106:** Most attorneys practicing unlawful detainer law often serve a set of Form Interrogatories—General to as the questions contained in Interrogatories 2.1 through 2.10, 15. and 17.1. There is often confusion and occasionally motions to compel, and motions for protection orders, when an attorney uses Form Interrogatories—General in unlawful detainer cases. It would be great if those particular interrogatories could be added to the set of Form Interrogatories for unlawful detainers so that only one set of Form Interrogatories is needed in Unlawful Detainer cases. [*Note from the committee:* The commenter's handwritten notes on form DISC-001 included a suggestion to revise interrogatory 2.4 to refer to "government-issued identification" instead of a "permit or license for the operation of a motor vehicle" if that interrogatory is added to form DISC-003/UD-106.]	This suggestion is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.

Rules Committee Action Request Form

Item number: 08

Rules Committee Meeting Date: September 9, 2026

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

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 2.150, 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

Advisory 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: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.) The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee have developed separate proposals to implement AB 747 and SB 85.

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

Item No.: 26-132

For business meeting on October 16, 2026

Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 2.150, 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

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 21, 2026

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

Executive Summary

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 recommends amending four rules, adopting 2 mandatory forms, approving 1 optional form, and revising 13 forms to implement AB 747 and SB 85. The committee also recommends changes to these rules and forms to improve clarity and readability.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2027, take the following actions to implement Assembly Bill 747 and Senate Bill 85:

1. Amend California Rules of Court, rules 2.150, 3.1150, 3.1160, and 3.1372.

2. Adopt the following forms:
   a. *Request for Alternative Service* (form CH 205/EA-205); and
   b. *Proof of Alternative Service—Restraining Order* (form POS-060).

3. Approve *Declaration of Diligence—Service of Summons* (form POS-012).

4. Revise the following forms:
   a. *Statement of Damages (Personal Injury or Wrongful Death)* (form CIV-050);
   b. *Request for Entry of Default (Application to Enter Default)* (form CIV-100);
   c. *Request for Entry of Default (Fair Debt Buying Practices Act)* (form CIV-105);
   d. *Notice of Entry of Judgment on Sister-State Judgment* (form EJ-110);
   e. *Notice of Application for Recognition and Entry of Tribal Court Money Judgment* (form EJ-115);
   f. *Proof of Service of Order to Show Cause (Change of Name)* (form NC-121);
   g. *Proof of Service of Order to Show Cause (Change of Name or Gender to Conform to Gender Identity)* (form NC 221/NC-321/NC-521);
   h. *Proof of Service of Summons* (form POS-010);
   i. *Proof of Service* (form SC-104);
   j. *Proof of Mailing (Substituted Service)* (form SC-104A); and
   k. *What Is "Proof of Service"?* (form SC-104B).

5. Revise *Order Granting Alternative Service* (form CH-117) and renumber as form CH-117/EA-117.

6. Revise *What if the Person I Want Protection From is Avoiding (Evading) Service or Cannot Be Located?* (form CH-205-INFO) and renumber and retitle as *What if I Am Unable to Have the Person I Want Protection From Personally Served?* (form CH 205-INFO/EA-205-INFO).

The proposed amended rules and new and revised forms are attached at pages 18–60.

Relevant Previous Council Action

The council's previous actions on many of the rules and forms are not relevant to the recommendations made in this report, and the council's most recent previous action on most of those rules and forms was taken more than 10 years ago.

The council adopted rule 3.1160 as rule 363 effective January 1, 1984, and most recently amended it effective July 1, 2025, to implement legislation creating retail crime restraining orders.

The council adopted form CH-117 and approved form CH-205-INFO effective September 1, 2022, to implement Assembly Bill 1143 (Stats. 2021, ch. 156), which created a procedure for ordering alternative service of the petition and related documents in civil harassment proceedings. The forms have not been revised since then.

The council adopted form NC-121 effective January 1, 2001, and last revised it effective January 1, 2019, to reflect changes in the law regarding orders to show cause in name change proceedings.

The council adopted form NC-221/NC-321/NC-521 effective July 1, 2026, to implement Assembly Bill 1084 (Stats. 2025, ch. 723) and Senate Bill 59 (Stats. 2025, ch. 738), which changed the laws regarding petitions for change of name or recognition of a change of gender and sex identifier.

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.

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 recommending rule and form revisions to implement these changes in law.[1]

[1] Judicial Council of Cal., Advisory Comm. Rep., *Family Law: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85* (pending); Judicial Council of Cal., Advisory Comm. Rep., *Probate Law and Procedure: Forms to Implement Assembly Bill 747* (pending).

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

Under Code of Civil Procedure section 415.20(b), certain types of parties may be served with a civil summons by substituted service if personal service cannot be effected "with reasonable diligence." Under AB 747, 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 amends section 415.20 to specify methods that can be used to mail a copy of the summons and complaint to the party when substituted service is performed. 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 closely as 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

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[2] AB 747 also requires revisions to *Unlawful Detainer—Complaint* (form UD-100). The Civil and Small Claims Advisory Committee has recommended those revisions in a separate invitation to comment regarding unlawful detainer forms. (Judicial Council of Cal., Advisory Comm. Rep., *Unlawful Detainer: Form Revisions to Implement Assembly Bills 246, 747, and 863* (pending).)

[3] Code Civ. Proc., § 417.10(a)(1)(A), (a)(5).

[4] *Id.*, § 417.10(a)(1)(B).

[5] *Id.*, § 417.10(a)(2).

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 Code of Civil Procedure 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.

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

[6] *Id.*, § 417.10(a)(4).

[7] *Id.*, § 417.10(e).

[8] *Id.*, § 417.10(a).

[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.

demonstrating why each method was unsuccessful at every address or location where the defendant is likely to be found."

Analysis/Rationale

The Civil and Small Claims Advisory Committee recommends amending four rules, adopting 2 mandatory forms, approving 1 optional form, and revising 13 forms to implement AB 747 and SB 85.

Rule 2.150

The committee recommends amending rule 2.150(a)(5) to replace a cross-reference to an item number on form POS-010 because that item number is changing. The committee therefore recommends amending rule 2.150(a)(5) to replace "item 5(b)(5)" with "the item stating that a declaration of diligence is attached."[10]

Rules 3.1150, 3.1160, and 3.1372

The committee recommends amending rules 3.1150, 3.1160, and 3.1372 in response to AB 747 and making additional amendments to rule 3.1160 to implement SB 85.

Assembly Bill 747

The committee recommends amending rules 3.1150, 3.1160, and 3.1372 to state that service under these rules is exempt from the new photo requirement in Code of Civil Procedure section 417.10. Each rule requires certain documents to be served as though they were a civil summons,[11] and the Judicial Council has historically interpreted this requirement to mean that proof of service of these documents must comply with section 417.10. The committee therefore considered whether the photo requirement in amended section 417.10 should apply to documents served under these rules.

The committee recommends amending rules 3.1150(a), 3.1160(c)(1), and 3.1372(b) to exempt them from the photo requirement by stating, "The proof of service is not required to include the photographs that are described in Code of Civil Procedure section 417.10(a)." The committee noted that because there is no statutory requirement to serve the documents covered by these rules in the same manner as a summons or to use a proof of service that complies with

[10] This amendment did not circulate for comment, but the Rules Committee has determined that because it is a technical amendment, it is within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

[11] Under rule 3.1150(a), an order to show cause regarding a request for a preliminary injunction "must be served in the same manner as a summons and complaint." Under rule 3.1160(c), in a civil harassment, elder and dependent adult abuse, postsecondary school violence, retail crime, or workplace violence protective order proceeding, the request for a protective order, notice of hearing, and any temporary restraining order must be served "in the manner provided by law for personal service of summons in civil actions." Under rule 3.1372, a petition under Military and Veterans Code section 409.3 for temporary relief from financial obligations must be served "in the manner provided by law for service of summons in civil actions."

section 417.10, it is unlikely that the Legislature intended the photo requirement in AB 747 to apply to these proceedings or was even aware that it might be applied.

The committee also noted that section 417.10(a) was amended to address default judgments resulting from fraudulent service, particularly in debt collection and unlawful detainer cases.[12] The committee therefore determined that the photo requirement should not be included in these rules without a more explicit statutory mandate. These rule provisions were adopted to provide a uniform interpretation of undefined statutory requirements for service,[13] and that aim can be achieved without applying the photo requirement.

Senate Bill 85

In civil harassment and elder and dependent adult abuse protective order proceedings, the law requires the request for a protective order, notice of hearing, and any temporary restraining order to be personally served.[14] 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]

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 recommends 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 recommends amending the rule's existing language regarding alternative service in civil harassment proceedings to cross-reference the applicable statute rather

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[12] 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.

[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] Code Civ. Proc., § 527.6(m)(1) (civil harassment); Welf. & Inst. Code, § 15657.03(k)(1) (elder and dependent adult abuse).

[15] Code Civ. Proc., § 527.6(m)(2).

[16] Welf. & Inst. Code, § 15657.03(k)(2). The Civil and Small Claims Advisory Committee has separately recommended form revisions to implement AB 561 in a separate invitation to comment. (Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Rules and Forms to Implement AB 561* (pending).

[17] Assem. Com. on Judiciary, Analysis of Sen. Bill 85 (2025–2026 Reg. Sess.), as amended Apr. 8, 2025, p. 5.

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.

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 recommends 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 recommends revising the form to allow the court to order alternative service under Code of Civil Procedure section 413.30.

Specifically, the committee recommends the following:

- Renumbering the form as CH-117/EA-117 and revising it to be a stand-alone form rather than an attachment to form CH-116, including by 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 alternative service under section 413.30 are different from 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 an option to serve by 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).

Form CH-205/EA-205

The committee recommends 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

[18] The committee also recommends 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 recommendations to implement AB 561.

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.

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 recommends 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 recommends the following:

- Renumbering the form as CH-205-INFO/EA-205-INFO and adding references to 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;[19]
- 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; and
- 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.

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.[20] Similarly, *Notice of Entry of*

[19] The recommended 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), other than the addition of a citation to a self-help webpage specific to elder and dependent adult abuse restraining orders. (Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899* (Oct. 15, 2025).)

[20] 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)."

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).[21] The Judicial Council has historically interpreted this requirement to also require a proof of service that conforms to section 417.10(a), and all three forms include a proof of service page 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 recommends deleting the proof of service page from each form and adding an instruction stating that proof of service should be provided on form POS-010 or a proof of service that meets the requirements of California Rules of Court, rule 2.150. The committee recommends revising item 2f on form POS-010, 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."

In addition to the revisions to implement AB 747, the committee recommends revising the notice on page 1 of form EJ-110 and several items in the instructions on form EJ-115 to use plain language.

Forms CIV-100 and CIV-105

The committee recommends adding item 3 to *Request for Entry of Default* (form CIV-100) and item 5c to *Request for Entry of Default (Fair Debt Buying Practices Act)* (form CIV-105) to indicate that proof of service of summons has been filed. These items will be required when requesting entry of default under Code of Civil Procedure section 585(a) or (b) and will aid the clerk in ensuring that, as required by the statute, default is entered only if there is proof of service of the summons.

The committee also recommends revising the declaration of nonmilitary status on both forms 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.[22] Finally, the committee recommends 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.

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 unless the person

[21] Code Civ. Proc., §§ 1710.30(a) (notice of entry of sister-state judgment), 1735(b) (application for recognition and entry of tribal court judgment).

[22] Mil. & Vet. Code, § 402.

being served is outside the state of California.[23] The Judicial Council has historically interpreted this requirement to also require a proof of personal service that conforms to section 417.10(a).

The committee recommends 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 to Conform 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 item is the same as new item 8 on form POS-010, discussed below.

Separately, the committee recommends 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.[24]

Form POS-010

The committee recommends 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 recommends adding item 8, "photo of the location of service."

To implement AB 747's amendments to Code of Civil Procedure section 415.20, the committee recommends revising item 5b(2)(a) 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 recommends revising item 5b to more clearly address the requirements for substituted service under section 415.20 and to indicate that a declaration of diligence can be provided on *Declaration of Diligence—Service of Summons* (form POS-012).

To implement AB 747's amendments to Code of Civil Procedure section 415.45 regarding proof of service of an unlawful detainer summons by posting and mailing, the committee recommends adding item 5e. The committee considered continuing to use item 5f, "by other means," for proof

[23] Code Civ. Proc., §§ 1277(a)(4), 1277.5(b)(2)(C).

[24] The statement that "I am a resident of or employed in the county where the mailing occurred" was erroneously taken from Code of Civil Procedure section 1013a(1), which does not apply to service of forms NC-121 and NC-221/NC-321/NC-521.

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 415.45.

In addition to the revisions to implement AB 747, the committee recommends revising other items to use plain language, provide more detailed information, and add statutory citations.

Form POS-012

The committee recommends 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."[25] 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.

Form POS-060

The committee recommends 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.

Forms SC-104, SC-104A, and SC-104B

To implement amended section 415.20, the committee recommends revising item 4b on *Proof of Service* (form SC-104), item 3 on *Proof of Mailing (Substituted Service)* (form SC-104A), and the second-to-last bullet point in item 7 on *What Is "Proof of Service"?* (form SC-104B) to replace "first-class mail" or "first-class postage" with "U.S. Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested."

Separately, the committee recommends revising item 3c on form SC-104 to combine the two checkboxes for forms SC-134 and EJ-125 into a single checkbox and add forms SC-136 and EJ-141 to the list of orders for examination, reflecting the recent adoption of those forms. The committee also recommends revising items 2 and 4 to make them easier to understand and to more clearly address the requirements for substituted service.

On form SC-104B, the committee recommends adding item numbers to each section on the form, revising several items to make them easier to understand, and using gender-neutral language to be consistent with current Judicial Council terminology standards.

[25] Code Civ. Proc., §§ 415.20(b)(2), 415.45(d).

Policy implications

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

Comments

The proposal circulated for public comment from April 13 to May 18, 2026, as part of the regular spring comment cycle and received twenty-two comments: six from superior courts, one from the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, one from the California Child Support Association, one from the California Department of Child Support Services, one from the California State Sheriffs' Association, one from the Orange County Bar Association, eight from individuals or organizations that provide legal services including service of process, one from an attorney, one from a legal aid organization, and one from the publisher of a legal resource book. Three commenters agreed with the proposal, three agreed if modified, two disagreed, and fourteen did not indicate a position.[26]

A chart with the full text of the comments received and the committee's responses is attached beginning at page 61.

Applicability of the photo requirement to several forms

As discussed in the committee's rationale for the proposal, the committee recommends applying the photo requirement in Code of Civil Procedure section 417.10(a) to forms CIV-050, EJ-110, EJ-115, NC-121, and NC-221/NC-321/NC-521. In the invitation to comment, the committee also proposed revising form SC-104 to apply the photo requirement to proof of substituted service because Code of Civil Procedure section 116.340(a)(2) requires substituted service of the claim and order in a small claims case to comply with section 415.20. The committee requested specific comment on whether the photo requirement should be applied to these forms.

Seven commenters answered this question regarding forms CIV-050, EJ-110, and EJ-115, and all agreed that the photo requirement should be applied to these forms.

Ten commenters answered this question regarding forms NC-121, NC-221, and SC-104. Seven commenters agreed that the photo requirement applies to all three forms, one commenter

[26] In addition to the 22 comments listed here, the proposal received 7 comments from members of a landlords' organization who are opposed to (1) the amendments made by AB 747 to Code of Civil Procedure section 473 to permit the filing of a motion to vacate a default judgment for lack of proper service at any time after entry of judgment, and (2) cleanup amendments to section 473 proposed by AB 2042 (Kalra), which is currently pending. The committee did not propose any rule or form changes to implement AB 747's amendment of section 473, nor will AB 2024 require rule or form changes. Thus, because these comments solely concern legislative policy decisions the Judicial Council cannot address, they are not summarized in this report and are not included in the comment chart.

disagreed with applying the requirement to forms NC-121 and NC-221, and three commenters disagreed with applying the requirement to form SC-104. The commenters who disagreed argued that section 417.10 as amended by AB 747 only applies to the service of a summons and that applying the photo requirement in small claims cases would be unnecessarily burdensome.

The committee considered the comments and determined that the photo requirement should be applied to forms CIV-050, EJ-110, EJ-115, NC-121, and NC-221. Although these forms are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service.[27]

However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340. In small claims cases, the photo requirement would apply (if at all) to substituted service only, because personal service is governed by a separate statute that is specific to small claims cases.[28] Requiring photos for substituted service but not personal service would be confusing for courts and court users. Additionally, applying the photo requirement would conflict with the general purpose of small claims court (reducing burdens and costs for litigants) and would not further the goals of AB 747 (reducing abuses seen in general civil litigation).

Forms CH-117/EA-117 and CH-205/EA-205

In the invitation to comment, item 5 on form CH-117/EA-117 and item 4 on form CH-205/EA-205 included two checkboxes for electronic service: one for service by email and one for service by "other electronic technology." By contrast, the Family and Juvenile Law Advisory Committee's proposal regarding the equivalent forms for domestic violence restraining order proceedings included additional options for text messages, apps, and social media. The committees requested specific comments to determine which format commenters preferred.

The majority of commenters on the Family and Juvenile Law Advisory Committee's proposal preferred the inclusion of options for text messages and apps, noting that explicitly listing those options would help self-represented litigants better understand the options and provide necessary information about their selected electronic service method. Commenters on the Civil and Small Claims Advisory Committee's proposal were evenly divided, with three in favor of keeping the catchall option for "other electronic technology" and three in favor of adding checkboxes for methods such as text messages. Those in favor of keeping the catchall option thought it was

[27] For example, Code of Civil Procedure section 684.220(a), which applies to Title 9 of the Code of Civil Procedure (enforcement of judgment), states, "If service [under this title] is made in the same manner as a summons is served under Chapter 4 (commencing with Section 413.10) of Title 5, proof of service may be made in the manner provided in Article 5 (commencing with Section 417.10) of that chapter."

[28] Code Civ. Proc., § 116.340(a)(2).

sufficient to solicit the necessary information and appreciated the flexibility it provided to judicial officers when ordering electronic service.

The committees considered the comments on both proposals and determined that the CH/EA and DV forms should include options for text messages, "app or other online platform," and "other." The committees noted that if the forms did not match, it would be unnecessarily confusing for litigants and make it more difficult for legal aid providers and court self-help centers to provide guidance. The committees also noted that providing specific options might prompt litigants to more clearly identify and explain their suggested service method. Finally, the committee noted that the option for "other electronic technology" gives judicial officers discretion to determine the most appropriate electronic service method.

Forms CIV-100 and CIV-105

In the invitation to comment, item 4 on form CV-100 (now item 3) and item 5 on form CV-105 (now item 5c) required a party requesting entry of default under section 585(a) or (b) to attach a copy of the proof of service of summons. In response to a comment, the committee revised these items to state only that "proof of service has been filed." This language more closely tracks section 585 ("the clerk, upon written application of the plaintiff, and proof of service of the summons, shall enter the default") and reduces unnecessary complexity, while still aiding the clerk in ensuring all statutory requirements are met before entering default.

Form POS-010

Numerous commenters objected to the proposed instruction for items 5b and 5e on form POS-010 that stated, "If different people personally deliver and mail the documents, each person should complete a separate form POS-010." In particular, process-serving agencies pointed out that this instruction would conflict with their current practice of having office staff, not the server, mail copies of the documents and complete a declaration of mailing that is attached to the proof of service completed by the server. The committee had not intended to change these processes and has revised these items to delete the instruction and clarify that a declaration of mailing is sufficient when mailing is completed by someone other than the server.

Forms NC-121, NC-221/NC-321/NC-521, POS-010, and POS-012

In response to comments, the committee made several revisions to the items on forms NC-121, NC-221/NC-321/NC-521, POS-010, and POS-012 implementing the photo requirement in Code of Civil Procedure section 417.10(a).

Instructions for attached photos

In response to a comment suggesting more detailed instructions for attaching the required photos, the committee revised these items to add an instruction stating that the photo should be provided on a separate page labeled with a particular attachment number.

"As close as possible"

In the invitation to comment, these items stated that "the time I took the photo was as close as possible to the time I served the papers." In response to a comment, the committee changed "as

close as possible" to "as close as practical," which the committee determined was a more accurate plain-language equivalent of the statutory language ("as close as practicable").

Instructions regarding photo location
To address a comment expressing confusion about whether the photo can be taken at a location other than a residence or business, the committee added the following instruction to these items: "If the location is a residence or business, the photo must show the door of the residence or business, or the entrance if the door is not reasonably accessible. If the location is not a residence or business, the law does not require the photo to show the door or entrance. (Code Civ. Proc., § 417.10(a)(2).)"

Photos of people
In response to a comment noting that some servers might be uncertain whether to include a person in the photo, the committee added the following instruction to these items: "You are not required to include the server, the person served, or any other person in the photo."

Compliance with Family Code section 17212
In response to comments from the California Child Support Association and the California Department of Child Support Services noting that Family Code section 17212 prohibits local child support agencies from disclosing the address where service was accomplished, the committee revised forms POS-010 and POS-012 to add the following option: "For local child support agency use only. I am not attaching a photo because I served the papers on behalf of a local child support agency and the address where I served the papers is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10, and I have provided a copy of that photo to the local child support agency."

Form POS-012
Several legal service providers suggested revising the form to combine items 3 and 4 and add space for the server to provide a narrative description of the service attempt. One commenter explained: "Combining these items into one unified section, followed by a clearly designated area to describe the specific results or observations from each attempt, would significantly improve usability and accuracy. It would also produce a clearer record for judicial officers reviewing diligence efforts in support of alternative service applications." In response to this suggestion, the committee revised the form to create separate items (items 3, 4, and 5) for each service attempt. Each item asks for the date, time, address, and photo information and includes a fillable field for describing the attempt.

Separately, the committee declined a suggestion to require only one form POS-012 even if more than one server made attempts to serve papers because the alternative (allowing attachment of declarations from additional servers) would add complexity without meaningfully reducing the burden on those completing the form. Every server who makes at least one attempt will have to provide the information sought in items 1, 2, 3, 7, and 8; at most, a server would be able to skip items 4, 5, and 6. The committee determined that it would not be confusing or overly burdensome to skip these items because they are clearly labeled and can be left unchecked if

inapplicable. Additionally, form POS-012 is optional, and process servers and others who frequently attempt service may create their own declaration of diligence that works best for their needs.

Alternatives considered

The committee did not consider the alternative of taking no action because rule amendments and new and revised forms are needed to comply with AB 747 and SB 85. To the extent the proposed revisions are not required by the terms of AB 747 and SB 85, the committee considered taking no action but ultimately determined the revisions were warranted in light of the benefits they would provide to courts and court users. As discussed above, the committee considered several alternatives while drafting the proposal and in response to the public comments and concluded that the current recommendations best satisfy the statutory mandate.

When considering whether to propose adopting form CH-205/EA-205, the committee considered that doing so might lead to premature or inappropriate requests to serve using alternative methods, even if the forms include instructions and warnings. The committee ultimately determined that such a risk was outweighed by the benefits of creating the form, such as ensuring that litigants provide sufficient information for the court to assess proposed alternative service methods.

In the items that ask for photos of the location of service on forms NC-121, NC-221/NC-321/NC-521, and POS-010, 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.

Fiscal and Operational Impacts

The statutory changes will require training of court staff and judicial officers. The amended rules and new and revised forms are intended to facilitate courts' and parties' implementation of the changes in statute and will require education and possibly some changes to computerized case management systems. These impacts are a necessary effect of the legislative action.

Attachments and Links

1. Cal. Rules of Court, rules 2.150, 3.1150, 3.1160, and 3.1372, at pages 18–20
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 21–60
3. Chart of comments, at pages 61–131
4. Link A: Assem. Bill 747 (Stats. 2025, ch. 563)
5. Link B: Sen. Bill 85 (Stats. 2025, ch. 403)

Rules 2.150, 3.1150, 3.1160, and 3.1372 of the California Rules of Court are amended, effective January 1, 2027, to read:

Rule 2.150. Authorization for computer-generated or typewritten forms for proof of service of summons and complaint

(a) Computer-generated or typewritten forms; conditions

Notwithstanding the adoption of mandatory form *Proof of Service of Summons* (form POS-010), a form for proof of service of a summons and complaint prepared entirely by word processor, typewriter, or similar process may be used for proof of service in any applicable action or proceeding if the following conditions are met:

(1)–(4) * * *

(5) The text of form POS-010 must be copied in the same order as it appears on form POS-010 using the same item numbers. A declaration of diligence may be attached to the proof of service or inserted ~~as item 5b(5)~~in place of the item stating that a declaration of diligence is attached.

(6)–(9) * * *

(b) * * *

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,~~ 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.

(4) 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.

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:

_____

_____

_____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

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.

Case Number:

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 who 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
(b) ☐ Text message
(c) ☐ App or online platform *(specify app or platform):* _____
(d) ☐ Other electronic technology *(specify):*
_____
_____
_____

(2) The papers must be sent to *(specify email address, phone number associated with app, username, or other contact information for the service method checked in (1)):*
_____
_____

(3) ☐ You must also have your server mail a copy of the papers to the
☐ home ☐ workplace ☐ usual mailing address of the person in 2.

(4) You must have the person in 2 served by *(date):* _____

This is a Court Order.

Case Number:

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 Attached pages

Number of pages attached to this order, if any: _____

Judicial Officer's Signature

Date: _____

_____

Judicial Officer

CH-205/EA-205 Request for Alternative Service

Clerk stamps date here when form is filed.

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").

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: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

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.*

_____
_____
_____
_____
_____

Case Number:

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.*

☐ *Check here to attach a declaration from the server describing their attempts to serve the restrained party. You may use form MC-030 (*Declaration*) for this purpose.*

c. ☐ I believe the restrained party is avoiding (evading) service. *(Describe any facts that make you think the person is evading service. For any service attempts, list the date, the location, and what happened when the server tried to serve the papers.)*

☐ *Check here if there is not enough space for your answer or if your server wrote the answer to this question. Put the complete answer on an attached sheet of paper, and write "Attachment 3c" for a title.*

☐ *Check here to attach a declaration from the server describing their attempts to serve the restrained party. You may use form MC-030 (*Declaration*) for this purpose.*

Case Number:

4 What type of alternative service are you asking for?

I am asking to serve the restrained party using *(check at least one):*

a. ☐ **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 party 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 party 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 to either of the two questions above. Put your complete answer on an attached sheet of paper, and write "Attachment 4a" for a title.*

b. ☐ **Email or Other Electronic Technology**

(1) The server will send a copy of the papers to the restrained party in the following way *(check all that apply):*

(a) ☐ Email

(b) ☐ Text message

(c) ☐ App or online platform *(specify app or platform):*

(d) ☐ Other electronic technology *(specify):*

(2) The papers will be sent to *(specify email address, phone number associated with app, username, or other contact information for the service method checked in (1)):*

(3) I know the email address, phone number, or electronic contact information above belongs to the restrained party 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 4b(3)" for a title.*

Case Number:

4 c. ☐ **Publication in a Newspaper**

d. ☐ **Other** *(describe):*

_____

_____

_____

5 Why is this method the best way to serve the restrained party?

The service method I checked in 4 is the best way to serve the restrained party 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 party 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 5" for a title.*

_____

_____

_____

_____

_____

_____

_____

6 Signatures

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 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. 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, or 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, text message, or other electronic technology?

Serving by email or text message means sending electronic copies of the papers (such as PDF copies or pictures of the papers) to the restrained person's email address or phone number. 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.

DRAFT 08/24/2026 Not approved by the Judicial Council
Do not file with the court
unless you are applying for a default judgment under Code of Civil Procedure section 585.

CIV-050

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):*		
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*) or a proof of service that meets the requirements of California Rules of Court, rule 2.150.

To *(name of one defendant only):*

Plaintiff *(name of one plaintiff only):*

seeks damages in the above-entitled action, as follows:

1. **General damages** AMOUNT
   - 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 1g.
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 2k.
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

CIV-100

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***
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 complete the declaration under Code of Civil Procedure section 585.5 in item 5.)*
   (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:

3. ☐ **Proof of service of summons.** *(You must check this box if you are asking for entry of default under Code of Civil Procedure section 585(a) or (b)).* Proof of service of the summons has been filed.

4. ☐ **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):*

5. ☐ **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).

6. ☐ **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 4 through 6 are completed.)

I declare under penalty of perjury under the laws of the State of California that items 4, 5, and 6, if completed, are true and correct.

Date:

Type or Print Name

Signature of Declarant

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:

7. ☐ **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 7 is completed.)

I declare under penalty of perjury under the laws of the State of California that item 7, if completed, is true and correct.
Date:

_____ ▶ _____
Type or Print Name Signature of Declarant

8. ☐ **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 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 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 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

CIV-105

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***
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 has been filed. *(You must check this box if you are asking for entry of default under Code of Civil Procedure section 585(a) or (b). You are not required to submit a copy of the proof of service with this declaration.)*

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 *(specify 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 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 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

EJ-110

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***
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 on 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)

[SEAL]

*(For proof of service of this notice, use form POS-010 (*Proof of Service of Summons*) or a proof of service that meets the requirements of California Rules of Court, rule 2.150.)*

EJ-115

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*):	
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 the 30 days, the court will set dates for a response and hearing. 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 provide a defense. (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 by means other than tribal court proceedings. (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. (7) The specific proceeding in the tribal court leading to the judgment was not compatible with the requirements of due process. (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 must 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) ☐ 416.60 (minor)
   ☐ 416.20 (defunct corporation) ☐ 416.70 (conservatee)
   ☐ 416.40 (association or partnership) ☐ 416.90 (individual)
   ☐ other:

*(For proof of service of this notice, use form POS-010 (*Proof of Service of Summons*) or a proof of service that meets the requirements of California Rules of Court, rule 2.150.)*

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):*	
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 as close as practical to the time I served the papers. *(Provide the photo on a separate page labeled "Attachment 4." You are not required to include the server, the person served, or any other person in the photo.)*

(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.)*

☐ *Check here if more space is needed for your answer and provide it on a page labeled "Attachment 4a(1)."*

(2) Was the location a home or a business? *(Check (a), (b), or (c). If the location is a residence or business, the photo must show the door of the residence or business, or the entrance if the door is not reasonably accessible. If the location is not a residence or business, the law does not require the photo to show the door or entrance. (Code Civ. Proc., § 417.10(a)(2).))*

(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.)*

☐ *Check here if more space is needed for your answer and provide it on a page labeled "Attachment 4a(2)."*

b. ☐ I have not attached a photo of where I served the papers because taking a photo would have risked my safety *(explain).*

☐ *Check here if more space is needed for your answer and provide it on a page labeled "Attachment 4b."*

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-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*):	
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 practical to the time I served the papers. *(Provide the photo on a separate page labeled "Attachment 4." You are not required to include the server, the person served, or any other person in the photo.)*

      (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.)*

         ☐ *Check here if more space is needed for your answer and provide it on a page labeled "Attachment 4a(1)."*

      (2) Was the location a home or a business? *(Check (a), (b), or (c). If the location is a residence or business, the photo must show the door of the residence or business, or the entrance if the door is not reasonably accessible. If the location is not a residence or business, the law does not require the photo to show the door or entrance. (Code Civ. Proc., § 417.10(a)(2).))*

         (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.)*

         ☐ *Check here if more space is needed for your answer and provide it on a page labeled "Attachment 4a(2)."*

   b. ☐ I have not attached a photo of where I served the papers because taking a photo would have risked my safety *(explain).*

      ☐ *Check here if more space is needed for your answer and provide it on a page labeled "Attachment 4b."*

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:		
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 form 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 named in item 3a; if you served someone who is not the party in item 3a while completing substituted service (item 5b), you do not need to name them here.)*

4. Address where the party was served:

5. I served the party *(If you check item 5a, 5b, or 5e, you must complete item 8.)*
   a. ☐ **by personal service**. I personally delivered the documents checked in item 2 to the party or a person authorized to receive service of process for the party
      (1) on *(date):*
      (2) at *(time):*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

5. b. ☐ **by substituted service.** (Code Civ. Proc., § 415.20.) *(Complete both (1) and (2), as well as (3) if applicable.)*

(1) I left a copy of the documents checked in item 2 in the presence of *(give the person's name and their title or their relationship to the person in item 3, or give their description if their name, title, and relationship are not known):*

on *(date):* at *(time):*

The person I left the documents in the presence of is *(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.

(2) Required mailing *(check one):*

(a) ☐ I mailed (by USPS first-class mail, or 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.

I mailed the documents on *(date):* from *(city):*

(b) ☐ A declaration of mailing is attached.

(3) ☐ I have attached a **declaration of diligence** stating actions taken first to attempt personal service. *(You may use form POS-012 (*Declaration of Diligence—Service of Summons*) for this purpose.)*

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 form POS-015 (*Notice and Acknowledgment of Receipt—Civil*) and a postage-paid return envelope addressed to me. I have attached the completed form POS-015.

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). *(Complete both (1) and (2).)*

(1) I posted the summons on the premises in the manner ordered by the court. I did this on *(date):*

at *(specify address, if different from the one listed in item 4):*

(2) Required mailing *(check one):*

(a) ☐ I mailed a copy of the summons and complaint by certified mail to the party's last known address

on *(date):*

at *(specify address, if different from the one listed in item 4):*

(b) ☐ A declaration of mailing is attached.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

5. 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)
      - ☐ 416.20 (defunct corporation)
      - ☐ 416.30 (joint stock company/association)
      - ☐ 416.40 (association or partnership)
      - ☐ 416.50 (public entity)
      - ☐ 415.95 (business organization, form unknown)
      - ☐ 416.60 (minor)
      - ☐ 416.70 (ward or conservatee)
      - ☐ 416.90 (authorized person)
      - ☐ 415.46 (occupant)
      - ☐ other *(specify code section):*

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 number:
         (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, 8b, or 8c. (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 practical to the time I served the papers. *(Provide the photo on a separate page labeled "Attachment 8." 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. You are not required to include the server, the person served, or any other person in the photo.)*

      (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.)*

         ☐ *Check here if more space is needed for your answer and provide it on a page labeled "Attachment 8a(1)."*

      (2) Was the location a residence or a place of business? *(Check (a), (b), or (c). If the location is a residence or business, the photo must show the door of the residence or business, or the entrance if the door is not reasonably accessible. If the location is not a residence or business, the law does not require the photo to show the door or entrance. (Code Civ. Proc., § 417.10(a)(2).))*

         (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.)*

         ☐ *Check here if more space is needed for your answer and provide it on a page labeled "Attachment 8a(2)."*

   b. ☐ I have not attached a photo of where I served the papers because taking a photo would have risked my safety *(explain).*

      ☐ *Check here if more space is needed for your answer and provide it on a page labeled "Attachment 8b."*

   c. ☐ **For local child support agency use only**. I am not attaching a photo because I served the papers on behalf of a local child support agency and the address where I served the papers is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10, and I have provided a copy of that photo to the local child support agency.

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:		
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 (substituted 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*.

If you need more space for any of your answers on this form, attach a separate sheet of paper (you may use form MC-025) labeled with the item number you are responding to (for example, "Attachment 3c(2)"). On this form, write that your answer is provided on a separate page.

1. I *(name):*

   was at least 18 years of age at the time of the attempted service and I am not a party to this action.

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.)*

Attempts to personally serve

3. ☐ **First Attempt**

   a. I tried in good faith to personally deliver the summons and complaint to the party in 2

   on *(date):* at *(time):*

   at *(address):*

   b. Description of the attempt *(describe what happened when you tried to serve the papers):*

   ☐ *If more space is needed, check here and attach a separate page labeled "Attachment 3b." You may use form MC-025.*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

3. c. Photo of the location of the first attempt *(Check (1), (2), or (3). You must take a photo of where you attempt to serve the papers unless taking a photo would risk your safety. You are not required to include the server, the person served, or any other person in the photo. Provide the photo on a separate page labeled "Attachment 3c.")*

(1) ☐ I have attached a photo of where I tried to serve the papers. The time I took the photo was as close as practical to the time I tried to serve 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). If the location is a residence or business, the photo must show the door of the residence or business, or the entrance if the door is not reasonably accessible. If the location is not a residence or business, the law does not require the photo to show the door or entrance. (Code Civ. Proc., § 417.10(a)(2).))*

(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).*

(3) ☐ **For local child support agency use only**. I am not attaching a photo because I served the papers on behalf of a local child support agency and the address where I served the papers is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10, and I have provided a copy of that photo to the local child support agency.

4. ☐ **Second Attempt**

a. I tried in good faith to personally deliver the summons and complaint to the party in 2

on *(date):* at *(time):*

at *(address):*

b. Description of the attempt *(describe what happened when you tried to serve the papers):*

☐ *If more space is needed, check here and attach a separate page labeled "Attachment 4b." You may use form MC-025.*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

4. c. Photo of the location of the second attempt *(Check (1), (2), or (3). You must take a photo of where you attempt to serve the papers unless taking a photo would risk your safety. You are not required to include the server, the person served, or any other person in the photo. Provide the photo on a separate page labeled "Attachment 4c.")*

(1) ☐ I have attached a photo of where I tried to serve the papers. The time I took the photo was as close as practical to the time I tried to serve 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). If the location is a residence or business, the photo must show the door of the residence or business, or the entrance if the door is not reasonably accessible. If the location is not a residence or business, the law does not require the photo to show the door or entrance. (Code Civ. Proc., § 417.10(a)(2).)).*

(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).*

(3) ☐ **For local child support agency use only**. I am not attaching a photo because I served the papers on behalf of a local child support agency and the address where I served the papers is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10, and I have provided a copy of that photo to the local child support agency.

5. ☐ **Third Attempt**

a. I tried in good faith to personally deliver the summons and complaint to the party in 2

on *(date):* at *(time):*

at *(address):*

b. Description of the attempt *(describe what happened when you tried to serve the papers):*

☐ *If more space is needed, check here and attach a separate page labeled "Attachment 5b." You may use form MC-025.*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

5. c. Photo of the location of the third attempt *(Check (1), (2), or (3). You must take a photo of where you attempt to serve the papers unless taking a photo would risk your safety. You are not required to include the server, the person served, or any other person in the photo. Provide the photo on a separate page labeled "Attachment 5c.")*

(1) ☐ I have attached a photo of where I tried to serve the papers. The time I took the photo was as close as practical to the time I tried to serve 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). If the location is a residence or business, the photo must show the door of the residence or business, or the entrance if the door is not reasonably accessible. If the location is not a residence or business, the law does not require the photo to show the door or entrance. (Code Civ. Proc., § 417.10(a)(2).))*

(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).*

(3) ☐ **For local child support agency use only**. I am not attaching a photo because I served the papers on behalf of a local child support agency and the address where I served the papers is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10, and I have provided a copy of that photo to the local child support agency.

6. ☐ 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 each location where you tried to deliver the documents, and for each photo, you must provide the information asked for in item 5c.)*

☐ *Check here if you need more space for your answer and attach a separate page labeled "Attachment 6." You may use form MC-025 for this purpose.*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

7. **My information**
   a. Address:
   b. Telephone number:
   c. The fee for service was: $
   d. I am *(check one):*
      (1) ☐ a California sheriff or marshal.
      (2) ☐ a registered California process server:
         (a) ☐ owner ☐ employee ☐ independent contractor
         (b) Registration number:
         (c) County:
      (3) ☐ not a registered California process server.
      (4) ☐ exempt from registration under Business and Professions Code section 22350(b).

8. **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

POS-060 Proof of Alternative Service—Restraining Order

Clerk stamps date here when form is filed.

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 form CH-117/EA-117 (*Order Granting 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 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. ☐ Form CH-110 or EA-110 (*Temporary Restraining Order*) (file-stamped)

c. ☐ Response to request for restraining orders (blank copy of form CH-120 or EA-120)

d. ☐ Form CH-120-INFO or EA-120-INFO (*How Can I Respond to a Request for Restraining Orders?*)

e. ☐ Form CH-210 or EA-210 (*Summons*) (file-stamped)

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. ☐ Form CH-117/EA-117 (*Order Granting Alternative Service*) (file-stamped)

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: _____

Case 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 form POS-060 (*Proof of Alternative Service—Restraining Order*).

(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, or 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) ☐ **Text message, app, or 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.)*

_____

_____

_____

_____

_____

_____

_____

_____

Case Number:

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.

Use this form to serve a **person**, a **business**, or a **public entity**.
To learn more about proof of service, read form SC-104B (*What Is "Proof of Service"?*). To learn more about how to serve a business or entity, read form SC-104C (*How to Serve a Business or Public Entity*).

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.***

Case name: _____ **Case Number:** _____

3 I served the person in 1 a copy of the documents checked below:

a. ☐ Form SC-100 (*Plaintiff's Claim and ORDER to Go to Small Claims Court*)

b. ☐ Form 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):* _____

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:
_____
_____

(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.

Case name: _____ **Case Number:**

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 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.

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. ☐ Form SC-100 (*Plaintiff's Claim and ORDER to Go to Small Claims Court*)

b. ☐ Form 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

SC-104B What Is "Proof of Service"?

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.
- 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, with postage prepaid) to the person being sued at the same address where you left the papers.
- Fill out and sign form SC-104 (*Proof of Service*).

SC-104B What Is "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 no later than **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 your county's small claims advisor for more information (see contact information below).

- **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 court's 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.

? Need help?

Your county's Small Claims Advisor can help for free.

Or go to selfhelp.courts.ca.gov/small-claims-advisor.

SPR26-08 Chart of Comments

Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons (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)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Ali Ammar, Chief Private Investigator, California Detective Agency	Position: Not indicated RULE AMENDMENTS CRC 3.1150, 3.1160, and 3.1372 specify that documents shall be served in the same manner as a summons. The proposal indicates an amendment to clarify that photographs were not intended to be required by the Legislature when enacting AB 747 for various reasons, including the lack of a proof compliant with CCP 417.10, no fraudulent default judgments arising in these types of actions, and safety concerns with photographing the home and workplace of an adverse party. Omitted from your proposal are nearly all types of legal process served in the post-judgment phase of a civil matter must likewise be served "in the same manner as a summons" per CCP 684.110. Roping in post-judgment documents to this new requirement will lead to unnecessary confrontations, safety issues, and added compliance for Sheriff's Offices statewide. We respectfully request that you incorporate a Rule into your proposal to exempt the service of post-judgment documents from the photography requirement.	The committee proposed amending rules 3.1150, 3.1160, and 3.1372 to exempt them from the photo requirement in Code of Civil Procedure section 417.10(a) because those rules do not implement statutory requirements to serve documents in the manner of a summons. Thus, because the Judicial Council and not the Legislature created the requirement to serve the documents covered by these rules in the manner of a summons, it is within the council's purview to determine that the photo requirement should not apply. The Judicial Council does not have the authority to create exemptions to statutory requirements to serve documents in the manner of a summons.
Ali Ammar (continued)	FORMS CIV-050, EJ-110, EJ-115 Regarding the amendment to these forms, the proposal states, "proof of service should be provided on POS-010." As self-generated Proof of Service documents are frequently used, we respectfully request that the instruction be more permissive (e.g., "may" or "optionally").	The committee agrees that these forms should acknowledge that California Rules of Court, rule 2.150 permits process servers and others to prepare their own shortened versions of form POS-010, and has therefore revised the forms to state that "you must use form POS-010 (Proof of Service of Summons) or a proof of service that meets the requirements of California Rules of Court, rule 2.150."

Commenter	Comment	Committee Response
Ali Ammar (continued)	More importantly, statutes allow these Forms to be served by Substituted Service, which is not covered by Form POS-010. The proposed mandate for the forms would conflict with the statutes that allow non-personal service.	The committee notes that substituted service is covered by item 5b on form POS-010.
Are You Being Served?, Inc., Legal Support Service by Jeffrey S. Pink, CEO Burlingame, CA	Position: Disagree As an owner of a mid size process service company and a one man organization I feel this will greatly impact the time actually spent satisfying the process service and more time spent on forms that already explain in great detail the method of service of the documents. I work approximately 14 hours a day and if this is implemented I feel I will never catch up with paperwork or conversely never get any documents served. I also believe the courts and clerks will be overwhelmed by the changes and there are going to be a lot of mistakes and inadvertent rejections of Proof of Services and Declarations. I respectfully do not agree with this change. I am also concerned that this is going to chase a lot of people out of the industry and even the big corporations absorb the small businesses assignments even the big corporations will struggle to keep up with unnecessary paperwork. I do not believe the Proof of Service system is broken and there is no reason to fix something that is not broken.	The committee notes that Judicial Council's role is limited to implementing enacted law in the California Rules of Court and Judicial Council forms. The Judicial Council cannot amend the underlying statutes implemented in this proposal. Objections to these statutory amendments should be directed to the Legislature for their consideration.
Bet Tzedek Legal Services by Dani Kaiserman, Senior Staff Attorney	Position: Not indicated Bet Tzedek Legal Services (Bet Tzedek) respectfully submits the following comments in response to the Judicial Council's Invitation to Comment number SPR26-08. This proposal amends elder or dependent adult restraining orders (EAROs) to comply with laws related to alternative service. Bet Tzedek is a 501(c)(3) legal services organization that has provided free legal services to low-income and vulnerable residents throughout Los Angeles County for over fifty years. Bet Tzedek serves victims of elder and dependent adult abuse who are seeking elder and dependent adult abuse restraining orders through a self-help clinic model and direct representation in court.	Please see the committee's responses to the commenter's specific suggestions below.
Bet Tzedek Legal Services (continued)	1. Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the response.

Commenter	Comment	Committee Response
Bet Tzedek Legal Services (continued)	2. Does item 5b on form CH-117/EA-117 contain all the necessary information for ordering service by email or other electronic technology? No. See below comment.	Please see the committee's response below.
Bet Tzedek Legal Services (continued)	3. Should item 5b on form CH-117/EA-117 include options for specific types of electronic service such as text messages? Yes. Text message is the method of alternative service that I've most frequently heard ordered by judicial officers. Therefore, adding "(b) Text message, to the following phone number (specify)" and then moving the current (b) to (c) would make the form more user friendly.	After considering the comments on this proposal and conferring with the Family and Juvenile Law Advisory Committee regarding its proposal for similar DV forms, the committee has determined that forms CH-117/EA-117 and CH-205/EA-205 should contain options service by text message and "app or other online platform." Including these options will help ensure that litigants include all information necessary to request and order service using these methods. Courts, court users, and self-help providers will also benefit if the CH/EA and DV versions of the forms contain the same options for electronic service.
Bet Tzedek Legal Services (continued)	4.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? No, I do not think it is necessary to provide additional guidance because the CH-117/EA-117 provides clear instructions. However, if the text message option is added to CH-117/EA-117 5b as suggested above, then text message should also be specified in this section.	The committee appreciates the numerous responses to this question and will confer with the Family and Juvenile Law Advisory Committee to determine what additional guidance, if any, would be appropriate to provide, and in what format to provide that guidance.
John Cadwalader, Attorney Law Office of John W Cadwalader Fresno, CA	Position: Agree if modified Proof of Service / POS-010 I recommend revising proposed POS-010, items 5b and 5e, to avoid unnecessary duplication when one person completes the delivery or posting component and another person completes the mailing component. Proposed item 5b appears to allow the mailing component to be established by attaching a declaration of mailing, but the instruction also states that if different people personally deliver and mail the documents, each person should complete a separate POS-010.	The committee agrees and has revised items 5b and 5e to delete the instruction to use multiple copies of form POS-010 if separate people complete the delivery and mailing during substituted service. Item 5b(2) has been revised to make clearer that either the date and location of the mailing must be provided or a declaration of mailing must be attached. Similarly, item 5e(2) has been revised to provide the option to attach a declaration of mailing.

Commenter	Comment	Committee Response
	That requirement is unnecessarily burdensome and appears inconsistent with the checkbox permitting an attached declaration of mailing. A simpler and more practical process would be to allow the delivery/posting server to complete POS-010 and attach a declaration of mailing completed by the person who performed the mailing. The same issue appears in proposed item 5e for unlawful detainer posting and mailing. If posting and mailing are performed by different people, the form should allow an attached declaration of mailing rather than requiring a second POS-010. This would be similar in concept to the small claims proof-of-mailing process using form SC-104A. Accordingly, I recommend deleting the instruction requiring a separate POS-010 when different people perform the delivery/posting and mailing components and adding an option in item 5e(2) for an attached declaration of mailing.	
John Cadwalader (continued)	CIV-100 I recommend reconsidering the proposed requirement that proof of service of summons be attached to the Request for Entry of Default. The proposal acknowledges that Code of Civil Procedure section 585(a) and (b) do not expressly require the proof of service to be attached to the request for default. Requiring attachment of proofs of service that have already been filed may create unnecessary duplication, increase printing and postage costs, and increase the size of default packets without materially improving compliance. A less burdensome approach would be to include an advisement directed to the clerk. This would preserve the statutory requirement that proof of service be on file before default is entered, while avoiding duplicative filings.	The committee has revised item 4 on form CV-100 (now item 3) and item 5 on form CV-105 (now item 5c) to state that "proof of service has been filed" and clarify that the proof of service does not need to be attached to the form.

Commenter	Comment	Committee Response
John Cadwalader (continued)	POS-012 I recommend revising proposed POS-012 to make clear that any additional narrative section (specifically paragraph 5) is optional and not a requirement beyond the statutory definition of reasonable diligence. For unlawful detainer posting and mailing, Code of Civil Procedure section 415.45(d)(1) defines reasonable diligence as attempting personal delivery in good faith on at least three occasions, on three different days, at three different times. If the form includes a paragraph asking for additional explanation after the server has already listed the required attempts, that paragraph could be misunderstood by court staff as requiring facts beyond the statutory three-attempt showing. To avoid confusion, I recommend marking the additional narrative section as "Optional" or "Not required if the service attempts listed above satisfy Code of Civil Procedure section 415.45(d)(1)." This would help prevent unnecessary rejections and avoid imposing requirements beyond the statute.	The committee is not recommending revisions in response to this suggestion because Code of Civil Procedure section 415.45 permits service by posting and mailing only if "the party to be served cannot with reasonable diligence be served in any manner specified in this article other than publication." Thus, the court may require the plaintiff to attempt service by methods other than personal service before it permits service by posting and mailing. Item 5 (now item 6) on form POS-012 is intended for describing attempts to serve using a method other than personal service.
California Association of Legal Support Professionals by Chad G. Barger, Director and Legislative Committee Chair	Position: Not indicated I respectfully submit this comment in response to the proposed revisions to POS-010 and POS-012. We have carefully reviewed both forms and have attached our detailed comments for the Committee's consideration. While we appreciate the Committee's continued efforts to improve clarity and usability in service-related forms, certain proposed revisions would create unnecessary confusion, impose burdens unsupported by statute, and disrupt long-standing service practices that currently function efficiently and effectively throughout California. We have submitted several comments and recommendations regarding the proposed revisions to both Forms POS-010 and POS-012, which are attached for the Committee's review. While each of those comments reflects important concerns and suggested improvements, we write specifically to draw the Committee's attention to the proposed revision to Item 5b of POS-010, which would instruct: "If different people personally deliver and mail the documents, each person should complete a separate form POS-010."	The committee agrees and has revised items 5b and 5e to delete the instruction to use multiple copies of form POS-010 if separate people complete the delivery and mailing during substituted service. Item 5b(2) has been revised to make clearer that either the date and location of the mailing must be provided or a declaration of mailing must be attached. Similarly, item 5e(2) has been revised to provide the option to attach a declaration of mailing.

Commenter	Comment	Committee Response
	This particular proposed change raises significant legal, practical, and procedural concerns and, in our view, warrants careful reconsideration. While likely intended to promote clarity, this proposed instruction would instead create unnecessary confusion, impose burdens unsupported by statute, and disrupt long-standing service practices that currently function efficiently and effectively throughout California. **The Proposed Instruction Is Inconsistent with Existing Law and Established Form Structure** California Code of Civil Procedure section 415.20 requires two distinct acts for valid substituted service: (1) delivery of the documents to a qualifying substitute at the service address, and (2) follow-up mailing of the same documents. The statute requires that both acts occur and be documented—but it does not require that both acts be performed by the same individual. The current POS-010 properly reflects this statutory framework. It has long accommodated the common and accepted practice of one individual performing the physical delivery and another performing the mailing through the use of an attached declaration of mailing. That design is deliberate and practical. It recognizes the operational reality of the process serving industry while ensuring full legal compliance. The proposed revision would abandon that proven framework and replace it with a requirement that has no basis in the statute: that each individual complete an entirely separate proof of service form. Nothing in section 415.20 compels such a result. **The Proposal Conflicts with the Form's Own Internal Logic** The revised Item 5b expressly includes an option indicating that a "declaration of mailing is attached." That language necessarily acknowledges that the mailing may be completed by someone other than the individual who performed the physical delivery.	

Commenter	Comment	Committee Response
	If the Committee intends to require a separate POS-010 whenever that occurs, then the attached declaration of mailing becomes redundant and unnecessary. The form, as proposed, sends conflicting instructions—one provision contemplates a separate mailing declaration, while another appears to prohibit reliance on it. This internal inconsistency will create avoidable confusion for litigants, court clerks, and registered process servers alike. **The Proposal Is Operationally Impractical and Will Delay Notice to Defendants** The proposed revision also fails to account for how substituted service is actually performed in the field. In routine practice, the physical delivery portion of substituted service is performed by a registered process server working in the field, often completing dozens of assignments across multiple jurisdictions in a single day. The follow-up mailing is then handled promptly—often the same day—by trained office staff, ensuring compliance with section 415.20 and triggering the statutory 10-day completion period without delay. This workflow is not a shortcut; it is the industry standard because it is efficient, reliable, and promotes timely notice. Under the proposed instruction, agencies would effectively be forced into one of two inefficient alternatives: 1. Require the field server to personally complete the mailing—interrupting routes, locating a postal facility mid-day, preparing envelopes in the field, and delaying other scheduled services; or 2. Require office staff to complete a second, duplicative POS-010—creating unnecessary administrative burden, increasing opportunities for clerical error, and delaying the mailing while paperwork is coordinated. Neither outcome improves service integrity. Both increase cost, inefficiency, and delay. Most importantly, both undermine the Legislature's core objective: prompt and reliable actual notice to defendants.	

Commenter	Comment	Committee Response
California Association of Legal Support Professionals (continued)	**Additional Recommendation Regarding Proposed Revisions to POS-012** We also respectfully submit a recommendation regarding the proposed revisions to POS-012. After reviewing the revised draft, we strongly believe that current Items 3 and 4 should be consolidated into a single section, with a newly created space dedicated to documenting the detailed results of each service attempt. As currently structured, the separation of these sections creates unnecessary redundancy and does not align with how due diligence efforts are actually documented in the field. Process servers evaluate each attempt holistically—recording the date, time, address, method, observations, and outcome of each effort as a single event. Dividing those details across multiple sections makes the form less intuitive, increases the likelihood of incomplete or inconsistent reporting, and limits the space available to provide meaningful detail. Combining these items into one unified section, followed by a clearly designated area to describe the specific results or observations from each attempt, would significantly improve usability and accuracy. It would also produce a clearer record for judicial officers reviewing diligence efforts in support of alternative service applications. Such a revision would better reflect real-world process serving practices while enhancing the form's clarity and utility for filers and the courts alike.	In response to several similar suggestions, the committee has revised the form to separately address each service attempt as its own item on the form. On the recommended form, items 3, 4, and 5 ask for the date, time, address, and photo information for service attempts 1, 2, and 3, respectively. In addition, each item includes a fillable field for the "description of the attempt."
California Association of Legal Support Professionals (continued)	**The Existing Procedure Already Works—and Should Be Preserved** The current practice is straightforward, legally sufficient, and well understood: • The registered process server who personally effects substituted delivery completes the POS-010; and	Please see the committee's previous response regarding this issue.

Commenter	Comment	Committee Response
	• If a different individual performs the mailing, that person completes and signs the attached declaration of mailing. This process has served California courts, litigants, and process serving professionals effectively for years. It accurately documents compliance with section 415.20 while preserving operational efficiency and minimizing avoidable procedural disputes. No demonstrated problem has been identified that warrants replacing this functioning system with a more burdensome one.	
California Association of Legal Support Professionals (continued)	Recommendation For these reasons, I respectfully urge the Committee to reject the proposed instruction requiring separate POS-010 forms when different individuals perform the delivery and mailing components of substituted service. I further urge the Committee to revise POS-012 by combining current Items 3 and 4 into a single unified section and creating additional space for detailed reporting of the results of each service attempt. These revisions would preserve a system that is: • faithful to the governing statutes, • consistent with existing form architecture, • operationally sound, and • best aligned with the goal of ensuring timely and effective notice. Thank you for your consideration of these comments and for your continued work on improving California's civil procedure forms.	Please see the committee's previous responses.

Commenter	Comment	Committee Response
California Child Support Association, Judicial Council Forms Committee by Michael J. Smitsky, Executive Director	Position: Not indicated. **Notice of Application for Recognition and Entry of Tribal Court Money Judgment, EJ-115, Page 41** The Committee recommends that plain language be used. **Comment:** This form is not used by the LCSAs. We acknowledge that the form uses statutory language, however the form is difficult to understand and goes against the JCC's own guidelines for plain language. **It should read** as indicated below. (It is recommended that the cross-out language be replaced by the text next to it.) 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 30 days, the court will set a ~~time period~~ date for ~~replies~~ response 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. Your ~~can~~ objection includes ~~by~~ an expla~~ining~~ation 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~~ provide a defense. (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~~ country. (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 by means other than tribal court proceedings. ~~otherwise than by proceedings in that tribal court~~. (5) In the case of jurisdiction based on personal service only, the tribal court was an ~~seriously~~ inconvenient forum for the trial of the action. (6)	The committee agrees that in several places, the notices on form EJ-115 could be put into plainer language and has made several of the revisions suggested by the commenter.

Commenter	Comment	Committee Response
	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~~ a timely objection, the applicant ~~will have to~~ must show the court that the tribal court money judgment should be recognized. If the applicant ~~does so~~ prevails, you will have to show the court that the judgment should not be recognized for one of the reasons listed above.	
California Child Support Association (continued)	**Proof of Service of Order to Show Cause (Change of Name), NC-121, Pages 42-43** The Committee recommends deleting the proposed amendments on page 2, paragraph 4 in its entirety since Code of Civil Procedure section 417.10 as amended by AB747 only applies to the service of a summons. Even though service may be on a first pleading, AB747 changes only apply to service of a summons.	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.

Commenter	Comment	Committee Response
California Child Support Association (continued)	**Proof of Service of Order to Show Cause (Change of Name Related to Gender Identity), NC-221/NC-321/NC-521, Pages 44-45** The Committee recommends deleting the proposed amendments on page 2, paragraph 4 in its entirety since Code of Civil Procedure section 417.10 as amended by AB747 only applies to the service of a summons. Even though service may be on a first pleading, AB747 changes only apply to service of a summons.	Please see previous response.
California Child Support Association (continued)	**Proof of Service of Summons, POS-010, Page 46-48** 1. The Committee recommends adding a new subsection 2.c. to read: a. Summons and □ Complaint □_____Supplemental Complaint □_____Amended Complaint Regarding Parental Relationship. (FL-600 Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental).) (Note: existing 2.c-f should thereafter be re-lettered.) **Comment:** The present options available for POS-010 do not include the Summons and Complaint as one form. Currently, the LCSAs must check both 2(a) Summons and (b) Complaint as if they are separate forms, which is not legally accurate. The Supplemental and Amended Summons and Complaint is also currently not an option on the form. The LCSAs use this form in thousands of cases each year and this addition allows the LCSAs to more easily utilize the form that is essential for our work.	The committee is not recommending revisions in response to this suggestion because it is not practical to provide checkboxes for every document or form for which form POS-010 can be used. Service of forms that do not have their own checkbox, such as FL-600, can be indicated in item 2f, which allows the server to write in any document that is not listed in item 2a–e.
California Child Support Association (continued)	2. The Committee recommends increasing the space allocation for new 2.g. (formerly 2.f). g. Other: (e.g., form CIV-050, EJ-115) (*specify documents*): **Comment:** The LCSAs are required to serve documents along with the Summons and Complaint. (Family Code 17400.) Currently, there is not enough space under the "Other" section to specify all documents that are served. Documents typically include the documents listed in the following example:	The committee agrees and has revised item 2f to enlarge the fillable field.

Commenter	Comment	Committee Response
	g. Other: Proposed Judgment Regarding Parental Obligations (FL-630); Notice of Rights and Responsibilities; (Blank) Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (FL-610); Information Sheet for Service of Process (FL-611); (Blank) Income and Expense Declaration (FL-150); Visitation Verification; Health Insurance Information; Child Support Overview; Department of Child Support Services Publications 301,303-306,308.	
California Child Support Association (continued)	3. The Committee recommends changing the sentence in paragraph 5.b. from "If different people personally deliver and mail the documents, each person should complete a separate form POS-010" to "If different people personally deliver and mail the documents, the person who serves by mail should complete a separate proof of service by mail." **Comment:** Requiring multiple POS-010 is confusing and unnecessary. The signing of the POS-010 should only be completed by the person who completes the service of the documents out in the field. If a different person completes the service by mail, they should only be required to sign the Proof of Service by Mail, not another POS-010. If they did not serve the documents by personal or substituted service, they are unable to meet the requirements to sign the POS-010 under penalty of perjury. Finally, some courts may not allow more than one POS-010 to be filed. **It should read:** **4. □ 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, the person who serves by mail should complete a separate proof of service by mail.)	The committee has revised items 5b and 5e to delete the instruction to use multiple copies of form POS-010 if separate people complete the delivery and mailing during substituted service. Item 5b(2) has been revised to make clearer that either the date and location of the mailing must be provided or a declaration of mailing must be attached. Similarly, item 5e(2) has been revised to provide the option to attach a declaration of mailing.
California Child Support Association (continued)	5. The Committee recommends moving the last sentence in 5.b.1 "I did this…" to the beginning of 5.b.1 and changing "I did this" to "I left a copy of the documents checked in item 2 to the address in item 4 on (*date*): at (*time*): to (*name and title or relationship* to the person in item 3.a., *or description of the person I delivered the documents):"* **Comment:** This change aligns with statutory language for substituted service in Code of Civil Procedure 417.20.	The committee agrees and has revised "I personally delivered the documents" to "I left a copy of the documents checked in item 2 in the presence of" to more accurately reflect the statutory language. The committee has also reformatted item 5b(1) to place the fillable fields for the date, time, and name of the person at the top of the item rather than the bottom, to clarify that these fields must be completed in all cases.

Commenter	Comment	Committee Response
	The language talks about "leaving" documents not "personally serving documents" when service is by substitution. Additionally, "I personally delivered" sounds too much like personal service and can be confusing. Moving the last sentence of 5.b.(1) and incorporating it into the first sentence of 5.b.(1) clarifies that the last sentence pertains to "business", "home", and "physical address unknown" and not merely "physical address unknown." Finally, placing an "or" between "title" and "relationship" clarifies that the person who completes the form does not have to list both a "title" and a "relationship". Typically, "title" is used if service is to a business, while "relationship" is used when service is to a home. **It should read:** (1) I left a copy of the documents checked in item 2 to the address in item 4 on (*date*): at (*time*): to (*name and title or relationship* to the person in item 3.a., *or description of the person I delivered the documents):* (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 3. 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.	The committee has revised the instruction for the fillable field for the person's name to read, "give the person's name and their title or their relationship to the person in item 3, or give their description if their name, title, and relationship are not known."
California Child Support Association (continued)	6. The Committee recommends adding an "or" in 5.b.(2) after first-class mail. **Comment:** This additional "or" clarifies that there are three separate options for mailing.	The committee has revised item 5b(2) to add an "or" before "Priority Mail."

Commenter	Comment	Committee Response
	It should read: □ I mailed (by USPS first-class mail, or Priority Mail with tracking, or certified mail with return receipt requested, with postage prepaid) copies of the documents to the party in item 3.a. to the address in item 4 on (date):	
California Child Support Association (continued)	The Committee recommends removing the checkbox immediately after 5.b.(2). Then changing the text to read: (2) The documents in item 2. were mailed as follows: □ I mailed (by USPS first-class mail, or 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 proof of service by mail is attached. **Comment**: The checkbox immediately after 5.b.(2) is not needed since subsequent mailing is always required to complete substituted service. (Note: There is already a checkbox for substituted service after 5.b.) Adding the words "The documents in item 2. were mailed as follows:" clarifies that there are two choices: "□ I mailed" and "□ A proof of service by mail is attached." The current placement of the checkboxes is confusing. Adding an "or" after "first-class mail," makes it clear that there are three mailing options. Changing the language from "declaration of mailing" to "proof of service by mail" provides clarity as to the form that should be used when completing the mailing required by Code of Civil Procedure 417.20. The statute does not specifically call the document a "declaration of mailing". Furthermore, there is no Judicial Council form called "declaration of mailing." There is, however, a proof of service by mail Judicial Council form that is typically used for service by mail. **It should read:**	The committee has revised item 5b(2) to make clearer that item 2 must be completed and that the form user must check one of two boxes: "I mailed…" or "a declaration of mailing is attached." The committee has not changed "declaration of mailing" to "proof of service by mail" because changing this description may conflict with processes used by many process servers, who often generate their own version of a declaration of mailing.

Commenter	Comment	Committee Response
	(2) The documents in item 2. were mailed as follows: □ I mailed (by USPS first-class mail, or 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 proof of service by mail is attached.	
California Child Support Association (continued)	8. The Committee recommends that the checkbox that is immediately in front of 5.b.(3) be deleted. The Committee also recommends amending the last sentence to read: (*You may use Declaration of Diligence for Substituted Service of Summons (form POS-012 or FL-116), or a document with the same information for this purpose*.) **Comment:** Substituted service always requires a declaration of diligence, so a checkbox is unnecessary. For consistency with FL-115, include the POS-012 and "or document with the same information" as possible declarations of due diligence that may be used. **It should read**: (3) I attached a **declaration of diligence** stating actions taken first to attempt personal service. (*You may use Declaration of Diligence for Substituted Service of Summons (form POS-012), or a document with the same information for this purpose*.)	The committee is not recommending deletion of the checkbox in item 5b(3) because Code of Civil Procedure section 415.20(a) permits substituted service without a showing of reasonable diligence if the person to be served is one of those specified in sections 416.10, 416.20, 416.30, 416.40, and 416.50.
California Child Support Association (continued)	9. The Committee recommends putting a colon after the word "because" in item 8.b. and adding new checkboxes: □ Taking a photo would have risked my safety (explain): □ I have not attached a photo with the GPS of where I served the papers because the address/place of service is on file with the Department of	The committee has revised the photo items on forms POS-010 and POS-012 to add the following checkbox: "For local child support agency use only. I am not attaching a photo because I served the papers on behalf of a local child support agency and the address where I served the papers is confidential under Family

Commenter	Comment	Committee Response
	Child Support Services pursuant to Family Code 17212(b)(3) and may be released only upon order of the court pursuant to Family Code 17212(c)(6). I certify that I have provided a copy of the photograph with the GPS in compliance with Section 417.10 of the Code of Civil Procedure to the local child support agency. □ Other (explain): **Comment:** Adding the new checkboxes would allow the Local Child Support Agencies (LCSAs), which are prohibited from filing confidential location identifiers on Proof of Service forms pursuant to Family Code 17212, to indicate to the court that the documents are in their files and may be produced upon court order or upon request of the person served. Adding the checkbox that is specific to FC 17212 is preferred and provides consistent language. Alternatively, the Committee requests adding an "Other" checkbox so the LCSAs can insert its own language explaining why the photo and GPS information is confidential and should not be disclosed. It should read: b. □ I have not attached a photo of where I served the papers because: □ Taking a photo would have risked my safety (explain): □ I have not attached a photo with the GPS of where I served the papers because the address/place of service is on file with the Department of Child Support Services pursuant to Family Code 17212(b)(3) and may be released only upon order of the court pursuant to Family Code 17212(c)(6). I certify that I have provided a copy of the photograph with the GPS in compliance with Section 417.10 of the Code of Civil Procedure to the local child support agency. □ Other (explain):	Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10 and I have provided a copy of that photo to the local child support agency." Please see the previous response.
California Child Support Association (continued)	**Declaration of Diligence—Service of Summons, POS-012, Page 49-51** 1. The Committee recommends, after the word "because" adding a colon and adding new checkboxes in item 4.a.(2)., 4.b.(2) and 4.c.(2).	

Commenter	Comment	Committee Response
	(2) □ I have not attached a photo of where I served the papers because: □ Taking a photo would have risked my safety (explain): □ I have not attached a photo with the GPS of where I served the papers because the address/place of service is on file with the Department of Child Support Services pursuant to Family Code 17212(b)(3) and may be released only upon order of the court pursuant to Family Code 17212(c)(6). I certify that I have provided a copy of the photograph with the GPS in compliance with Section 417.10 of the Code of Civil Procedure to the local child support agency. □ Other (explain): **Comment:** Adding the new checkboxes would allow the LCSAs, which are prohibited from filing confidential location identifiers on Proof of Service forms pursuant to Family Code 17212, to indicate to the court that the documents are in their files and may be produced upon court order or upon request of the person served. Adding the checkbox that is specific to FC 17212 is preferred and provides consistent language. Alternatively, the Committee requests an "Other" checkbox be added so the LCSAs can insert its own language explaining why the photo and GPS information is confidential and should not be disclosed. It should read: (2) □ I have not attached a photo because: □ Taking a photo would have risked my (the server's) safety (explain): □ I have not attached a photo with the GPS of where I served the papers because the address/place of service is on file with the Department of Child Support Services pursuant to Family Code 17212(b)(3) and may be released only upon order of the court pursuant to Family Code 17212(c)(6). I certify that I have provided a copy of the photograph with the GPS in compliance with Section 417.10 of the Code of Civil Procedure to the local child support agency. □ Other (explain):	

Commenter	Comment	Committee Response
California Child Support Association (continued)	2. The Committee recommends adding a new 5. Paragraph (after the existing paragraph 5) that reads "Other:" Any subsequent paragraphs would then need to be renumbered. **Comment:** The addition of an "Other:" section would allow the process server a space to add any additional relevant comments regarding the service. It should read: 5. Other:	In response to several similar suggestions from other commenters, rather than adding a separate item for "other," the committee has revised form POS-012 to add spaces to provide a description of each service attempt (items 3b, 4b, and 5b).
California Child Support Association (continued)	**Proof of Service (Small Claims), SC-104, Pages 55-57** 1. The Committee recommends deleting the proposed amendments on page 2 after paragraph (b) that are in parenthesis in its entirety. **Comment:** Code of Civil Procedure section 417.10 as amended by AB747 only applies to the service of a summons and complaint. The initial filing in a small claims action is a claims form and not a summons and complaint. 2. The Committee recommends deleting the proposed amendments on page 4, paragraph 6, in its entirety. **Comment:** Code of Civil Procedure section 417.10 as amended by AB747 only applies to the service of a summons and complaint. The initial filing in a small claims action is a claims form and not a summons and complaint.	Please see the committee's previous response regarding this issue.
California Child Support Association (continued)	**Proof of Mailing (Substituted Service), SC-104A, Page 58** 1.The Committee recommends deleting the proposed amendments on page 3 in its entirety. **Comment:** Code of Civil Procedure section 417.10 as amended by AB747 only applies to the service of a summons and complaint. The initial filing in a small claims action is a claims form and not a summons and complaint.	Please see the committee's previous response regarding this issue.

Commenter	Comment	Committee Response
	2. The Committee recommends deleting the proposed amendments on page 4, paragraph 6, in its entirety. **Comment:** Code of Civil Procedure section 417.10 as amended by AB747 only applies to the service of a summons and complaint. The initial filing in a small claims action is a claims form and not a summons and complaint.	
California Child Support Association (continued)	**What is "Proof of Service"?, SC-104B, Page 59-61** The Committee recommends deleting the proposed amendments on pages 2 and 3, paragraphs 7 and 12 in its entirety. **Comment:** Code of Civil Procedure section 417.10 as amended by AB747 only applies to the service of a summons and complaint. The initial filing in a small claims action is a claims form and not a summons and complaint.	Please see the committee's previous response regarding this issue.
California Department of Child Support Services by Lara Racine, Attorney III	Position: Not indicated The California Department of Child Support Services (department) has reviewed the proposal identified above for potential impacts to the child support program, the local child support agencies, and our case participants. Specific feedback related to the provisions of the rules and forms with potential impacts to the department and its stakeholders follows. The department is responding to this invitation based on a true reading of the law in that the forms and rules pertain solely to the service of summons process and nothing else, including but not limited to service of notice of motions, orders to show cause, contempt, etc. <u>REQUEST FOR SPECIFIC COMMENTS:</u> Does the proposal appropriately address the stated purpose? The purpose is to implement the changes in the law and the updates to the forms and rules of court would accomplish this.	Please see the committee's responses to the commenter's specific suggestions below.

Commenter	Comment	Committee Response
California Department of Child Support Services (continued)	Does item 5b on form CH-117/EA-117 contain all the necessary information for ordering service by email or other electronic technology? This form is not applicable to the department or our local child support agencies and for this reason we offer no comment.	No response required.
California Department of Child Support Services (continued)	Should item 5b on form CH-117/EA-117 include options for specific types of electronic service such as text messages? This form is not applicable to the department or our local child support agencies and for this reason we offer no comment.	No response required.
California Department of Child Support Services (continued)	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? This form is not applicable to the department or our local child support agencies and for this reason we offer no comment. If so, how should that guidance be provided and what should it include? This form is not applicable to the department or our local child support agencies and for this reason we offer no comment.	No response required.
California Department of Child Support Services (continued)	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 photo requirement should only pertain to service of summons and as stated below is problematic for the POS-010 which is used by local child support agencies who are bound by federal and state confidentiality laws.	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.

Commenter	Comment	Committee Response
California Department of Child Support Services (continued)	GENERAL COMMENTS: The proposed changes to form POS-010 Proof of Service of Summons will have the largest impact on the department and our Local Child Support Agencies (LCSAs). In its current form the document is filed with the court after being returned by process server vendors contracted through our LCSAs or after our LCSAs have generated the form from our system of record. The following comments on the proposed changes to the form are as a result of regular meetings with a focused workgroup including the department's Office of Legal Services, LCSA Directors, LCSA Attorneys, LCSA Program Managers, LCSA in-house process servers, LCSA contract managers, and other relevant staff.	Please see the committee's responses to the commenter's specific suggestions below.
California Department of Child Support Services (continued)	**POS-010 Proof of Service of Summons** 1) Section 2, page 1 needs to be expanded to include additional options. Currently, the form reads as follows: [*The commenter inserted an image of item 2 on form POS-010.*] Section 2 should align with the FL-600 Summons and Complaint and include Supplemental Complaint, Amended Complaint as follows and per CRC 5.325(d) which states that the Proof of service of the *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (form FL-600) must be on the form prescribed by rule 2.150 or any other proof of service form that meets the requirements of Code of Civil Procedure section 417.10.	The committee is not recommending revisions in response to this suggestion because it is not practical to provide checkboxes for every document or form for which form POS-010 can be used. Service of forms that do not have their own checkbox, such as FL-600, can be indicated in item 2f, which allows the server to write in any document that is not listed in item 2a–e.
California Department of Child Support Services (continued)	2) There is also a need to expand 2.f. to allow more space for other documents to be listed. This has been a long-standing issue in this form and others, such as the FL-630.	The committee agrees and has revised item 2f to enlarge the fillable field.
California Department of Child Support Services (continued)	3) Section 5 instructs the party completing the form to fill out section a, b, c, or d: The language in 5.b. states that if different people personally deliver and mail the documents, each person should complete a separate form POS-010.	The committee has revised items 5b and 5e to delete the instruction to use multiple copies of form POS-010 if separate people complete the delivery and mailing during substituted service. Item 5b(2) has been revised to make clearer that either the date and location of the mailing must be provided or a declaration of mailing must be

Commenter	Comment	Committee Response
	Several members of the workgroup from multiple counties reported that their courts will reject "duplicate" filings of the POS-010 when a vendor has returned the document after they have completed personal service, and a worker at the LCSA completes the mailing of the document. Unless the courts are advised to alter their business practices and advised to file multiple POS-010 in the same case, the direction given on this form is not feasible.	attached. Similarly, item 5e(2) has been revised to provide the option to attach a declaration of mailing.
California Department of Child Support Services (continued)	4) 5.b.(1) states: "I personally delivered the documents checked in item 2 to the address in item 4 to (check one):" The recommendation of our workgroup would be to move this language up to beginning of section 5 or revert back to the language on the current version of the form to read "I left the documents listed in item 2 with or in the presence of (name and title, relationship to person in Item 3, or description of the person) below:	The committee agrees and has revised "I personally delivered the documents" to "I left a copy of the documents checked in item 2 in the presence of" to more accurately reflect the statutory language.
California Department of Child Support Services (continued)	5) Section 5.b. regarding substituted service should be formatted differently in consideration of the fact that process server vendors often do not complete the mailing portion of the process. The workgroup reported that the LCSAs complete the mail service part of the sub-service process and so the substituted service portion of the form and mail service portion of the form should be distinguishable. As stated above, several LCSAs reported that their courts do not allow them to file multiple POS-010 (one for personal or sub-service and one for mail service if completed by different individuals). Those LCSAs that complete mail service have been filing a proof of service by mail (FL-686 or other mail service form) and then attaching that to their POS-010. The workgroup recommended that the language "a declaration of mailing is attached" be changed to read "a proof of service by mail is attached".	Please see the committee's previous response regarding the instruction in item 5b. The committee has not changed "declaration of mailing" to "proof of service of mailing" because this document has historically been referred to as a "declaration of mailing" and changing its description on form POS-010 could cause issues for process servers and others.
California Department of Child Support Services (continued)	6) Section 8 describes the new photo requirements and instructs the person completing the form that they must take specific actions regarding the photo of the location of service. California Family Code Section 17212(b)(3) states that "a proof of service filed by the local child support agency shall not disclose the address where service of process was accomplished. Instead, the local child support agency shall keep the address in its own records. The proof of service shall specify that the address is on record at the local child support agency and that the address may be released only upon an order from the court pursuant to paragraph (6) of subdivision (c). The local child support agency shall, upon request	The committee has revised the photo items on forms POS-010 and POS-012 to add the following checkbox: "For local child support agency use only. I am not attaching a photo because I served the papers on behalf of a local child support agency and the address where I served the papers is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10 and

Commenter	Comment	Committee Response
	by a party served, release to that person the address where service was effected." Attaching a photo including GPS coordinates would be the same as providing the address in a filing to the court. Another significant concern is if Domestic Violence is known because that triggers both state regulation 22 CCR 111440(b) and federal law 42 USC 654(26) which prohibit the LCSAs from disclosing the information. So that there are no violations of federal regulations, state statute, or California regulations, the recommendations for updating section 8 are as follows: Add Section 8.c. I have not attached a photo of where I served the papers because the address/place of service is on file with the Department of Child Support Services shown above pursuant to Family Code section 17212(b)(3) and may be released only upon order of the court pursuant to Family Code section 17212(c)(6). I certify that I have provided a copy of the photograph complying with Section 417.10 of the Code of Civil Procedure to the local child support agency. OR Amend 8.b. I have not attached a photo of where I served the papers because: 1) taking a photo would have risked my safety <u>or the safety of the party being served</u> 2) other: (suggested language to be included by LCSAs) I have not attached a photo of where I served the papers because the address/place of service is on file with the Department of Child Support Services shown above pursuant to Family Code section 17212(b)(3) and may be released only upon order of the court pursuant to Family Code section 17212(c)(6). I certify that I have provided a copy of the photograph complying with Section 417.10 of the Code of Civil Procedure to the local child support agency.	I have provided a copy of that photo to the local child support agency."

Commenter	Comment	Committee Response
California Department of Child Support Services (continued)	**POS-012 DECLARATION OF DILIGENCE – SERVICE OF SUMMONS** This form is an optional use form and the department and LCSAs are appreciative of that consideration. The vendors that the LCSAs currently use for personal service have due diligence reports and other such declarations that they return when service has been unsuccessful. Those forms will need to be modified to include additional language to be in compliance with the law, but it is helpful that they have the option to use what is already a general practice instead of mandating a new form. That being said, California Family Code Section 17212(b)(3) states that "a proof of service filed by the local child support agency shall not disclose the address where service of process was accomplished. Instead, the local child support agency shall keep the address in its own records. The proof of service shall specify that the address is on record at the local child support agency and that the address may be released only upon an order from the court pursuant to paragraph (6) of subdivision (c). The local child support agency shall, upon request by a party served, release to that person the address where service was effected." Attaching a photo including GPS coordinates would be the same as providing the address in a filing to the court. Another significant concern is if Domestic Violence is known because that triggers both state regulation 22 CCR 111440(b) and federal law 42 USC 654(26) which prohibit the LCSAs from disclosing the information.	Please see the previous response.
California Department of Child Support Services (continued)	So that there are no violations of federal regulations, state statute, or California regulations, the recommendations for updating section 4 are as follows: 1) Section 4.a.(1), 4.b.(1), and 4.c(1) the workgroup would recommend updating the highlighted language below to read "I attempted service of the papers": a. For the attempt listed in 3a (check (1) or (2)): (1) I have attached a photo of where I attempted to serve the papers. The time I took the photo was as close as possible to the time I served the papers.	The committee has revised these items (now items 3c(1), 4c(1), and 5c(1)) to change "the time I served the papers" to "the time I tried to serve the papers."
California Department of Child Support Services (continued)	2) Add new section 4.d. with the same language as POS-010 indicating no photo attached.	Please see the committee's previous response regarding this issue.

Commenter	Comment	Committee Response
	4.d. I have not attached a photo of where I served the papers because the address/place of service is on file with the Department of Child Support Services shown above pursuant to Family Code section 17212(b)(3) and may be released only upon order of the court pursuant to Family Code section 17212(c)(6). I certify that I have provided a copy of the photograph complying with Section 417.10 of the Code of Civil Procedure to the local child support agency. OR 4.d. I have not attached a photo of where I served the papers because: 1) taking a photo would have risked my safety or the safety of the party being served 2) other: (suggested language to be included by LCSAs)I have not attached a photo of where I served the papers because the address/place of service is on file with the Department of Child Support Services shown above pursuant to Family Code section 17212(b)(3) and may be released only upon order of the court pursuant to Family Code section 17212(c)(6). I certify that I have provided a copy of the photograph complying with Section 417.10 of the Code of Civil Procedure to the local child support agency. 3) Include a new section 6 with OTHER checkbox and appropriate space to allow the process server vendor to report any other issues or items that could not be included in other sections of the form. 4) Update Verification section to number 7	
California Department of Child Support Services (continued)	Rule 3.1150, 3.1160, and 3.1372 all were amended to include language "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)." Given the federal and state confidentiality mandates discussed in this letter, the department and LCSAs would ask that the above language also be added to Rule 5.325, below. Rule 5.325 Procedures for clerk's handling of combined summons and complaint	The Civil and Small Claims Advisory Committee has provided the commenter's suggestion to amend rule 5.325 to the Family and Juvenile Law Advisory Committee.

Commenter	Comment	Committee Response
	(a) Purpose This rule provides guidance to court clerks in processing and filing the Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (form FL-600) for actions under Family Code section 17400 or 17404. (b) Filing of complaint and issuance of summons The clerk must accept the Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (form FL-600) for filing under Code of Civil Procedure section 411.10. The clerk must issue the original summons in accordance with Code of Civil Procedure section 412.20 by filing the original form FL-600 and affixing the seal of the court. The original form FL-600 must be retained in the court's file. (c) Issuance of copies of combined summons and complaint Upon issuance of the original summons, the clerk must conform copies of the filed form FL-600 to reflect that the complaint has been filed, and the summons has been issued. A copy of form FL-600 so conformed must be served on the respondent/defendant in accordance with Code of Civil Procedure section 415.10 et seq. (d) Proof of service of summons Proof of service of the Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (form FL-600) must be on the form prescribed by rule 2.150 or any other proof of service form that meets the requirements of Code of Civil Procedure section 417.10, 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) when filed with the court. (e) Filing of proposed judgment and amended proposed judgment The proposed judgment must be an attachment to the Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental) (form FL-600) and must not be file-endorsed separately.	

Commenter	Comment	Committee Response
	An amended proposed judgment submitted for filing must be attached to the Declaration for Amended Proposed Judgment (form FL-616), as required by Family Code section 17430(c), and a proof of service by mail, if appropriate. Upon filing, the Declaration for Amended Proposed Judgment may be file-endorsed. The amended proposed judgment must not be file-endorsed.	
California Department of Child Support Services (continued)	Thank you for the opportunity to provide input, express our ideas, experiences and concerns with respect to the proposed rules and form changes.	No response required.
California State Sheriffs' Association by Cory M. Salzillo, Legislative Director	Position: Not indicated On behalf of the California State Sheriffs' Association, I respectfully submit the following comments on, and request changes to, the forms that are part of the above-referenced invitation to comment. When CCP 417.10 becomes operative on January 1, 2027, the code specifically discusses the "process server" in section 417.10(4) and 417.10(5). The latter implies any photograph requirement is specific to the "process server." If this sufficiently places the photograph requirement on the registered process servers, the POS-010 should reflect that the sheriff or their agents are exempted somewhere. These proposed changes to the POS-010 do not delineate levying officers appropriately without an addition regarding Item 8. The POS-010 should reflect that the sheriff or their agents are exempted somewhere on the form. Since the proposed changes include section 7e (1) "a California sheriff or marshal," we suggest adding the line, "if checked, skip section 8." Another option is to add some kind of wording to Section 8 of the POS-010 that states this section does not apply to a California sheriff or marshal, or agent of the sheriff. The proposed changes to the POS-012 should reflect that the sheriff or their agents are exempted somewhere on the form in reference to section 4 – Photo of the location of service. An option for section 4 should add some kind of wording that states this section does not apply to a California sheriff or marshal or their agents.	The committee is not recommending revisions in response to this suggestion because it has determined that it is not sufficiently clear from the statutory language that the requirements of Code of Civil Procedure section 417.10(a)(1) through (5) do not apply to sheriffs or marshals. Section 417.10(a)(1) states that "if served under Section 415.10, 415.20, or 415.45, the proof of service shall include one or more photographs of the site of each effected or attempted service of the summons and complaint." On its face, this provision applies to all proofs of service, including those submitted by sheriffs and marshals. Several of the provisions elaborating on this requirement refer to the "process server," but it is not clear whether this term is meant to carve out sheriffs and marshals or whether it is used as shorthand to refer to "the person who effected service." Absent further clarification from the Legislature or caselaw, the committee has determined that it cannot revise the forms in this proposal to exempt sheriffs and marshals from the photo requirement.

Commenter	Comment	Committee Response
California State Sheriffs' Association (continued)	If it is determined that these sections apply to all individuals serving documents, then we would like to address the following concerns. On the POS-010 Item 5b, it states if different people personally deliver and mail the documents, each person should complete a separate form POS-010. Sheriff civil units across the state use multiple staff members in their office to help affect service which can be sworn or professional staff completing service and/or mailing. This would create a burden on trying to get multiple proofs of service filled out and completed correctly. Many offices use different sworn staff for each attempt so this could create a logistical issue and delay proofs of service to the petitioner. If due diligence then needs to be signed by each individual server, there would be a delay waiting for staff to come back from time when they are not in the office. This type of process would also be detrimental to workflow due to software that sheriffs' civil units use across the state.	The committee has revised items 5b and 5e to delete the instruction to use multiple copies of form POS-010 if separate people complete the delivery and mailing during substituted service. Item 5b(2) has been revised to make clearer that either the date and location of the mailing must be provided or a declaration of mailing must be attached. Similarly, item 5e(2) has been revised to provide the option to attach a declaration of mailing.
California State Sheriffs' Association (continued)	The proposed changes to the POS-012 would create the same concerns as above when it comes to copies being filled out by each person.	The committee is not recommending revisions to form POS-012 in response to this suggestion because form POS-012 is a declaration and will be an attachment to another filing, so using multiple copies of form POS-012 will not pose the same problems as requiring separate copies of form POS-010 to show that substituted service has been completed. Additionally, unlike form POS-010, form POS-012 is optional, and process servers and others who frequently attempt service may create their own declaration of diligence that works best for their needs.
California State Sheriffs' Association (continued)	The proposed changes to the POS-010 Item 8 bring questions about taking a photo at the location of service. If the documents are served at a sheriff's office or public place, the photo would not show a residence or discernable area as the law intended. Section 8(2) only gives the option for a photo at a residence or business. This section should have option "(d) Other" with a fillable area for these types of situations when not a residence or place of business. This also brings into question service performed by professional staff at sheriffs' offices as most are not provided with the technology to comply with these applicable changes. This would delay the ability to serve a document and possibly delay cases when a willing party is available for service. Most agencies already wear body cameras when	The committee has not added an "other" option because existing item 8a(2) can be checked if the photo was taken somewhere other than a residence or business. However, to clarify the requirements regarding the photo's location, the committee has revised item 8a(2)(a) to add the instruction: "If the location is a residence or business, the photo must show the door of the residence or business, or the entrance if the door is not reasonably accessible. If the location is not a residence or business, the law does not require

Commenter	Comment	Committee Response
	serving documents and this video could be made available upon request as an alternative option.	the photo to show the door or entrance. (Code Civ. Proc., § 417.10(a)(2).)"
California State Sheriffs' Association (continued)	The proposed changes to the POS-012 Item 4.a.(b), 4.b.(b), and 4c.(b) should have an additional section for "(iv) Other" with a fillable area for services that may be attempted at somewhere other than a residence or place of business. Thank you for your consideration of these comments.	Please see the previous response.
Julie Goren, Author/Publisher, Litigation By The Numbers	Position: Not indicated CIV-100 #4 Saying "you must complete this item" may be confusing given that completion involves checking the box and attaching the form. I suggest changing it to "You must check this box and attach the form if …" This would be similar to the language used in new POS-012 at #4 and #8.	The committee has not implemented this suggestion because it has entirely revised item 4 (now item 3) in response to other comments.
Julie Goren (continued)	I also think it would be helpful to add the form number, POS-010, so it would read: "Proof of service of the summons (POS-010) is attached to this form.	The committee is not recommending revisions in response to this suggestion because proof of service might not have been provided on form POS-010 in all cases, such as those where a shortened version of form POS-010 was used under California Rules of Court, rule 2.150.
Julie Goren (continued)	CIV-105 #5(c) I think it would be helpful to add the form number, POS-010, so it would read: "Proof of service of the summons (POS-010) (required if you are ….)"	Please see the committee's previous response.
Julie Goren (continued)	POS-010 In the note in the caption, I would add "form" so it reads: ". . . a separate proof of service form for …"	The committee agrees and has revised the note at the top of page 1 as suggested by the commenter.
Julie Goren (continued)	#5(b)(3) I would change "I attach" to "I have attached" to be consistent with #5(c)(3) and 5(d).	The committee agrees and has revised item 5b(3) as suggested by the commenter.

Commenter	Comment	Committee Response
InfoTrack US, Inc. by Richard Heinrich, Chief Operating Officer Petaluma, CA	Position: Not indicated. InfoTrack US, Inc. ("InfoTrack") is a process-serving agency that effects thousands of services each week in California. We appreciate the opportunity to comment on Invitation to Comment SPR26-08. InfoTrack supports the goals of the SPARE Act (AB 747) and SB 85 and supports the Committee's implementation in broad strokes. The comments that follow are confined to matters bearing directly on the field-service workflow InfoTrack operates: the photograph requirement, GPS evidence, diligence documentation, and practical edge cases that recur in commercial process serving. Our comments are organized around the questions on which the Committee specifically requested input, followed by additional observations. **I. The Proposal Generally Addresses the Stated Purpose** Question 1: Does the proposal appropriately address the stated purpose? Yes. We particularly endorse three drafting choices: • Reading section 417.10(a) to require photographs of "attempted" service only where the proof of service supports a method that depends on showing unsuccessful prior attempts (sub-service under section 415.20 and posting and mailing under section 415.45). This narrower construction matches the statute's anti-fraud purpose without imposing an undue documentation burden. • Creating optional form POS-012 (Declaration of Diligence — Service of Summons) as a standalone diligence declaration. It gives servers a clear, statute-tracking template. • Amending rules 3.1150(a), 3.1160(c)(1), and 3.1372(b) to clarify that the photograph requirement does not apply to preliminary-injunction OSCs, civil protective-order documents, or Military and Veterans Code section 409.3 petitions.	Please see the committee's responses to the commenter's specific suggestions below.

Commenter	Comment	Committee Response
	The balance of our comments addresses areas in which the proposal can be improved — most importantly, the meaning of "readable stamp," the distinction between photographing the location and photographing people, and the practical field realities that recur in commercial service of process.	
InfoTrack US, Inc. (continued)	**II. Form CH-117/EA-117, Item 5b and Electronic-Service Modalities** Questions 2 and 3 concern protective-order service, an area in which InfoTrack is not routinely engaged. We offer one observation: any enumeration of authorized modalities on form CH-117/EA-117 should be confined to those that California statutes and rules currently recognize as "electronic service" (see Code of Civil Procedure section 1010.6 and rule 2.251). The Committee may wish to verify, before enumerating text-message, social-media, or other non-email channels on the form, that those modalities have a sufficient statutory or rule-based foundation; if not, the form itself is not the appropriate vehicle to authorize them.	After considering the comments on this proposal and conferring with the Family and Juvenile Law Advisory Committee regarding its proposal for similar DV forms, the committee has determined that forms CH-117/EA-117 and CH-205/EA-205 should contain options service by text message and "app or other online platform." Including these options will help ensure that litigants include all information necessary to request and order service using these methods. Courts, court users, and self-help providers will also benefit if the CH/EA and DV versions of the forms contain the same options for electronic service.
InfoTrack US, Inc. (continued)	**III. Guidance on Email or Electronic Service** Question 4: 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? Yes. Although InfoTrack's practice is principally civil rather than protective-order service, the operative concern in court-ordered electronic service generalizes: the court needs assurance that the recipient actually received and read the documents, not merely that an email left the server's outbox. Electronic filing service providers (EFSPs) have developed a set of practices that resolve this concern in party-to-party service, and the Council should incorporate them into its guidance: • Send from authoritative domains. Service emails should originate from established, recognizable sender domains, not free-mail or throwaway accounts; authoritative senders are markedly less likely to be filtered, blocked, or read as phishing.	The committee appreciates the numerous responses to this question and will confer with the Family and Juvenile Law Advisory Committee to determine what additional guidance, if any, would be appropriate to provide, and in what format to provide that guidance.

Commenter	Comment	Committee Response
	• Use standardized subject lines and message language. The Council should publish a recommended (and ideally required) format — e.g., "Court-Ordered Service of Legal Papers — [County] Superior Court, Case No. [Number]" — together with opening-paragraph language identifying the court, case, parties, and documents. Standardization helps recipients distinguish legitimate service from spam. • Deliver by secure link, not attachment. Hosting documents behind a secure link avoids deliverability problems associated with large or executable-flagged attachments and enables the tracking described below. • Track sent, viewed, and opened. Compliant platforms should record three distinct events — sent (the message left the platform), viewed (the recipient reached the document portal), and opened (the recipient authenticated and accessed the document) — captured contemporaneously and available to the court. • Verify identity before access. The Council should encourage, and in appropriate cases permit courts to require, that recipients verify identity (for example by scanning a government-issued ID) before the document is released. Without verification, a third party with access to the recipient's account can suppress the message. • Sender-facing guidance. The accompanying INFO materials should remind petitioners and servers not to use throwaway accounts, to preserve evidence of transmission and (where available) viewing or opening, of the prohibition on the petitioner serving directly, and of what to do on bounce or non-delivery. • Format. Guidance should appear as (i) a short, plain-language INFO form circulated with CH-205-INFO/EA-205-INFO and POS-060, and (ii) a more detailed advisory on courts.ca.gov, reaching both self-represented parties and professional servers. These practices are not novel; they are the established norms of electronic service of subsequent papers between parties. Extending them to court-ordered initial service will materially improve the likelihood that such service achieves its statutory purpose of giving actual notice.	

Commenter	Comment	Committee Response
InfoTrack US, Inc. (continued)	**IV. Application of the Photograph Requirement to Forms CIV-050, EJ-110, EJ-115, NC-121, NC-221, and SC-104** Question 5: 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? Yes. We agree with the Committee's approach of incorporating the photograph requirement into these forms even though the underlying documents are not, strictly speaking, summonses. Process servers and their platforms already capture GPS-stamped photographs as a matter of routine; suppressing that data based on whether the underlying paper is technically a "summons" would introduce avoidable complexity for no corresponding benefit.	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.
InfoTrack US, Inc. (continued)	**V. Additional Observations** Several issues raised by SPR26-08 fall outside the Committee's specific questions. The observations below reflect points on which industry information sessions over the past year have revealed widespread confusion and on which clarifying guidance from the Council would be of practical value. **A. The safety exception** InfoTrack supports a workable safety exception. Servers face genuinely dangerous situations and should not be expected to compose detailed contemporaneous notes from the safety of their vehicle. We do not propose that the Committee prescribe what "unsafe" means; trial courts are well placed to evaluate the facts case by case. We do, however, suggest a structural clarification: the safety exception is best understood to cover the photograph of the door of the residence or	The committee is not recommending revisions in response to this suggestion. Code of Civil Procedure section 417.10(a)(4) states that "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." The statutory language is ambiguous as to whether the safety requirement applies only to the requirement to photograph the door or to the location-and-time evidentiary record as a whole. Adding an instruction to the form to take a photo from a safer vantage point would improperly limit judicial discretion to

Commenter	Comment	Committee Response
	business, not the location-and-time evidentiary record as a whole. Where a server cannot safely approach a particular door, a GPS- and time-stamped photograph from a safer vantage point — the curb, the gate, a parking lot, an adjacent public area — paired with a brief safety note is materially better evidence than a checkbox alone. We accordingly recommend the form provide, in substance: if approaching the door would have risked safety, the server should, where reasonably possible, attach a GPS- and time-stamped photograph from a safe vantage point with a brief explanation; if even that would risk safety, the existing exception (with a brief explanation) is satisfied.	interpret the statute. The committee determined that this statutory ambiguity should be addressed by judicial officers in specific cases.
InfoTrack US, Inc. (continued)	**B. "Readable stamp" and "automatically records" should be defined** The statute and the proposed forms require a "readable stamp that establishes and automatically records" the date, time, and GPS or equivalent coordinates of service or attempted service. Neither defines those terms. This ambiguity is the single largest source of confusion we encounter in the field and is likely to produce inconsistent rulings as the requirement takes effect. We suggest that the Committee, the Judicial Council, or the accompanying INFO materials clarify the following: • Visible burn-in. The "readable stamp" should be visibly burned into the image itself. I.e., overlaid as text on the pixels of the photograph at capture time, and not present only in EXIF metadata or in adjacent text on the proof-of-service form. EXIF metadata is trivially editable with consumer software and offers no tamper resistance; a visible overlay is significantly harder to manipulate without obvious artifacts. • "Automatically records." The phrase should be understood to require that the stamp be generated by the capture device or capture software contemporaneously with the photograph and without an opportunity for user editing of the date, time, or coordinate values. Manually entered overlays, or after-the-fact watermarking that draws on user-supplied metadata, do not satisfy the requirement.	The committee agrees that the statutory language regarding "readable stamp that establishes and automatically records the date, time, and global positioning system (GPS) or equivalent coordinates of the effected or attempted service" is ambiguous and confusing. However, the statute does not provide sufficient guidance for the committee to define those terms on the forms in this proposal. As noted by the commenter, terms such as "readable stamp" and "automatically records" can be interpreted in numerous ways, and revising the forms to define these terms would improperly limit judicial discretion to interpret the statutory language. The commenter may wish to raise these issues with the Legislature so they may be clarified in future legislation.

Commenter	Comment	Committee Response
	• "Or equivalent coordinates." The phrase appears intended to address the source of the coordinates rather than their format. Latitude and longitude are universal; the phrase "or equivalent" is best read to mean coordinates derived from a positioning method equivalent to GPS when satellite GPS is unavailable. We suggest the Council confirm this reading and require the stamp (or accompanying record) to identify the source method when GPS itself was not available. • Device identifier. The capture device or application identifier (e.g., device model, operating system version, application name and version) is consistently captured alongside the date, time, and location by professional service-of-process platforms. Including the device identifier in the readable stamp, or in the immediately associated record, would provide a clear additional indicator that a mobile capture device was actually used to take the photograph at the time and place stated. Without this clarification, vendors investing in tamper-evident photographic verification will compete on price with servers using free smartphone overlays whose data can be edited after the fact. A court considering a motion to set aside under new Code of Civil Procedure section 473.2 should be able to rely on the photograph as an authentic, contemporaneous record — not merely as an image with words written on top of it. Defining the technical floor protects the statute's anti-fraud purpose; leaving it undefined undermines the SPARE Act in practice.	
InfoTrack US, Inc. (continued)	**C. The form should make clear that the photograph requirement is satisfied by an image of the location and does not invite photographs of any person** In industry information sessions over the past year, this point has been a recurrent source of confusion. Some participants assume the photograph must include the person served, as proof that service was effected; others fear the statute may require them to photograph individuals who have not consented. Clarity from the Council would be welcome.	The committee has revised item 8 on form POS-010 and the corresponding items on other forms in this proposal to include the instruction, "You are not required to include the server, the person served, or any other person in the photo."

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	We respectfully ask that the form text and the INFO materials state expressly that the photograph requirement is satisfied by an image of the location of service, and does not require, invite, or imply that any person (server, recipient, or third party) be photographed. A single sentence to that effect on the proof-of-service forms and on form SC-104B and CH-205-INFO/EA-205-INFO would resolve recurring questions and head off avoidable safety and privacy controversies.	
InfoTrack US, Inc. (continued)	**D. Form POS-010 (and parallel forms) should track the statutory phrase "as close as reasonably practicable," not "as close as possible"** Code of Civil Procedure Section 417.10(a)(5) requires the photograph to be taken "as close as reasonably practicable" to the time of effecting or attempting service. Item 8a on proposed form POS-010, item 6a on form SC-104, and the parallel items on the other revised forms instead use the phrase "as close as possible." These two phrases are not equivalent. "As close as possible" invites argument that any non-zero gap between the moment of service and the moment of the photograph means the standard has not been met, even when the gap reflects ordinary, reasonable workflow — stepping back to a safer vantage point, returning to a vehicle to log the service, dealing with a barking dog, or waiting for a recipient to close a door before stepping away. "As close as reasonably practicable," the phrase the Legislature chose, accommodates these realities while preserving the contemporaneity requirement. We recommend the form text track the statute.	The committee has revised item 8 on form POS-010 and the corresponding items on other forms in this proposal to state that the photo must be taken "as close as practical" to the time of service. Code of Civil Procedure section 417.10(a)(5) uses the phrase "as closely as practicable" and the committee determined that for purposes of these forms, the phrase "as close as practical" is an appropriate plain-language version of the statutory language.
InfoTrack US, Inc. (continued)	**E. Two POS-010 Forms should not be required when substituted service is effected** The proposed new changes to JC Form POS-010 instructs litigants in the substituted service section to complete an additional form POS-010 if service and mailing are executed by "different people." It is a best practice for litigation support companies to have internal staff complete the mailing on substituted services for the sake of efficiency and practicality. We oppose the idea of having the fill out two POS-010 forms for substituted services (and potentially postings) for the following reasons:	The committee has revised items 5b and 5e to delete the instruction to use multiple copies of form POS-010 if separate people complete the delivery and mailing during substituted service. Item 5b(2) has been revised to make clearer that either the date and location of the mailing must be provided or a declaration of mailing must be attached. Similarly, item 5e(2) has been revised to provide the option to attach a declaration of mailing. The suggestion to create a form for proof of mailing is beyond the scope of this proposal but the committee will consider it as time and resources permit.

Commenter	Comment	Committee Response
	Precedence – there is already an existing suitable method of accounting for third-party mailing by check-marking option "a declaration of mailing is attached" that has been working adequately for years. Inconsistency – Proposal states to use another POS-010 if different people deliver and mail the documents, but the option to select "a declaration of mailing is attached" is still an option under Section 5b. (2). Having two selections for mailing makes the form confusing and will create inconsistencies in submissions for courts and the filing of proofs. Practicality – If the proposal to use two POS-010s is enacted, the form sections to be filled out by the mailer do not seem clear. Are the instructions to Complete both [sections] (1) and (2), as well as (3) if applicable, for the person serving and the person mailing or just the server? This needs clarification. Would the mailer check-mark substituted service section 5b. but skip subsection 5b.(1) listing delivery details? If not, this would lead to duplication, and leaves room for error. If the mailer is only to complete sub-section 5b. (2), the mailing details would be captured on a partially completed proof. Moreover, in POS-010 Section 7 (titled Person who served papers), the title would be inaccurate (or needs to be amended) and the mailer would be required to fill in subsection 7e., capturing their registration status. Currently mailers do not require individual registration but having them fill out this section of the POS-010 may lead to confusion and impractical usage of the form. We recommend the following: • Remove the requirement language requiring two POS-010 forms when two different people serve and mail the documents • In proposed section 5b.(2), for continuity, keep the option to check-mark a declaration of mailing is attached • In proposed section 5b.(2) include more detail by adding an option to select whether mailing was completed through USPS first-class mail, Priority Mail with Tracking, or certified mail with return of receipt	

Commenter	Comment	Committee Response
	• Create Proof of Mailing (Summons Substituted Service) for civil cases as you have for Small Claims cases (Draft SC-104A) for symmetry in form options.	
InfoTrack US, Inc. (continued)	**F. The Council should confirm that GPS coordinates of the server's actual location satisfy the statute even when those coordinates differ from the nominal service address** Real-world attempts frequently produce coordinates that differ from the nominal mailing address: gated communities, multi-unit buildings, rural addresses, large commercial campuses, and addresses with recent changes or errors. Our accountability records routinely disclose the distance between captured coordinate and stated address — a transparency feature that helps courts evaluate the record, not a basis for challenge. We request that the Council confirm — in the INFO materials, in form instructions, or by rule — that the GPS coordinates of where the server actually was at the time of attempt or effected service satisfy section 417.10(a) even where those coordinates differ from the nominal service address, provided the server's position is reasonably consistent with service of the named party at that address. The statute's text speaks of the "site" of effected or attempted service; this reading prevents minor positional discrepancies from becoming the next vehicle for challenge to otherwise valid service.	Please see the committee's previous comment regarding ambiguous statutory language. The ambiguity regarding GPS coordinates must be resolved by the Legislature or by judicial officers in specific cases.
InfoTrack US, Inc. (continued)	**G. The forms should address common field realities: ambiguous, inaccessible, or non-existent addresses** Process servers routinely encounter physical realities the statute does not cleanly contemplate: vacant lots where a residential address once stood, multi-unit buildings in which the unit number is wrong or non-public, gated communities the server cannot physically enter, rural addresses that resolve to a parcel rather than a structure, and addresses that have been demolished, renumbered, or merged. Section 417.10(a)(2) requires a photograph of "the door of the residence or business," or the entrance through which that door may be reached if it is not reasonably accessible, and addresses omission only for reasons of server safety. The statute is therefore silent on the much more common case in which the nominal door does not exist, cannot be located, or cannot be lawfully approached.	Please see the committee's previous comment regarding ambiguous statutory language. This ambiguity must be resolved by the Legislature or by judicial officers in specific cases.

Commenter	Comment	Committee Response
	This is a meaningful gap that the proposed forms do not address. We respectfully ask the Council to clarify, by rule, form instruction, or INFO material — and, if appropriate, to flag the issue for legislative attention — what the server may do when: • The door of the named address is non-existent, demolished, inaccessible, or cannot lawfully be approached — proposing a defined alternative (the gate, the building entrance, the nearest physical structure, or the parcel); • A brief written explanation describing the alternative chosen and why the nominal door could not be photographed accompanies the proof; and • The GPS-stamped record reflects the closest accessible point to the nominal address rather than the address itself. Absent guidance, servers and their platforms will resolve these cases inconsistently, and courts will face avoidable variation in what they accept.	
InfoTrack US, Inc. (continued)	**H. The Council should clarify that contemporaneous capture of GPS data using cached or device-recorded coordinates satisfies "automatically records," even where cellular upload is delayed** Many service attempts occur where cellular coverage is intermittent or absent — basements, parking garages, the interiors of large buildings, and rural areas. A properly designed capture application records the photograph and the GPS coordinates contemporaneously to the device and uploads the record once coverage returns. The proposed forms address the case where GPS is wholly unavailable (a written explanation is required) but not the much more common case where GPS is captured locally, and cellular upload is delayed. We respectfully request the Council clarify that the "automatically recorded" requirement is satisfied where the date, time, and GPS coordinates are captured by the device contemporaneously with the photograph, even if synchronization to a server or central record occurs later. The relevant inquiry is whether the metadata was captured at the	Please see the committee's previous comment regarding ambiguous statutory language. This ambiguity must be resolved by the Legislature or by judicial officers in specific cases.

Commenter	Comment	Committee Response
	time of the photograph and not editable thereafter — not whether the upload was instantaneous.	
InfoTrack US, Inc. (continued)	**I. Form POS-012 and the substance of diligence** Proposed form POS-012 captures the core statutory elements — date, time, and address of each attempt — but does not, by itself, distinguish genuine diligence from token compliance. A 30-second knock-and-leave populates the form identically to a meaningful attempt. Professional servers and the platforms supporting them already record information that better evidences diligence; the form could be improved by accommodating it. We respectfully suggest that, for each attempt, POS-012 either include a short narrative field or invite an attached declaration covering: • Contemporaneous indicators of presence or absence — vehicles, lights, mail accumulation, response or non-response to knocking; • Any inquiry made of neighbors, building staff, or others present, with a brief summary of information obtained. • These additions track the substantive meaning of "good faith" reasonable diligence and impose no real burden on servers who already capture this information through professional capture platforms. Additionally, while we support the idea of creating a standard form for Declaration of Diligence, the Drafted POS-012 needs some revisions to be able to provide and record substantive details from the field for judicial review. In section 3, Attempts to personally serve, there does not seem to be ample space to enter detailed information for each attempt. The form includes the date, address and time, but the remaining space left for field information is inadequate for comprehensive reporting from process servers. We recommend either of the following to help establish a more detailed form:	In response to several similar suggestions, the committee has revised the form to ask for the date, time, address, and photo information for each service attempt is its own item (items 3, 4, and 5) and has added a fillable field for the "description of the attempt" to each of these items.

Commenter	Comment	Committee Response
	• In section 3, juxtapose date and time on same side (left), leave address field as is (below date), and have rest of the area (to the right) for field notes and diligence details. • Combine Sections 3 and 4 and have requirements for each attempt itemized with ample room for field data and diligence reporting.	
InfoTrack US, Inc. (continued)	**J. The Council should define criteria for an "equivalent verification record" rather than approve any specific format or vendor** The accountability records produced by professional service-of-process platforms typically contain substantially more information than the statute and the proposed forms require: GPS-stamped photographs, separate device timestamps, server identification, device identifiers, application version, reported location accuracy, the calculated distance between the captured position and the nominal address, and contemporaneous notes. Such integrated records can and should serve as a recognized supplement to the proof of service, particularly when courts evaluate motions to set aside under new Code of Civil Procedure section 473.2. We are not suggesting that the Council adopt a standard template, endorse a product, or designate a vendor; any of those would be inappropriate. We suggest instead that the Council, by rule, form instruction, or advisory, define the criteria for an "equivalent verification record" — an integrated electronic record that may be attached to a proof of service and considered corroborating evidence. Such a record should include, at a minimum: • A GPS- and time-stamped photograph of the location of service or attempted service, satisfying the visible-burn-in requirement discussed in Section VI.B above; • Identification of the capture software or device, including version information sufficient to permit later authentication; • The server's identification and registration number (if applicable);	This suggestion is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.

Commenter	Comment	Committee Response
	• The reported GPS accuracy at the time of capture and an indication of any difference between the captured coordinates and the nominal service address; • Any contemporaneous notes or descriptions recorded at the time of the attempt or service; and • Where applicable, indicators that the record has not been altered after capture (e.g., a cryptographic hash, a tamper-evident audit trail, or comparable controls). Defining the criteria rather than the format lets the evidentiary record evolve with technology, allows multiple vendors and methods to qualify, avoids conferring competitive advantage on any one provider, and gives courts a uniform framework for evaluating supplemental records when offered.	
InfoTrack US, Inc. (continued)	**K. Implementation timing** The Committee asks whether two months from Judicial Council approval to the January 1, 2027 effective date provides sufficient implementation time. It does not. We respectfully ask the Council to provide a minimum of four months between final approval of the forms and the effective date. The proposal requires updated fillable PDFs, validation logic, integrations with case-management systems used by courts and law firms, and training materials. Two months — particularly if approval slips into late 2026 — compresses real software work into the holiday season and risks inconsistent county-level implementation in the months after the effective date.	The committee appreciates the response. The committee acknowledges that it may be difficult for courts and others to implement this proposal in two months, but notes that because SB 85 is already in effect and AB 747 becomes effective on January 1, 2027, it is not practical to delay implementation of this proposal beyond January 1.
InfoTrack US, Inc. (continued)	**VI. Conclusion** InfoTrack supports the Committee's overall implementation in SPR26-08 and appreciates the opportunity to comment. We would be glad to provide additional technical detail or demonstrations if that would assist the Committee.	No response required.

Commenter	Comment	Committee Response
Jeremiah Jones, Vice President Service of Process & Courts, Magna Legal Services Los Angeles, CA	Position: Not indicated I appreciate the opportunity to comment on the proposed revisions to POS-010 and the proposed new POS-012. My comments are focused on practical implementation, workflow, filing clarity, and avoiding unintended consequences that may arise from the structure of the proposed forms. I understand and respect the purpose behind AB 747, including the need to improve the reliability of service documentation and reduce improper or fraudulent service. My concerns are not directed at the statutory requirements themselves, but rather at whether the proposed forms provide a clear and workable process for complying with those requirements. 1. Multiple forms may be required to document one service sequence The proposed POS-010 states that, for substituted service, if different people personally deliver and mail the documents, each person should complete a separate POS-010. The proposed form includes similar language for unlawful detainer posting and mailing. The proposed POS-012 also states that if more than one server tried to serve the summons, each server should complete a separate Declaration of Diligence. In practice, this could turn one service sequence into multiple separate forms. For example, one server may make one attempt, another server may make two additional attempts, and a separate office staff member may handle the mailing after substituted service. Under the proposed structure, that could require multiple POS-012 forms, plus multiple POS-010 forms, plus supporting photo attachments. This creates a substantial risk of confusion for filers, clerks, and courts. It is not clear how these related forms are intended to be submitted together, how they should be cross-referenced, or how clerks should evaluate them as one complete proof package. A valid service could appear incomplete if one form is reviewed separately from the others. I recommend that the Judicial Council revise the forms or instructions to allow one consolidated proof package for a single service sequence, even when different individuals complete different portions of the work. At	The committee has revised items 5b and 5e on form POS-010 to delete the instruction to use multiple copies of form POS-010 if separate people complete the delivery and mailing during substituted service. Item 5b(2) has been revised to make clearer that either the date and location of the mailing must be provided or a declaration of mailing must be attached. Similarly, item 5e(2) has been revised to provide the option to attach a declaration of mailing. The committee is not recommending revisions to form POS-012 in response to this suggestion because form POS-012 is a declaration and will be an attachment to another filing, so using multiple copies of form POS-012 will not pose the same problems as requiring separate copies of form POS-010 to show that substituted service has been completed. Additionally, unlike form POS-010, form POS-012 is optional, and process servers and others who frequently attempt service may create their own declaration of diligence that works best for their needs.

Commenter	Comment	Committee Response
	minimum, the forms should include clear instructions for how multiple POS-010 and POS-012 forms should be grouped, labeled, and submitted together. 2. Separate proof requirement for mailing may create unnecessary workflow and cost issues Many process serving agencies use centralized workflows. It is common for a field server to complete the physical act of service while office staff handles mailing, document assembly, quality control, and filing. The proposed POS-010 structure appears to create a separate proof requirement when the person completing the mailing is different from the person who completed the delivery. That may be technically workable, but it adds cost, increases administrative burden, and creates more opportunities for rejection based on form handling rather than the validity of service. The mailing requirement is an important part of substituted service, but the form should not unintentionally discourage efficient and controlled workflows. A single POS-010 should be able to document both the delivery and mailing steps, with a separate declaration or signature field for the person who completed the mailing if needed. I recommend adding a mailing declaration section within POS-010 so the mailing portion can be completed and signed by the person who performed the mailing without requiring an entirely separate POS-010. 3. The mailing section creates ambiguity for non-field office staff If office staff completes the mailing and must sign a separate POS-010, the form appears to require that person to complete the "Person who served papers" section, including whether they are a registered California process server, not registered, exempt, or a sheriff or marshal. This raises an implementation question: is a person who only completes the mailing portion being treated as the "server" for purposes of the form? If so, there may be confusion regarding how registration requirements	

Commenter	Comment	Committee Response
	apply to office staff who are not performing field service and are only handling the mailing component. I am not suggesting a legal conclusion on this point, but the ambiguity should be addressed. The form should clarify how a mailing-only declarant is to complete the proof and whether the "Person who served papers" section is intended to apply in the same way to the individual who physically delivered or posted the documents.	
Jeremiah Jones (continued)	4. Photo attachment requirements need a clearer submission protocol The proposed forms require photos to be attached and require the photo to contain a readable stamp showing the date, time, and GPS or equivalent coordinates, unless an exception applies. POS-012 requires a photo or safety explanation for each listed attempt. The forms do not provide enough guidance on how those photos should be presented. For example, the forms do not clearly state: • whether each photo should be on a separate page • how photos should be labeled • how each photo should be tied to a specific attempt or service event • whether multiple photos may be included on one attachment page • whether a separate exhibit page should be used • whether embedded metadata is sufficient or whether the date, time, and GPS information must be visibly displayed on the photo itself Without a clear photo submission protocol, courts may develop inconsistent practices, and valid proofs may be rejected due to formatting differences rather than substantive noncompliance. I recommend that the Judicial Council provide a standardized photo attachment format or instructions. A dedicated photo attachment page, or a clear instruction sheet for POS-010 and POS-012, would help filers, clerks, courts, and software providers apply the requirements consistently.	Please see the committee's responses to the commenter's suggestions regarding this issue below.

Commenter	Comment	Committee Response
Jeremiah Jones (continued)	5. Risk of increased filing rejections and delayed case progress The proposed forms appear intended to improve reliability and accountability, which is appropriate. However, if the form structure is unclear, it may lead to increased rejections even when service was properly completed. This is especially concerning in high-volume workflows and time-sensitive cases. Rejections based on unclear form packaging, missing cross-references, or inconsistent photo presentation may delay case progress and increase costs for litigants. Those costs and delays can affect both plaintiffs and defendants. The final forms should make compliance easier to verify, not harder to assemble.	Please see the committee's responses to the commenter's specific suggestions.
Jeremiah Jones (continued)	Recommended revisions I respectfully recommend that the Judicial Council consider the following revisions: 1. Allow one consolidated POS-010 to document substituted service, even where the delivery and mailing were completed by different individuals, provided each person's role is clearly identified and verified.	Please see the committee's previous response regarding this issue.
Jeremiah Jones (continued)	2. Add a separate mailing declaration section to POS-010 instead of requiring a second POS-010 solely for mailing.	Please see the committee's previous response regarding this issue.
Jeremiah Jones (continued)	3. Add clear instructions for how multiple POS-012 forms should be submitted when more than one server made attempts.	Please see the committee's previous response regarding this issue.
Jeremiah Jones (continued)	4. Add a cover or summary option identifying all related POS-010, POS-012, and photo attachments as one proof package.	Please see the committee's previous response regarding this issue.
Jeremiah Jones (continued)	5. Create or specify a standardized photo attachment format, including labeling, order, and how each photo must be tied to a specific attempt or service.	The committee has revised item 8 on form POS-010 to add the instruction, "Provide the photo on a separate page labeled 'Attachment 8.'" On form POS-012, the committee has created separate items for each service attempt (items 3, 4, and 5), and each item instructs the user to attach the photo on a separate page with an attachment number that corresponds to the specific item.

Commenter	Comment	Committee Response
Jeremiah Jones (continued)	6. Clarify whether the GPS/date/time stamp must be visibly displayed on the image itself or whether embedded metadata is sufficient.	The committee agrees that the statutory language regarding "readable stamp that establishes and automatically records the date, time, and global positioning system (GPS) or equivalent coordinates of the effected or attempted service" is ambiguous and confusing. However, the statute does not provide sufficient guidance for the committee to define those terms on the forms in this proposal, including by determining whether embedded metadata is sufficient. The commenter may wish to raise these issues with the Legislature so they may be clarified in future legislation.
Jeremiah Jones (continued)	7. Clarify how a person who only completes the mailing portion should complete the proof, including whether the "Person who served papers" section applies to that individual in the same way as the person who physically delivered or posted the documents.	Please see the committee's previous response regarding this issue.
Jeremiah Jones (continued)	In my view, the concerns above are not about avoiding compliance with AB 747. The concerns are about whether the proposed forms create a clear, workable, and consistent process for documenting and filing valid service. As currently structured, the forms may unintentionally create unnecessary fragmentation of what is ultimately one service sequence, leading to increased filing complexity, inconsistent handling between courts, avoidable rejection issues, and additional cost to litigants. I believe clearer guidance, more flexibility in how related service steps are documented, and a more standardized approach to photo submission would significantly improve implementation while still meeting the intent of the legislation. Thank you for the opportunity to provide comments on the proposed revisions.	No response required.

Commenter	Comment	Committee Response
Jeff H. Karotkin Senior Director, Court Filing and Service of Process, Steno Agency Los Angeles, CA	Position: Not indicated Dear Members of the Committee: The undersigned submits this comment in opposition to the proposed instruction in Item 5b of revised form POS-010, which states: "If different people personally deliver and mail the documents, each person should complete a separate form POS-010." The Proposed Instruction Is Inconsistent with Existing Law and Form Architecture. The current POS-010 already accommodates the common industry practice of having separate individuals perform the physical delivery and the follow-up mailing in substituted service. Specifically, the existing form includes a mechanism a separate declaration of mailing precisely because the Legislature and the Judicial Council have long recognized that the person who delivers documents to a substitute at the service address is frequently a different person from the one who subsequently mails copies to the defendant. The proposed instruction requiring each person to complete an entirely separate POS-010 contradicts this existing, well-functioning framework without any apparent statutory basis for doing so. Code of Civil Procedure section 415.20 does not require a single declarant to perform both the delivery and mailing steps. It requires only that both steps be performed and documented. The existing POS-010's attached mailing declaration already satisfies the documentation requirement when different individuals perform each step. The proposed instruction adds a burden the statute does not impose. The Proposed Instruction Conflicts with the Form's Own Language. The proposed revision to Item 5b itself contemplates a "declaration of mailing is attached" option, which necessarily implies that a separate person may be handling the mailing otherwise the attachment would serve no purpose. Requiring that separate person to also complete a full, standalone POS-010 is internally inconsistent with the form's own	The committee has revised items 5b and 5e to delete the instruction to use multiple copies of form POS-010 if separate people complete the delivery and mailing during substituted service. Item 5b(2) has been revised to make clearer that either the date and location of the mailing must be provided or a declaration of mailing must be attached. Similarly, item 5e(2) has been revised to provide the option to attach a declaration of mailing.

Commenter	Comment	Committee Response
	structure. The two provisions cannot be harmonized and will cause confusion among filers, clerks, and process serving professionals. <u>The Proposed Instruction Is Operationally Unworkable and Contrary to the Goal of Ensuring Timely Actual Notice.</u> In practice, the physical delivery step in substituted service is performed by a process server in the field, often while executing dozens of services in a single day across a wide geographic area. The follow-up mailing step under section 415.20 is typically performed the same day by office staff at the process serving agency, ensuring that the mailing occurs promptly and that the 10-day period before service is deemed complete begins to run without unnecessary delay. This is a standard, well-established industry workflow that serves the interests of both parties and the courts. Under the proposed instruction, a process server who wishes to avoid triggering the separate-form requirement would be forced to personally handle the mailing in the field locating a postal facility mid-route, preparing the mailing envelope, and completing the follow-up mailing before moving on to the next service. Imposing this obligation on a server already managing a full daily workload would directly impair their ability to serve documents efficiently and reliably. The predictable result is not better documentation it is slower service, delayed actual notice to defendants, and a degraded ability for process servers to fulfill their core function. The proposed instructions would thus undermine the very goal of timely and effective service that section 415.20 is designed to achieve. Requiring the person who performs the mailing often an office employee with no field role to complete a separate, standalone POS-010 would disrupt this workflow, create duplicative paperwork, increase the likelihood of administrative error, and in some cases delay the mailing itself while the agency coordinates the completion of a second form. None of these outcomes serve the Legislature's goal of ensuring efficient and reliable notice to defendants.	

Commenter	Comment	Committee Response
	Recommendation. The committee should retain the existing approach: a single POS-010 completed by the process server who affected delivery, with an attached declaration of mailing completed by the person who performed the mailing when that person is different from the server. This approach is legally sufficient, operationally sound, and consistent with how the process serving industry and the courts have functioned for decades. The proposed separate-form requirement should be removed.	
Tony Klein Forms Committee Chairman, California Association of Legal Support Professionals	Position: Not indicated. [*Note from the committee:* The following comments are transcribed from annotated copies of forms POS-010 and POS-012. The committee has noted which form and item each comment corresponds to.] **Form POS-010** Item 2d: Too wordy. The existing POS-010 simply states (served in complex cases only.) Nevertheless, LASC requires this document to be served in ALL civil cases, with an Addendum to the CCCS. Also, you can stack the items 2a through f in columns and provide more necessary room for entry of "other' documents served.	The committee is not recommending revisions in response to this suggestion. The committee determined that it is preferable to provide longer instructions that can be more easily understood, especially by those unfamiliar with a form, than to save space by shortening instructions. Similarly, to improve readability and accessibility, the Judicial Council prefers to place all responses to a question on a form in the same column, rather than in multiple columns. Regarding the local rule in the Superior Court of Los Angeles County, instructions on Judicial Council forms reflect statewide authority such as California statutes and the California Rules of Court, but cannot reflect county or local authority.
Tony Klein (continued)	Item 2f: CIV-050: Statement of Damages. Some clerks will reject the proof of service if is not prepared on the specific POS form attached to the Statement of Damages form; EJ-100: Notice of Entry of Judgment on Sister-State Judgment - That is not a Summons, and also has a specific POS form; EJ-115: Exemption from the Enforcement of Judgments form - This is NEVER served with a SC. It is only served on an individual judgment when executing a levy. It's best not to include examples, especially when they have nothing to do with service of a summons.	As noted in the invitation to comment, item 2f was revised to list forms CIV-050, EJ-100, and EJ-115 because the proofs of service on those forms will be removed and the forms will instruct users to use form POS-010 for proof of service.

Commenter	Comment	Committee Response
Tony Klein (continued)	Item 3b: Long explanation, and takes too much space. The existing directivity is sufficient. This is an incorrect statement. A substituted service on a corporation, LLC, or partnership must state the name of "person upon whom the service was made", because the mailing must be serve to that person. The existing POS-010 correctly states in item 5(b)(4) that the mailing was sent "to the person to be served...". This is not a correct directive.	The committee has revised this instruction to read, "if you served someone who is not the party in item 3a while completing substituted service (item 5b), you do not need to name them here" to clarify that it is not necessary to identify such a person in both item 3b and item 5b.
Tony Klein (continued)	Item 5 ("complete a, b, c, or d"): This is an unnecessary directive.	The committee is not recommending revisions in response to this suggestion. The committee's preference is to include instructions and other explanatory material where possible for the benefit of court users unfamiliar with a form. The commenter has not identified a substantive reason to delete or revise the material in question.
Tony Klein (continued)	Item 5a ("Code Civ. Proc., § 415.10"): This directive is too limiting. Corporations are personally served under CCP 416.10, partnerships under CCP 416.40, and LLCs under Corp, Code 17701.16, etc. It's best to leave out specific code sections here.	The committee agrees and has removed the citation from item 5a.
Tony Klein (continued)	Item 5b: If someone else mails the sub service copy, they should not be required to complete another 3 page POS-010 form. The current POS-010 accomplishes this with a check box, indicating that "a declaration of mailing is attached." A POS by mail has been used for decades in this situation. If you must, a one page stand-alone POS by mail should be created.	The committee agrees and has deleted this instruction from item 5b.
Tony Klein (continued)	Item 5b(1) ("I personally delivered the documents checked in item 2…"): This directive is unnecessary. Item 5(b) in the current POS-010 form adequately states when the sub service occurred, date and time, and upon whom the documents were served. No more of an explanation is needed.	The committee is not recommending revisions in response to this suggestion. The committee's preference is to include instructions and other explanatory material where possible for the benefit of court users unfamiliar with a form. The commenter has not identified a substantive reason to delete or revise the material in question.

Commenter	Comment	Committee Response
Tony Klein (continued)	Item 5b(1) ("Name and title, relationship to person in item 3…"): Not necessary. See how it is provided for in the current POS-010, item 5(b)	This fillable field exists on the current version of form POS-010; it has just been moved from the top of item 5b(1) to the bottom of that item.
Tony Klein (continued)	Item 5b(3) ("You may use form POS-012 for this purpose"): Fortunately, POS-012 is not a mandatory form, but the references to attached pictures, and stated reason why no picture was captured is.	The committee notes that the designation of a form as optional is not a statement about whether the material requested by the form is mandatory or optional. When a form is designated as optional, it means that a court user may provide the required information on either the Judicial Council form or their own filing.
Tony Klein (continued)	Item 5e(1) and (2): This information is already stated in item 4 above, and can be referenced without restating it here. e.g., "A copy of the documents referenced in item 2 above was posted at the address in item 4 above, and mailed via Certified Mail to party in item 3 above, to the last known address in item 4 above." Certified Mail # ____ on XX/XX/2027. The Certified Mail number should be included, and a copy of the green Certified Mail label should be attached.	The committee has revised the instructions for items 5e(1) and (2) to require entry of an address only if it is different from the address entered in item 4.
Tony Klein (continued)	Item 5f: This needs more space for a narrative.	The committee agrees and has enlarged the fillable field in item 5f.
Tony Klein (continued)	Item 6d: Add a box for limited liability, Corp. Code sec. 17701.16.	The committee is not recommending revisions in response to this suggestion because it plans to make a future proposal to revise the options listed for the "Notice to the Person Served" item on the summons forms and other forms, such as POS-010. The committee will consider the commenter's suggestion regarding Corporations Code section 17701.16 as part of that proposal.
Tony Klein (continued)	Item 7b and item 7c: On each of these, add: Owner: _____ Server: _____	This suggestion is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.
Tony Klein (continued)	Item 8a ("as close as possible to the time"): Not a requirement. I take the picture as I approach the house or apartment, or business, ring the doorbell, wait for an answer, then am directed elsewhere, or delay gaining access, etc.	As amended by AB 747, Code of Civil Procedure section 417.10(a) requires the photo to be taken "as closely as practicable to the time of effecting or attempting service."

Commenter	Comment	Committee Response
Tony Klein (continued)	Item 8a(2): You have the address in item 4 above, Why all of this extra repeated information?	As amended by AB 747, Code of Civil Procedure section 417.10(a) requires the photo to be taken in a particular location if service is effected at a residence or place of business. Item 4 asks for the address where service was effected, but it may be unclear to the court or other parties whether that address is a residence or place of business. Item 8a(2) will allow the court and other parties to determine whether the requirements of section 417.10(a) are met without having to guess whether the address indicated in item 4 is a residence or place of business, and will allow servers to more easily understand what section 417.10(a) requires.
Tony Klein (continued)	**Form POS-012** Item 1: I, _____, declare: The rest of this should be at the end of the declaration,	The committee agrees and has moved all of this item except the server's name to the end of the form (as item 7).
Tony Klein (continued)	Item 2b: [Note from the committee: the commenter annotated this item to read "or business entity" after "person" and noted "they may also be a corporate officer" after "authorized agent"]	The committee is not recommending revisions in response to this suggestion because this item is modeled on item 3b in the existing version of form POS-010, which uses the terms "person" and "authorized agent."
Tony Klein (continued)	Item 3: Address Date and time Result XXXXXXX XX/XX/27 @ XX:00 AM XXXXX XXXXXXX XX/XX/27 @ XX:00 AM XXXXX XXXXXXX XX/XX/27 @ XX:00 PM XXXXX XX/XX/27 @ XX:00 PM XXXXX	In response to several suggestions regarding the format of form POS-012, the committee has revised the form to ask for the date, time, address, and photo information for each service attempt is its own item (items 3, 4, and 5) and has added a fillable field for the "description of the attempt" to each of these items.
Tony Klein (continued)	Item 4a(1)(b)(i) and (ii): Stated in Item 2 above	Please see the committee's comment regarding the corresponding portion of item 8 on form POS-010.
Tony Klein (continued)	Item 4b(1)(b)(i) and (ii): Stated in Item 2 above, and again in 4(b)	Please see the committee's comment regarding the corresponding portion of item 8 on form POS-010.

Commenter	Comment	Committee Response
Tony Klein (continued)	Item 4c(1)(b)(i) and (ii): Stated in Item 2 and 4(b) above	Please see the committee's comment regarding the corresponding portion of item 8 on form POS-010.
Tony Klein (continued)	Item 5: Stated in Item 2 and 4(b) above	The committee is not recommending revisions in response to this suggestion because Code of Civil Procedure section 415.45 permits service by posting and mailing only if "the party to be served cannot with reasonable diligence be served in any manner specified in this article other than publication." Thus, the court may require the plaintiff to attempt service by methods other than personal service before it permits service by posting and mailing. Item 5 (now item 6) on form POS-012 is intended for describing attempts to serve using a method other than personal service.
Tony Klein (continued)	In general, the 3-page POS-012 is far too cumbersome, and redundant requests for pictures can be considerable streamlined. There is no need to repeat a detailed explanation of each attempt and explain that the photo contains the same information on each attempt. Explain it once and reference it for each attempt. Format like this Business Address [ ] unknown Dates(s) and Times Photo attached [ ] Not attached-state reason Results [ ] See attached Supplemental information _____ Resident Address [ ] unknown Dates(s) and Times Photo attached [ ] Not attached-state reason Results] See attached Supplemental information	Please see the committee's previous responses regarding the format of form POS-012.

Commenter	Comment	Committee Response
	_____ Mailing Address [ ] unknown Dates(s) and Times Photo attached [ ] Not attached-state reason Results [ ] See attached Supplemental information	
Tony Klein (continued)	I am also proposing a Declaration of Service by Mail of another person in Word format when someone else mails a sub-served copy. Under the current proposal, the mailing must complete ANOTHER POS-010. That is a waste of time and effort and is not an appropriate form for this manner of service.	Please see the committee's previous response regarding the instruction in item 5b. Separately, the suggestion to create a form for declaration of service by mail is beyond the scope of the current proposal but the committee will consider it as time and resources permit.
Tony Klein (continued)	I appreciate the expansion of court ordered service options of the different types of restraining order, especially in light of the amendment last year of CCP 413.30. Allowing for more court ordered options, when supported by a court order. It will allow the judge to add more detail to the order, imparting further severe substantive warnings to the recipient. This will also reduce the cost of re-attempting service on a recalcitrant recipient. It will also reduce the risk to a process server. An initial concern expressed by some is that if the contemner fails to abide by the order when served in that manner, and is arrested, would the process server be liable for a false arrest. I don't think so, but an associate process server expressed that concern. Since it is court ordered, I don't see the exposure. I also checked with a law enforcement officer and asked if an arrest automatically occurs, and there is broad discretion provided by law enforcement when responding to a failure to comply.	The committee appreciates the response. The committee cannot comment on the concern regarding potential liability for false arrest because such a question is beyond the scope of the committee's charge.

Commenter	Comment	Committee Response
Tony Klein (continued)	Further Comments re SC-104 I don't see where AB747, as amending CCP 417.10, requiring photos on the Proof of Service of Summons would be required for the SC-104 form. SC-104 is a Proof of Service for small claims documents: >SC-100, Plaintiff's Claim and ORDER to Go to Small Claims Court >SC-120, Defendant's Claim and ORDER to Go to Small Claims Court >Order for examination (form SC-134, SC-136, AT-138/EJ-125, or EJ-141) or >OTHER Not a Summons. Many of these small claims documents are served by friends of the plaintiff or defendant and won't have a clue that they need to attach a picture. This is an unauthorized expansion of AB 747.	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.
OmniTrace Investigations by Jason Cantell, Owner Yuba City, CA	Position: Disagree On the proposed POS-012 this is a declaration regarding unsuccessful attempts made but in section 4b it states the photo was taken close the time "I served the papers" But the papers were not serve at that time. see below 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.	The committee has revised these items (now items 3c(1), 4c(1), and 5c(1)) to change "the time I served the papers" to "the time I tried to serve the papers."

Commenter	Comment	Committee Response
	(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):	
Orange County Bar Association by Shirin Forootan, President	Position: Agree The proposals do address the stated purpose and contain the necessary information.	The committee notes the commenter's agreement with the proposal.
Orange County Bar Association (continued)	With respect to the other Requests for Comment: 1. Item 5b on form CH-117/EA-117 should include options allowing the court to designate specific types of electronic service in addition to email, on a case by case basis, which the proposal appears to do.	After considering the comments on this proposal and conferring with the Family and Juvenile Law Advisory Committee regarding its proposal for similar DV forms, the committee has determined that forms CH-117/EA-117 and CH-205/EA-205 should contain options service by text message and "app or other online platform." Including these options will help ensure that litigants include all information necessary to request and order service using these methods. Courts, court users, and self-help providers will also benefit if the CH/EA and DV versions of the forms contain the same options for electronic service.
Orange County Bar Association (continued)	2. Yes the Judicial Council should provide guidance on email or electronic service. How, and what such guidance should be, is not addressed.	The committee appreciates the numerous responses to this question and will confer with the Family and Juvenile Law Advisory Committee to determine what additional guidance, if any, would be appropriate to provide and in what format to provide that guidance.

Commenter	Comment	Committee Response
Orange County Bar Association (continued)	3. The photo requirement in CCP 417.10(a) need not apply to forms CIV-050, EJ-110 or EJ-115, since the proof of service form already requires such a photo, and the requirement would be redundant. As for NC-121, NC-221and SC-104, yes the photo requirement should be included.	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-08 - Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons," the Court agrees the proposal appropriately addresses the stated purpose.	The committee notes the commenter's agreement with the proposal.
Superior Court of Los Angeles County (continued)	For item 5b on form CH-117/EA-117, the proposed changes would improve clarity and readability. It may be helpful to make it a stand-alone form and add all necessary information to order service by email or other electronic technology. The Court agrees that item 5b should include options for specific types of electronic service, including text messages, for clarity.	After considering the comments on this proposal and conferring with the Family and Juvenile Law Advisory Committee regarding its proposal for similar DV forms, the committee has determined that forms CH-117/EA-117 and CH-205/EA-205 should contain options service by text message and "app or other online platform." Including these options will help ensure that litigants

Commenter	Comment	Committee Response
		include all information necessary to request and order service using these methods. Courts, court users, and self-help providers will also benefit if the CH/EA and DV versions of the forms contain the same options for electronic service.
Superior Court of Los Angeles County (continued)	The Court agrees that photo requirement in Code of Civil Procedure section 417.10(a) applies to forms CIV-050, EJ-110, EJ-115, NC-121, NC-221, and SC-104. The requirement applies to personal delivery, substituted service, and posting in unlawful detainers. It is appropriate that the photo requirements be included in the form.	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.
Superior Court of Los Angeles County (continued)	The Court does not anticipate cost savings from the proposal.	The committee appreciates the response.
Superior Court of Los Angeles County (continued)	To implement the proposal, additional court staff and judicial officer training may be required. Internal documents and training materials will also need to be updated. Two months for implementation is possible, but a four-month implementation period is ideal. Additionally, the proposal would work for courts of different sizes.	The committee appreciates the response. The committee acknowledges that it may be difficult for courts and others to implement this proposal in two months, but notes that because SB 85 is already in effect and AB 747 becomes effective on January 1, 2027, it is not practical to delay implementation of this proposal beyond January 1.

Commenter	Comment	Committee Response
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions by Christine Nguyen, Operations Analyst	Position: Not indicated 1. Does the proposal appropriately address the stated purpose? Response: ☒ Yes ☐ No Yes. The proposal appears to appropriately address the stated purpose by revising the affected rules and forms to implement AB 747 and SB 85.	The committee appreciates the response.
Superior Court of Orange County (continued)	2. Does item 5b on form CH-117/EA-117 contain all the necessary information for ordering service by email or other electronic technology? Response: ☒ Yes ☐ No Yes. Item 5b appears to include the essential information needed for the court to authorize service by email or other electronic technology, including the service method, contact information, related mailing requirement, and service deadline.	The committee appreciates the response.
Superior Court of Orange County (continued)	3. Should item 5b on form CH-117/EA-117 include options for specific types of electronic service such as text messages? Response: ☐ Yes ☒ No No. The existing "other electronic technology" option is preferable because it preserves judicial discretion and avoids implying that text message, social media, or another specific platform is generally appropriate in all cases. If examples are later needed, they would be better placed in guidance or instructions rather than as fixed checkboxes on the order form.	After considering the comments on this proposal and conferring with the Family and Juvenile Law Advisory Committee regarding its proposal for similar DV forms, the committee has determined that forms CH-117/EA-117 and CH-205/EA-205 should contain options service by text message and "app or other online platform." Including these options will help ensure that litigants include all information necessary to request and order service using these methods. Courts, court users, and self-help providers will also benefit if the CH/EA and DV versions of the forms contain the same options for electronic service.
Superior Court of Orange County (continued)	4. 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? Response: ☒ Yes ☐ No	The committee appreciates the numerous responses to this question and will confer with the Family and Juvenile Law Advisory Committee to determine what additional guidance, if any, would be appropriate to provide and in what format to provide that guidance.

Commenter	Comment	Committee Response
	Yes. Additional guidance would be helpful, preferably through CH-205-INFO/EA-205-INFO, self-help materials, or implementation guidance rather than through the order form itself. The guidance should address the types of facts a court may consider when authorizing email or other electronic service, what information should be provided about the email address or electronic account, and what proof should be retained or filed to show that service was attempted or completed.	
Superior Court of Orange County (continued)	5. 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? Response: ☒ Yes ☐ No Yes, as implemented in this proposal. The photo requirement appears appropriate where the governing statute requires service in the same manner as a summons or under summons-service statutes. To support consistent processing, the final forms and instructions should remain clear about when the photo requirement applies and when it does not, especially for small claims and name-change service scenarios.	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.
Superior Court of Orange County (continued)	6. Would the proposal provide cost savings? If so, please quantify. Response: No measurable direct cost savings are anticipated. Any savings would likely be indirect.	The committee appreciates the response.
Superior Court of Orange County (continued)	7. What would the implementation requirements be for courts – for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee appreciates the response.

Commenter	Comment	Committee Response
	Response: Implementation would require updating civil procedures, self-help materials, and staff resources that address service, proof of service, default review, and alternative service. Staff would need training or written guidance on the revised forms, new service requirements, and when the new proof of service or alternative service forms apply. CMS updates will be needed to add new document names and update references to revised forms.	
Superior Court of Orange County (continued)	8. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Response: Likely yes, provided final forms and instructions are issued promptly.	The committee appreciates the response.
Superior Court of Orange County (continued)	9. How well would this proposal work in courts of different sizes? Response: It would work well. Larger courts will likely feel the impact more because they process higher volumes of defaults, proofs of service, and self-help matters across multiple affected case types. Smaller courts may see fewer filings, but they may benefit just as much from clearer statewide forms and uniform service instructions.	The committee appreciates the response.
Superior Court of Riverside County	Position: Not indicated. Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the response.
Superior Court of Riverside County (continued)	Does item 5b on form CH-117/EA-117 contain all the necessary information for ordering service by email or other electronic technology? Yes.	The committee appreciates the response.
Superior Court of Riverside County (continued)	Should item 5b on form CH-117/EA-117 include options for specific types of electronic service such as text messages? No, the judicial officer can write in the alternative service method, if needed.	After considering the comments on this proposal and conferring with the Family and Juvenile Law Advisory Committee regarding its proposal for similar DV forms, the committee has determined that forms CH-117/EA-117 and CH-205/EA-205 should contain options service by text message and "app or other online platform." Including these options will help ensure that litigants

Commenter	Comment	Committee Response
		include all information necessary to request and order service using these methods. Courts, court users, and self-help providers will also benefit if the CH/EA and DV versions of the forms contain the same options for electronic service.
Superior Court of Riverside County (continued)	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? No.	The committee appreciates the response.
Superior Court of Riverside County (continued)	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? No, the committee's conclusions seem correct.	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? No.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	What would the implementation requirements be for the court? Updates to the case management system (CMS), procedures, and trainings for judicial officers and staff (Self-Help, Courtroom and Clerk's Office).	The committee appreciates the response.
Superior Court of Riverside County (continued)	Would 2 months provide sufficient time for implementation? Yes, provided the final forms are available timely.	The committee appreciates the response.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? Depending on the updates needed for the case management system and staff shortages, courts of any size may require more time to make the necessary changes and provide training for staff.	The committee appreciates the response.
Superior Court of San Bernardino County, Staff Committees	Position: Not indicated Does the proposal appropriately address the stated purpose? Yes	The committee appreciates the response.
Superior Court of San Bernardino County (continued)	Does item 5b on form CH-117/EA-117 contain all the necessary information for ordering service by email or other electronic technology? Yes	The committee appreciates the response.
Superior Court of San Bernardino County (continued)	Should item 5b on form CH-117/EA-117 include options for specific types of electronic service such as text messages? No. It would be up to the discretion of the court to specify what type of electronic service is ordered. Note: Typo on this item – the word "must" is included twice (page 20 of Invitation to Comment).	After considering the comments on this proposal and conferring with the Family and Juvenile Law Advisory Committee regarding its proposal for similar DV forms, the committee has determined that forms CH-117/EA-117 and CH-205/EA-205 should contain options service by text message and "app or other online platform." Including these options will help ensure that litigants include all information necessary to request and order service using these methods. Courts, court users, and self-help providers will also benefit if the CH/EA and DV versions of the forms contain the same options for electronic service.

Commenter	Comment	Committee Response
Superior Court of San Bernardino County (continued)	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? The proposed revisions are sufficient.	The committee appreciates the numerous responses to this question and will confer with the Family and Juvenile Law Advisory Committee to determine what additional guidance, if any, would be appropriate to provide and in what format to provide that guidance.
Superior Court of San Bernardino County (continued)	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? Yes	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.
Superior Court of San Bernardino County (continued)	Would the proposal provide cost savings? If so, please quantify. No	The committee appreciates the response.
Superior Court of San Bernardino County (continued)	What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee appreciates the response.

Commenter	Comment	Committee Response
	Judicial Officers- 2 hours. Informative training of the new language/ law and updated forms. Judicial Assistant- 2 hours. Training in the new language/ law and updated forms. Clerk's Office- 1 day- Training of the new language/ law and updated forms. 2- weeks to review process and procedures to see if the case management system or clerk's manual needs to be updated. Court Tech- 1 week to modify or update any codes in the cases management system, if required.	
Superior Court of San Bernardino County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? No	The committee appreciates the response. The committee acknowledges that it may be difficult for courts and others to implement this proposal in two months, but notes that because SB 85 is already in effect and AB 747 becomes effective on January 1, 2027, it is not possible to delay implementation of this proposal beyond January 1.
Superior Court of San Bernardino County (continued)	How well would this proposal work in courts of different sizes? Yes, this would work well for any court size.	The committee appreciates the response.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree if modified Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the response.
Superior Court of San Diego County (continued)	Q: Does item 5b on form CH-117/EA-117 contain all the necessary information for ordering service by email or other electronic technology? A: Item 5b should include the same information proposed in item 5b of the DV-117 proposed in SPR26-21.	After considering the comments on this proposal and conferring with the Family and Juvenile Law Advisory Committee regarding its proposal for similar DV forms, the committee has determined that forms CH-117/EA-117 and CH-205/EA-205 should contain options service by text message and "app or other online platform." Including these options will help ensure that litigants include all information necessary to request and

Commenter	Comment	Committee Response
		order service using these methods. Courts, court users, and self-help providers will also benefit if the CH/EA and DV versions of the forms contain the same options for electronic service.
Superior Court of San Diego County (continued)	Q: Should item 5b on form CH-117/EA-117 include options for specific types of electronic service such as text messages? A: Yes, Item 5b should include the same information proposed in item 5b of the DV-117 proposed in SPR26-21.	Please see the previous response.
Superior Court of San Diego County (continued)	Q: 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? A: Yes. Additional guidance should be provided regarding the facts that support why the requested service method is most likely to give actual notice to the party served, such as: that the email address or social media account is active; is actually owned and/or controlled by the party to be served; is regularly and recently used by the party to be served; and the party to be served could reasonably be expected to receive the notice if electronic communication is sent to the email address or social media account. Recommend that servers use specific language in the subject line of a service email, such as: "SERVICE OF RESTRAINING ORDER, [INSERT NAME OF COURT] CASE NO. XXXX."	The committee appreciates the numerous responses to this question and will confer with the Family and Juvenile Law Advisory Committee to determine what additional guidance, if any, would be appropriate to provide and in what format to provide that guidance.
Superior Court of San Diego County (continued)	Q: 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? A: Yes.	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature

Commenter	Comment	Committee Response
		has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the response.
Superior Court of San Diego County (continued)	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 local packets and internal procedures.	The committee appreciates the response.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time.	The committee appreciates the response.
Superior Court of San Diego County (continued)	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.
Superior Court of Santa Barbara County by Bobby Baksh, Judicial Services Supervisor	Position: Agree if modified	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of Santa Barbara County (continued)	Lines #5b and #5e contain flaws. For services that require subsequent mailing, the current proposal states that if one person completes the service (or posting) and another person handles the mailing, each individual must fill out their own POS-010 for each action. This approach could lead to confusion, as we would need a declaration of mailing included within a single POS-010. Additionally, this would mean having two POS-010 forms filed for one type of service. Generally, an additional POS-010 filed into a case is designated an "amended" version. In court cases where there are dozens or hundreds of defendants, this will create inefficiencies for the clerk's office. I believe using an attachment form for this purpose would be the most sensible solution.	The committee has revised items 5b and 5e to delete the instruction to use multiple copies of form POS-010 if separate people complete the delivery and mailing during substituted service. Item 5b(2) has been revised to make clearer that either the date and location of the mailing must be provided or a declaration of mailing must be attached. Similarly, item 5e(2) has been revised to provide the option to attach a declaration of mailing.
Superior Court of Santa Barbara County (continued)	Concerning line 8, if this box needs to be checked and completed if line 5a, b or e is checked, there should be text on lines 5a, 5b, or 5e indicating that if any of these boxes are checked, you must complete line 8. If there is no such indication, it may lead to "questionable Service" or possible rejection by the clerk due to failure to complete this box. Some clarification will be helpful.	The committee agrees and has added this instruction to item 5.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee) (JRS)	Position: Agree with proposed changes In response to the Judicial Council of California's ITC, "SPR26-08 - Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons," JRS agrees the proposal appropriately addresses the stated purpose.	The committee acknowledges the commenter's agreement with the proposal.
JRS (continued)	For item 5b on form CH-117/EA-117, the proposed changes would improve clarity and readability. It may be helpful to make it a stand-alone form and add all necessary information to order service by email or other electronic technology. JRS agrees that item 5b should include options for specific types of electronic service, including text messages, for clarity.	After considering the comments on this proposal and conferring with the Family and Juvenile Law Advisory Committee regarding its proposal for similar DV forms, the committee has determined that forms CH-117/EA-117 and CH-205/EA-205 should contain options service by text message and "app or other online platform." Including these options will help ensure that litigants include all information necessary to request and order service using these methods.

Commenter	Comment	Committee Response
		Courts, court users, and self-help providers will also benefit if the CH/EA and DV versions of the forms contain the same options for electronic service.
JRS (continued)	JRS agrees that photo requirement in Code of Civil Procedure section 417.10(a) applies to forms CIV-050, EJ-110, EJ-115, NC-121, NC-221, and SC-104. The requirement applies to personal delivery, substituted service, and posting in unlawful detainers. It is appropriate that the photo requirements be included in the form.	The committee considered the comments on this issue and determined that the photo requirement applies to service of forms CIV-050, EJ 110, and EJ-115 and service covered by forms NC-121, and NC-221/NC-321/NC-521. Although the served documents are not summons, the Legislature requires them to be served in accordance with statutes governing service of summons, and in some instances, the Legislature has indicated that this requirement includes the related requirements for proof of service. However, the committee determined that the photo requirement should not be applied to form SC-104 because the statutory scheme for proof of service in small claims cases is more complicated and requiring photos of the location of service is in tension with the simplified service requirements the Legislature specified for small claims cases in section 116.340.
JRS (continued)	JRS does not anticipate cost savings from the proposal.	The committee appreciates the response.
JRS (continued)	To implement the proposal, additional court staff and judicial officer training may be required. Internal documents and training materials will also need to be updated. Two months for implementation is possible, but a four month implementation period is ideal. Additionally, the proposal would work for courts of different sizes.	The committee appreciates the response. The committee acknowledges that it may be difficult for courts and others to implement this proposal in two months, but notes that because SB 85 is already in effect and AB 747 becomes effective on January 1, 2027, it is not practical to delay implementation of this proposal beyond January 1.

Rules Committee Action Request Form

Item number: 09

Rules Committee Meeting Date: September 9, 2026

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

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, and MIL-020

Advisory 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: October 16, 2025, amended July 8, 2026
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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-130

For business meeting on October 16, 2026

Civil Practice and Procedure: Revisions to Military Forms (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Revise forms MIL-010, MIL-015, and MIL-020

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
July 29, 2026

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

Executive Summary

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 recommends revising three military service forms to reflect amendments to section 409.3 and improve clarity and readability.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2027, revise the following forms to reflect amendments to Military and Veterans Code section 409.3:

- *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
- *Order on Petition for Relief From Financial Obligations During Military Service* (form MIL-020).

The proposed revised forms are attached at pages 6–14.

Relevant Previous Council Action

The Judicial Council adopted forms MIL-010 and MIL-015 and approved form MIL-020 effective January 1, 2012, to implement Military and Veterans Code section 409.3. Forms MIL-010 and MIL-015 have not been revised since they were adopted. The council revised form MIL-020 effective July 24, 2023, to reflect amendments made to section 409.3 by Senate Bill 1311 (Stats. 2022, ch. 620).

Analysis/Rationale

The Civil and Small Claims Advisory Committee recommends revising forms MIL-010, MIL-015, and MIL-020 to implement Senate Bill 720 (Stats. 2013, ch. 220) (see Link A), Assembly Bill 3212 (Stats. 2018, ch. 555) (see Link B), and Senate Bill 1311 (see Link C), and to improve clarity and readability.[1]

Senate Bill 720 amended the portions of Military and Veterans Code 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 amended the definitions of "service member" and "military service."[2] 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 members of active or reserve components of any branch of the U.S. military. AB 3212 became effective January 1, 2019.

Senate Bill 1311 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.

[1] The committee also recommends 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.

[2] Mil. & Vet. Code, § 400.

Form MIL-020 was revised in 2023 to implement SB 1311 by deleting language regarding the interest rate for deferred obligations.[3]

Form MIL-010

The committee recommends 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 and other items to use plain language and provide clearer instructions to petitioners.

- Revise item 3 to reflect the amendments made by AB 3212 to the definitions of "service member" and "military service."

- Revise item 5 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.

- Add item 5c, 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.

- 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 recent changes in the law regarding service of summons and the rule and form changes the committee has recommended to address those changes in law, *Proof of Service of Summons* (form POS-010) cannot be used for form MIL-010.[4]

Form MIL-015

The committee recommends revising item 2 on *Declaration in Support of Petition for Relief From Financial Obligations During Military Service* (form MIL-015) to reflect the amendments made by AB 3212 to the definitions of "service member" and "military service." The committee recommends revising other items to use plain language and providing additional instructions.

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[3] Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: Order on Petition for Relief From Financial Obligations During Military Service* (June 23, 2023).

[4] 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 recommended amending rule 3.1372 to exempt form MIL-010 from this photo requirement. (Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons* (pending).)

Form MIL-020

The committee recommends 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."
- 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.
- Revise other items to clarify their meaning.

Policy implications

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

Comments

The proposal circulated for public comment from April 13 to May 18, 2026, as part of the regular spring comment cycle. The proposal received seven comments: three from superior courts, one from the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, one from the California Child Support Association, one from the Orange County Bar Association, and one from an attorney with the Office of the Staff Judge Advocate at the California Military Department. Three commenters agreed with the proposal and four did not indicate a position. No commenters disagreed with the proposal.

A chart with the full text of the comments received and the committee's responses is attached beginning at page 15.

In response to a suggestion from the attorney with the Office of the Staff Judge Advocate at the California Military Department to require the petitioner to provide the duration of their military service on form MIL-010, the committee revised item 3 to ask for the start and end dates of the military service and the length of the military service in days. These items will allow the court to more easily determine the start and end dates of certain deferrals under section 409.3 and verify the petitioner's calculation of the length of service.

The invitation to comment requested specific comments on the proposed addition of item 5c on form MIL-010, which allows the petitioner to request deferral of income tax payments under Military and Veterans Code section 409.6. The committee proposed adding this item because deferral under section 409.6 can be ordered using form MIL-020, but there is currently no easy way for the petitioner to request such a deferral. Four commenters responded to this request for

specific comments, and three agreed that this item should be added to form MIL-010. The fourth commenter disagreed but did not explain their rationale. The committee therefore recommends keeping item 5c on form MIL-010.

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.

As discussed above, the committee considered several alternatives while drafting the proposal and in response to the public comments and concluded that the current recommendations most accurately state the law and will be most helpful to courts and court users.

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.

Fiscal and Operational Impacts

The revised forms may require training of court staff and judicial officers and changes to computerized case management systems.

Attachments and Links

1. Forms MIL-010, MIL-015, and MIL-020, at pages 6–14
2. Chart of comments, at pages 15–21
3. Link A: Senate Bill 720
4. Link B: Assembly Bill 3212
5. Link C: Senate Bill 1311

MIL-010

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*
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, and 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:

3. **Petitioner's military service.**

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).

a. Petitioner *(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 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.))

b. Start date of the military service checked in item 3a *(specify date):*

End date of the military service checked in item 3a *(specify date):*

c. Length of the military service checked in item 3a *(specify number of days):* days.

Petitioner/Plaintiff: Respondent/Defendant:	Case Number:

4. **Petitioner's financial obligations.**

   a. 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 military service checked in item 3 significantly affects petitioner's ability to make these payments or pay this debt, tax, or assessment.

   b. The debt is *(check one):*

      (1) ☐ 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.

      (2) ☐ 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.

      (3) ☐ a tax or assessment due before or during the military service checked in item 3.

   c. The debt 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).)*

5. **Petitioner's requests.** *(Check all that apply):*

   a. ☐ The debt is a loan to buy real estate *(item 4b(1) is checked)*. Petitioner asks the court to do all of the following:

      (1) Allow petitioner to postpone (pause) payments toward the principal and interest on the loan (but not toward taxes and insurance) for a period of time equal to the length of the military service checked in item 3a. After this period of time ends, petitioner will pay the postponed payments in equal installments at the same interest rate stated in the original agreement.

      (2) Extend the maturity date of the loan (the day the final loan payment is due) by the length of the petitioner's military service.

   b. ☐ The debt is **not** a loan to buy real estate *(item 4b(2) or (3) is checked).* Petitioner asks the court to *(if petitioner is currently in active military service, check both (1) and (2); otherwise, check (2) only):*

      (1) ☐ Allow petitioner to postpone (pause) payments during petitioner's current military service.

      (2) ☐ Allow petitioner to postpone (pause) payments for a period of time equal to the length of the military service checked in item 3a. This period of time will start on the date the military service ends (or on the date this petition is filed, if the petition is filed after the service has ended). During this period of time, 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 at the agreed interest rate for payments that are made on time.

   c. ☐ Petitioner asks the court to postpone (pause) petitioner's obligation to pay income tax until six months after petitioner is released from active military service. (Mil & Vet. Code, § 409.6.)

6. 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

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).)

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

MIL-015

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*
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 service 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 *(date):*

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. As evidence of the orders described in items 3 and 4, I have attached a copy of the following document *(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

MIL-020

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*
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's Findings.

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. Has petitioner's most current period of military service, identified in item 2, 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? (*Check one*):
   a. ☐ Yes
   b. ☐ No

4. ☐ Other findings *(if any):*

Petitioner/Plaintiff: Respondent/Defendant:	Case Number:

The Court's 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):*

b. ☐ The financial obligation in item 6a is a loan to buy real estate that is secured by a mortgage (or similar instrument) or paid in installments.

(1) Petitioner's payments on the loan are deferred (paused) for a period of time equal to the length of the military service checked in item 2a.

Deferral (pause) begins on *(date):* and ends on (*date):*

(2) The maturity date of the loan (the day the final loan payment is due) is extended by *(specify the length of petitioner's most recent military service, in days):* days.

(3) After the deferral ends, and before the maturity date, petitioner will pay the deferred payments in equal installments at the same interest rate stated in the original agreement.

(4) During the deferment period, if the mortgage is subject to an impound account for payment of property taxes, special assessments, mortgage insurance, or hazard insurance, petitioner must make monthly payments to pay those amounts, unless petitioner and respondent agree to a lower payment amount.

(5) 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.

c. ☐ The financial obligation in item 6a is **not** a loan to buy real estate that is secured by a mortgage (or similar instrument) or paid in installments.

(1) ☐ Petitioner is currently in active military service. Petitioner's payments on the obligation in item 6a are deferred (paused) during this service.

Deferral (pause) begins on *(date of beginning of current military service):*

and ends on (*date of release from current military service):*

If petitioner is released from active military service before this end date, petitioner must **immediately tell** respondent the date of their release and must **begin making payments** on the first day of the first month after their release.

(2) Petitioner's payments on the obligation in item 6a are deferred (paused) for a period of time equal to the length of the military service checked in item 2a.

Deferral (pause) begins on *(date):*

(Deferral start date is the date of release from active military service, or date the petition was filed, if the petition was filed after the service ended.)

and lasts for *(length of the military service checked in item 2a, in days):* days.

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.

Petitioner/Plaintiff: Respondent/Defendant:	Case Number:

6. d. If item 6b or 6c 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.

   e. ☐ Petitioner's obligation to pay income tax is deferred (paused) until six months after petitioner is released from active military service. (Mil & Vet. Code, § 409.6.)

   (1) Current expected release date:

   (2) Deferral (pause) 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

SPR26-09 Chart of Comments (DRAFT)

Civil Practice and Procedure: Revisions to Military Forms (Revise forms MIL-010, MIL-015, MIL-020)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
LTC John R. Beckman, CSG Office of the Staff Judge Advocate California Military Department	Position: Not indicated. MIL – 010, Section 3 There should be a place to include the length of time for active duty. Omitting the length of time for active duty creates confusion as to how long the obligation should be deferred and ambiguity as to when the deferral should start and end. Adding the phrase "for a period of _____ days" to sub-sections (a) (b) and (c) would create more clarity. Also, section 6 (a) (b) and (c) refers to "the length of military service checked in item 3", thus making it necessary to include a specific length of time in section 3.	The committee agrees and has recommended revising item 3 on form MIL-010 to add subitem b to ask for the start and end dates of the military service, and subitem c to ask for the length of the military service in days. Asking for the start and end dates, in addition to the total length, will allow the court to more easily determine the start and end dates of certain deferrals under Military and Veterans Code section 409.3, and to verify the petitioner's calculation of the length of service.
John R. Beckman (continued)	MIL – 010, Section 6 (a) (b) and (c) are confusing and partially redundant. Section (a) states that the obligation to make payments is postponed until after the end of military service. However, CMVC 409.3 (a) (1) provides for a deferment "for a period of time equal to the period of military service." Therefore option (a) would only be used when the petition and order can be completed before the military service begins making this option impractical in almost every situation. Section (a) would be improved if it read "postpone petitioner's obligation to make payments for a period of time equal to the period of military service, starting on _____ and ending on _____." Section (b) could then refer to the time identified in section 3 and in section 6 (a).	The committee agrees that, as proposed, item 6 on form MIL-010 did not accurately reflect the language of section 409.3(d)(1) and (2), and that it did not adequately inform petitioners that under section 409.3(g), while mortgage payments are deferred, petitioners must still make payments towards taxes and insurance. The committee has recommended revising item 6 to delete proposed subitem a, which asked for a deferral of payment obligations during the military service, regardless of the type of debt. The option to request deferral during the petitioner's current military service has been moved to subitem c, which implements section 409.3(d)(2). As noted by the commenter, section 409.3(d)(1) allows for deferral of loans to buy real estate "for a period of time equal to the period of military service."

Commenter	Comment	Committee Response
	Section (c) is redundant as to the length of the postponement but it does add clarity as to what is postponed and what must be paid. This clarity would be better to be included in (b) and not as a separate section because it would be applicable in all cases. The clarity that is needed is to say that principal and interest payments are postponed while taxes and insurance payments are not postponed and must continued to be paid on a monthly or annual basis.	Subdivision (d)(2) allows for deferral of all other debts "during the service member's period of military service and, from the date of termination of the period of military service or from the date of application if made after the service, for a period of time equal to the period of military service of the applicant or any part of that period." The committee recommends other revisions to item 6a and b, which now implement section 409.3(d)(1) and (2), respectively. For example, item 6a notes that payments for taxes and insurance cannot be deferred.
John R. Beckman (continued)	MIL – 020, Section 6 (b) the obligation to make payments needs to be clarified that it is only the payment of principal and interest that is deferred and not the obligation to pay taxes and insurance. (b) (1) and (2) there should not be a reference to the deferral beginning on the date of military service and ending on release from military service for the same reasons stated above for MIL – 010. There should be an open ended line for a deferral beginning date and a deferral ending date with the length of time to be equal to the length of military service.	The committee agrees that item 6 on form MIL-020 requires clarification and has recommended revising subdivisions b and c to more closely track the language of section 409.3(d)(1) and (2) and include language regarding section 409.3(g).
California Child Support Association by Michael J. Smitsky, Executive Director	Position: Not indicated. The Committee recommends retaining the current language in item 5 which reads "Petitioner is not seeking to stay or defer an obligation to pay child support …" and revising the language in item 4. The Committee recommends adding the words "other than child support" after the word "payments" in item 4.	The committee is not recommending revisions in response to this suggestion. The child support language the commenter suggests retaining is not plain language and would not improve the item's clarity. Similarly, adding the phrase "other than child support" to item 4a could be confusing, and there is no need to address child support in multiple items on the form.

Commenter	Comment	Committee Response
	Comment: The proposed revision in the Invitation to Comment is not necessary as the current language in item 5 clearly informs parties that this petition cannot be used to stay or defer a child support obligation. **It should read**: 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) other than child support, to respondent..."	
Orange County Bar Association by Shirin Forootan, President	Position: Agree The proposed forms appropriately address the stated purpose.	The committee notes the commenter's agreement with the proposal.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee.	The committee notes the commenter's agreement with the proposal.
Superior Court of Los Angeles County (continued)	In response to the Judicial Council of California's ITC, "SPR26-09 - Civil Practice and Procedure: Revisions to Military Forms," the Court agrees the proposal appropriately addresses the stated purpose and finds that the revisions will clarify instructions and language for the filer.	The committee appreciates the response.
Superior Court of Los Angeles County (continued)	The Court agrees that item 6d regarding deferral of income tax payments under Military and Veterans Code section 409.6 should be added to form MIL-010 for clarification.	In light of this comment and others the committee recommends retaining item 6d on the form to provide a means for petitioners to request deferral of income tax payments.
Superior Court of Los Angeles County (continued)	The proposal will not provide cost savings.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train its staff and judicial officers. It would also need to update its internal documents and training materials. Two months from Judicial Council approval of the proposal is sufficient time for implementation. The proposal would work for courts of different sizes.	The committee appreciates the information.
Superior Court of Riverside County	Position: Not indicated. 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.	The committee appreciates the response.
Superior Court of Riverside County (continued)	Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the response.
Superior Court of Riverside County (continued)	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? No.	In light of other comments on this topic the committee recommends retaining item 6d on the form to provide a means for petitioners to request deferral of income tax payments.
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? No.	The committee appreciates the response.
Superior Court of Riverside County (continued)	What would the implementation requirements be for the court?	The committee appreciates the information.

Commenter	Comment	Committee Response
	Training for judicial officers and staff (Self-Help, Courtroom and Clerk's Office).	
Superior Court of Riverside County (continued)	Would 2 months provide sufficient time for implementation? Yes, provided the final forms are available timely.	The committee appreciates the information.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? Depending on the updates needed for the case management system and staff shortages, courts of any size may require more time to make the necessary changes and provide training for staff.	The committee appreciates the information.
Superior Court of San Bernardino County, Staff Committees	Position: Not indicated Does the proposal appropriately address the stated purpose? Yes	The committee appreciates the response.
Superior Court of San Bernardino County (continued)	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? Yes. 6d does note that section 409.6 does apply to it. This would be the best solution to having this as an option without having to create a new form.	In light of other comments on this topic the committee recommends retaining item 6d on the form to provide a means for petitioners to request deferral of income tax payments.
Superior Court of San Bernardino County (continued)	Would the proposal provide cost savings? If so, please quantify. No	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of San Bernardino County (continued)	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? Informational email can be sent to Judicial Officers and Judicial Assistants. There are only revisions to the forms. This does not require the court to make changes to the court process/ procedures currently in place.	The committee appreciates the information.
Superior Court of San Bernardino County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes	The committee appreciates the information.
Superior Court of San Bernardino County (continued)	How well would this proposal work in courts of different sizes? Yes, this would work well for any court size.	The committee appreciates the information.
Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee (TCPJAC/ CEAC) Joint Rules Subcommittee) (JRS)	Position: Agree In response to the Judicial Council of California's ITC, "SPR26-09 - Civil Practice and Procedure: Revisions to Military Forms," JRS agrees the proposal appropriately addresses the stated purpose and finds that the revisions will clarify instructions and language for the filer.	The committee notes the commenter's agreement with the proposal.
JRS (continued)	JRS agrees that item 6d regarding deferral of income tax payments under Military and Veterans Code section 409.6 should be added to form MIL-010 for clarification.	In light of other comments on this topic the committee recommends retaining item 6d on the form to provide a means for petitioners to request deferral of income tax payments.
JRS (continued)	The proposal will not provide cost savings.	The committee appreciates the response.

Commenter	Comment	Committee Response
JRS (continued)	To implement the proposal, courts would need to train its staff and judicial officers. They would also need to update internal documents and training materials. Two months from Judicial Council approval of the proposal is sufficient time for implementation. The proposal would work for courts of different sizes.	The committee appreciates the information.

Rules Committee Action Request Form

Item number: 10

Rules Committee Meeting Date: September 9, 2026

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

Title of proposal: Rules and Forms: Revisions to Fee Waiver Rules and 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

Advisory 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: October 16, 2025; amended July 9, 2026 (CSCAC)
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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

Judicial Council of California

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

Item No.: 26-131

For business meeting on October 16, 2026

Rules and Forms: Revisions to Fee Waiver Rules and Forms (Draft)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
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

Recommended by
Civil and Small Claims Advisory Committee
Hon. Samantha P. Jessner, Chair
Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 18, 2026

Contact
Jenny Grantz, 415-865-4394
jenny.grantz@jud.ca.gov
Corby Sturges, 415-865-4507
corby.sturges@jud.ca.gov

Executive Summary

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 recommend

amending seven rules of court and revising 22 fee waiver forms to implement SB 54, correct misapplications of existing law, and make other improvements.

Recommendation

The Civil and Small Claims Advisory Committee and the Probate and Mental Health Advisory Committee recommend that the Judicial Council, effective January 1, 2027, take the following actions to implement SB 54 and make legal and stylistic improvements:

1. Amend California Rules of Court, rules 3.50, 3.51, 3.52, 3.53, 3.55, 7.5, and 8.26; and

2. Revise the following forms:

   a. *Information Sheet on Waiver of Appellate Court Fees—Supreme Court, Court of Appeal, Appellate Division* (form APP-015/FW-015-INFO);

   b. *Order on Court Fee Waiver (Court of Appeal or Supreme Court)* (form APP-016/FW-016);

   c. *Order on Court Fee Waiver (Court of Appeal or Supreme Court) (Ward or Conservatee)* (form APP-016-GC/FW-016-GC);

   d. *Request to Waive Court Fees* (form FW-001);

   e. *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC);

   f. *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO);

   g. *Request to Waive Additional Court Fees (Superior Court)* (form FW-002);

   h. *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC);

   i. *Order on Court Fee Waiver (Superior Court)* (form FW-003);

   j. *Order on Court Fee Waiver (Superior Court) (Ward or Conservatee)* (form FW-003-GC);

   k. *Notice: Waiver of Court Fees (Superior Court)* (form FW-005);

   l. *Notice: Waiver of Court Fees (Superior Court) (Ward or Conservatee)* (form FW-005-GC);

   m. *Request for Hearing About Court Fee Waiver Order (Superior Court) (Ward or Conservatee)* (form FW-006-GC);

   n. *Notice on Hearing About Court Fees (Ward or Conservatee)* (form FW-007-GC);

   o. *Order on Court Fee Waiver After Hearing (Superior Court)* (form FW-008);

   p. *Order on Court Fee Waiver After Hearing (Superior Court) (Ward or Conservatee)* (form FW-008-GC);

   q. *Notice to Court of Improved Financial Situation or Settlement* (form FW-010);

r. *Notice to Court of Improved Financial Situation or Settlement (Ward or Conservatee)* (form FW-010-GC);

s. *Notice to Appear for Reconsideration of Fee Waiver* (form FW-011);

t. *Notice to Appear for Reconsideration of Fee Waiver (Ward or Conservatee)* (form FW-011-GC);

u. *Order on Court Fee Waiver After Reconsideration Hearing (Superior Court)* (form FW-012); and

v. *Order on Court Fee Waiver After Reconsideration Hearing (Superior Court) (Ward or Conservatee)* (form FW-012-GC).

The proposed amended rules and revised forms are attached at pages 13–75.

Relevant Previous Council Action

The council's fee waiver (FW) forms have been developed over the last forty years and are regularly updated to reflect new federal poverty guidelines. The council first adopted form FW-001 and approved forms FW-001-INFO and FW-002 effective January 1, 1981. Form FW-001 was last revised effective March 1, 2026, to reflect the 2026 federal poverty guidelines. Form FW-001-INFO was last revised effective March 1, 2026, to correct a citation. Form FW-002 was last revised effective September 1, 2023, to make technical corrections.

The council adopted forms FW-003 and FW-005 effective July 1, 1981, and adopted forms FW-008 and FW-012 effective July 1, 2009. All four forms were last revised effective September 1, 2019, to implement legislation and case law regarding waiver of court reporter fees.

The council adopted appellate court (APP) fee waiver forms APP-015/FW-015-INFO, APP-016/FW-016, FW-010, and FW-011 effective July 1, 2009, to reflect the enactment of statutes governing fee waivers. Form APP-015/FW-015-INFO was last revised effective March 1, 2026, to reflect the 2026 federal poverty guidelines. Form APP-016/FW-016 was last revised effective July 1, 2010, to make technical corrections. Forms FW-010 and FW-011 have not been revised since they were adopted.

The council adopted forms APP-016-GC/FW-016-GC, FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, and FW-012-GC effective September 1, 2015.[1] Forms FW-002-GC, FW-006-GC, FW-007-GC,

[1] The council adopted the fee waiver forms that have a "GC" (Guardian or Conservator) suffix because it determined that Government Code section 68632(d) warranted adoption of 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* (July 16, 2015). With one exception, the fee waiver statutes—Government Code sections 68630–68641—apply to guardians, conservators, and petitioners for their appointment in

FW-010-GC, and FW-011-GC have not been revised since they were adopted. Forms FW-001-GC, FW-003-GC, FW-005-GC, FW-008-GC, and FW-012-GC were last revised at the same time as their non-GC counterparts. Form APP-016-GC/FW-016-GC was last revised effective January 1, 2021, to make technical corrections.

Analysis/Rationale

The Civil and Small Claims Advisory Committee (CSCAC) and the Probate and Mental Health Advisory Committee (PMHAC) recommend amending seven rules of court and revising 22 fee waiver forms to (1) implement SB 54 (see Link A); (2) address several issues identified by courts, court users, committee members, and staff in which the fee waiver forms misapply the governing legal framework; and (3) make other improvements.[2]

Additionally, the amendments to rule 7.5 and revisions to the forms in the guardianship/conservatorship series 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.[3] These revisions include 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.

Amendments to rules 3.50, 3.51, 3.52, 3.53, 3.55, 7.5, and 8.26

The committees recommend amending rule 3.50 to clarify which proceedings are also governed 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.

The committees recommend amending rule 3.51 to more clearly distinguish the application for an initial fee waiver under rule 3.55 from the application for a waiver of additional fees under rule 3.56, clarify who must use forms FW-001-GC and FW-002-GC, and create new subdivision (c) regarding the clerk's duty to provide the appropriate forms.

The committees recommend 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

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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.)

[2] The Appellate Advisory Committee provided input on the recommended 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.

[3] Gov. Code, § 68632(d). All further statutory references are to the Government Code unless otherwise specified.

law authorizing a court to grant a fee waiver to a guardian, conservator, or petitioner for their appointment.[4] Additionally, the committees propose amending rules 3.52 and 3.53 as follows: "if the application is ~~made~~ filed 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…." This change is intended to avoid confusion based on the definition of terms in Government Code section 68631.5, in which the "applicant" is the ward/conservatee/etc. and the "petitioner" is the person who completes the form.

Finally, the committees recommend 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 committees also recommend 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.

The committees recommend amending rule 7.5 to:

- Clarify the scope of the rule's 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.

Revisions to fee waiver forms generally

The committees recommend several revisions that apply to most or all fee waiver forms.

Email addresses and attorney contact information

The committees recommend adding a field for an email address to every item that requests contact information. The committees also recommend revising the items that ask for the

[4] The committees also recommend repealing paragraph (6) of rule 3.52, which provides an exception that expired on December 31, 2015.

applicant's attorney's contact information to provide separate fields for each piece of contact information.

Improved financial situation

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."[5] 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 recommend revising all the forms to refer to the applicant's "financial situation"[6] and to say "improves" instead of "increases."

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 recommend revising all the forms that discuss this requirement to use the term "recovery" instead of "settlement." For example, the third bullet point at the top of page 1 of form FW-001 would read, "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." In these notices, the committees also recommend 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 in deciding whether to dismiss the case.

Plain-language revisions

Throughout the forms, the committees have recommended revisions to use plain language and make the forms easier to understand.

Revisions to request forms (forms FW-001, FW-001-GC, FW-002, and FW-002-GC)

The committees recommend revising forms FW-001, FW-001-GC, FW-002, and FW-002-GC to implement SB 54 and more clearly state other legal requirements and standards.

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[5] § 68636.

[6] In the invitation to comment, the committees proposed the term "financial condition," but now recommend the term "financial situation" because it is a more common plain-language term than "financial condition," as pointed out by several commenters.

[7] § 68637(c).

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.[8]

To implement this change in law, the committees recommend revising item 5b on form FW-001 and item 8b on form FW-001-GC[9] to state that the amount of gross monthly household income provided by the applicant does not include veterans disability compensation.[10] The committees also recommend 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 or item 8b on the GC form is checked, the applicant should not include "veterans disability service-connected compensation" in their total monthly income.

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."[11]

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 recommend 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."

Other revisions

The committees recommend making item 11a on form FW-001 and item 18a (renumbered as 17a) on form FW-001-GC easier to understand by changing "payroll deductions" to "Deductions from gross pay (money held by employer to make required payments) and the monthly amount

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[8] § 68632(b)(3).

[9] 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 recommended revision nevertheless addresses the same issues in each form set.

[10] 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.

[11] § 68633(g).

of each one" and adding lines for federal income tax, state income tax, Medicare and Social Security taxes, and "other."

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 recommend revising 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 to (1) add notices about when fee waivers expire, (2) update and clarify the lists of waived fees, (3) clarify deadlines, and (4) make other improvements.

Fee waiver expiration

A court suggested adding 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 information sheet (form FW-001-INFO). The committees therefore recommend 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.[12] The committees recommend 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 recommend 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 recommend 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."[13] 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 recommend 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. On forms APP-016/FW-016 and

[12] 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.

[13] § 68634(g).

APP-016-GC/FW-016-GC, the committees recommend 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."[14] The committees recommend 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.

Electronic service by the clerk

The committees recommend revising the clerk's certificate of service on all 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 recommend revising these items to read, "Pay your fees and costs."

Information sheets (forms APP-015/FW-015-INFO and FW-001-INFO)

The committees recommend revising forms APP-015/FW-015-INFO and FW-001-INFO to better explain the term "Medi-Cal." For purposes of a request for a fee waiver, Medi-Cal does not include non-Medi-Cal insurance plans applied for through Covered California. However, 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 forms FW-001 and FW-001-GC when they have a non-Medi-Cal plan. The committees recommend 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 recommend revising the first bullet point in item 1 to add the same language and align the descriptions of food stamps and Cash Assistance Program for Immigrants with the descriptions used on form FW-001-INFO.

Separately, in item 3 on form APP-015/FW-015-INFO, the committees recommend 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

[14] § 68636(d), (e).

form FW-001-GC should be used to apply for fee waivers in all the situations described in item 3.

Policy implications

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

Comments

The proposal circulated for public comment from April 13 to May 18, 2026, as part of the regular spring comment cycle and received 10 comments: 6 from superior courts, 1 from the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, 1 from the Family Violence Appellate Project, 1 from the Harriett Buhai Center for Family Law, and 1 from the Orange County Bar Association.

Three commenters agreed with the proposal, one agreed if modified, and six did not indicate a position. No commenters disagreed with the proposal. A chart with the full text of the comments received and the committees' responses is attached beginning at page 76.

Forms FW-001 and FW-001-GC

The Harriet Buhai Center suggested revising item 8a on form FW-001 and item 13a on form FW-001-GC to delete the instruction not to include veterans disability service-related compensation. Instead, the center suggested adding a separate item with a fillable field for entering the amount of veterans disability benefits.

The committees are not recommending revisions in response to this suggestion because creating a separate item for veterans disability benefits could be more confusing than helpful. For example, putting a specific dollar amount on the form for veterans disability benefits could cause applicants to think they need to use that amount in one of the other calculations on the form, or it could lead to a court misreading the form and misunderstanding what the applicant is claiming as gross monthly income.

Forms FW-001-GC and FW-003-GC

In response to a comment from the Superior Court of San Diego County, the committees recommend revising forms FW-001-GC and FW-003-GC to provide space to list multiple petitioners and include multiple signature lines. These revisions reflect the proposed amendment to rule 7.5(a)(2) indicating that in probate, if multiple petitioners file a joint petition for appointment of a guardian or conservator, they may file a joint request for an initial fee waiver.

Forms FW-010 and FW-010-GC

In the invitation to comment, the committees proposed retitling 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. The committees deleted "Settlement" from the title because it could be read to imply that notice is required only if there is a settlement, rather than if there is a recovery of $10,000 or more by any means. The committees requested specific comments on whether to keep "settlement" in the form name, change "settlement" to "recovery," or omit both terms.

Five commenters favored omitting both "settlement" and "recovery" from the title, noting that the title is already long and using either term in the title could lead to confusion about when notice is required. Three commenters favored changing "settlement" to "recovery" because "recovery" better reflects the requirement to report more than just settlements, and omitting the term entirely may make it less clear to court users when the form must be filed.

The committees determined that the form title should omit both "settlement" and "recovery." The term "recovery" could be confusing when used in a form name because nonattorneys are unlikely to be familiar with the term's legal meaning. "Notice to Court of Improved Financial Situation or Recovery" could be read to refer to a "financial recovery" generally, rather than "recovery of money by settlement or judgment."

Forms FW-012 and FW-012-GC

In the invitation to comment, the committees proposed revising the explanation in item 6d on form FW-012 and item 8d on form FW-012-GC of the court's decision to modify an initial fee waiver. The committees deleted "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" and replaced it with fee waiver modification language from form FW-005. The committees proposed this revision because 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." The statute is ambiguous as to whether the fee waiver itself can be modified if obtained in bad faith or for a proper purpose.

The Family Violence Appellate Project suggested restoring the finding that the applicant "obtained the initial fee waiver in bad faith, for an improper purpose, or to needlessly increase the costs of litigation" because section 68636(f)'s language "clearly can include limiting a litigant's fee waiver, including modifying or terminating it as necessary in response to the bad conduct covered by the statutory subdivision."

In response to this suggestion, the committees recommend revising the finding in these items to read, "The court finds that you are no longer eligible for waiver of all the fees that were previously waived." The committees determined that because the statutory language is ambiguous, it is appropriate for the form to give judicial officers the discretion to modify the fee waiver for the reasons stated in section 68636(f). If a court finds that "limitations should be placed on court services," modifying the fee waiver would be one method for placing such limitations.

Alternatives considered

The committees did not consider the alternative of taking no action because the recommended rule amendments and form revisions are necessary to ensure the rules and forms accurately state the law. To the extent the proposed changes are not required by law, the committees considered taking no action but ultimately determined the revisions were warranted considering the benefits the changes would provide to the courts and court users. As discussed above, the committees considered several alternatives while drafting the proposal and, in response to the public comments, concluded that the current recommendations most accurately and clearly state the law.

Fiscal and Operational Impacts

The changes in law made by SB 54 will require training of court staff and judicial officers. The amended rules and revised forms may also require courts to educate staff, make some changes to computerized case management systems, and incur costs for printing copies of the forms.

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 13–25
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 26–75
3. Chart of comments, at pages 76–89
4. Link A: Senate Bill 54

Rules 3.50, 3.51, 3.52, 3.53, 3.55, 7.5, and 8.26 of the California Rules of Court are 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

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 Additional Court Fees (Superior Court) (Guardian or Conservator)* (form FW-002-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,~~ filed 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 (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,~~ filed 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*~~ (form FW-010) or, if the application is ~~made for the benefit of a (proposed) ward or conservatee,~~ filed 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)*~~ *(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,~~ filed 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;~~

~~(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,~~ filed 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.

Advisory Committee Comment

* * *

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.

(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

~~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:

(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.

~~(c) 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 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:~~ financial 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.

~~(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.~~

~~(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 ~~(c) 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

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 ~~decedents' estates and discharge of~~ a decedent's estate or a conservator~~s~~ or guardian~~s~~ of the estate~~s~~.

Rule 8.26. Waiver of fees and cost

(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,~~ filed by a person who, in the trial court, filed a petition for appointment of a guardian or conservator in a guardianship or conservatorship proceeding or filed a pleading in any proceeding as an appointed guardian or conservator representing the interests of the 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,~~ filed 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 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). * * *

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 must pay a filing fee to the court. If you are not the party who filed the appeal or the petition, you usually must 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 family size 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 situation 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 trial court 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.

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:

3 On *(date):* _____ you filed form FW-001 (*Request to Waive Court Fees*).

Court fills in case number when form is filed.

Court of Appeal or Supreme Court Case Number:

Court of Appeal/Supreme Court Case Name:

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:

_____

_____

_____

_____

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.

Court of Appeal/Supreme Court Case Name:

Court of Appeal/Supreme Court Case Number:

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 order after hearing 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: _____

This is a Court Order.

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.

Fill in court name and street address:

Fill in case number and name:

Court of Appeal or Supreme Court Case Number:

Court of Appeal or Supreme Court Case Name:

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.

Court of Appeal/Supreme Court Case Name:

Court of Appeal or Supreme Court Case Number:

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 situation.

(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 situation *(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 order after the hearing 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 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.)

This is a Court Order.

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: _____

This is a Court Order.

FW-001 Request to Waive Court Fees

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Clerk stamps date here when form is filed.

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 (decide that you do not have to pay) 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 situation 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 family size is larger than 6 people, 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 situation 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)

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Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

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 situation 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.

1 Your Information *(guardian, conservator, or person asking the court to appoint a guardian or conservator):*

a. Name: _____ Phone: _____
b. Name: _____ Phone: _____
c. Name: _____ Phone: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____ Email: _____

☐ *(If there are more persons making this request or more addresses, attach a sheet of paper labeled "Attachment 1" and provide the information listed above for each extra person or address.)*

2 Your Lawyer *(if you have one)*

Name: _____ State Bar No.: _____
Firm or Affiliation: _____
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 attached sheet of paper labeled "Attachment 3.")

Name: _____ Date of birth *(ward only):*
Street or mailing address: _____ _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

Case name: _____ **Case Number:**

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)*: _____
Employer's name: _____
Employer's address: _____ State: ___ Zip: _____

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 4):*

☐ 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 5, and then sign on page 4.)**

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	*If family size is larger than 6, add $946.67 for each extra person.*
1	$2,660.00	3	$4,553.33	5	$6,446.67	
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 5, and then sign on page 4):**

(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.)*

Case name: _____ **Case Number:**

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 and 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):*
_____
_____

Case name: _____ **Case Number:**

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.

Each guardian, conservator, or petitioner requesting an initial fee waiver must sign this form. If there are more than three guardians, conservators, or petitioners requesting a waiver, attach a separate sheet of paper and include the additional names, signatures, and the dates they signed.

If you checked 8b on page 2, you must complete 12–15 on page 5 before signing below.
If you checked 8c on page 2, you must complete 12–17 on page 5 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

Date: _____

_____ ▶ _____
Print your name here Sign here

Date: _____

_____ ▶ _____
Print your name here Sign here

Case 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 *(13b plus 14b):* $_____

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 situation 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.

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 situation 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 situation 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.

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: _____

Name: _____

Name: _____

Street or mailing address: _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

☐ *(If there are more persons making this request or more addresses, attach a sheet of paper and write "Attachment 1" at the top. Provide the information listed above for each extra person or address.)*

2 Your Lawyer *(if you have one)*

Name: _____ State Bar No.: _____

Firm or Affiliation: _____ Phone: _____

Address: _____

City: _____ State: ___ Zip: _____ Email: _____

Has the 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 Ward's or Conservatee's Information

(If more than one ward, add names and dates of birth on an attached sheet of paper labeled "Attachment 3."):

Name: _____ Age and date of birth *(ward only):*

Street or mailing address: _____ _____

City: _____ State: ___ Zip: _____

Phone: _____ Email: _____

4 Ward's or Conservatee's Lawyer

Name: _____ State Bar No.: _____

Firm or Affiliation: _____ Phone: _____

Address: _____

City: _____ State: ___ Zip: _____ Email: _____

Case name: _____ **Case Number:**

5 Date your *last* court fee waiver order, if any, was granted: _____

6 Has the ward's or conservatee's financial situation 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.)*

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):*

_____
_____
_____
_____

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 situation during the case improves your ability to pay fees and costs, you must notify the trial court within five days. You may 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.

Each guardian, conservator, or petitioner requesting a waiver of additional fees must sign this form. If there are more than three guardians, conservators, or petitioners requesting a waiver, attach a separate sheet of paper and include the additional names, signatures, and the dates they signed.

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

Date: _____ _____ ▶ _____
Print your name here — Sign here

Date: _____ _____ ▶ _____
Print your name here — Sign here

FW-003 Order on Court Fee Waiver (Superior Court)

Clerk stamps date here when form is filed.

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.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

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 situation 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.)

Case name: _____ **Case Number:**

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 4c 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 order after hearing 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.

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 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 situation 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 **grants** 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

Case name: _____ **Case Number:**

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 situation 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).

_____
_____
_____

This is a Court Order.

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 order after the hearing 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 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 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.

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
- Clerk's fees for making and certifying copies
- 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, 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

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 situation 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.

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.

Case name: _____

Case Number:

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 situation 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.

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 situation.

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 courts.ca.gov/forms for form MC-410 (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

Case name:

Case Number:

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 it to consider 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: _____

_____
Print your name here

_____
Sign here

FW-007-GC Notice on Hearing About Court Fees (Guardian or Conservator)

Clerk stamps date here when form is filed.

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 situation 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 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.)

This is a Court Order.

Case name: _____ **Case Number:**

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: _____

This is a Court Order.

FW-008 Order on Court Fee Waiver After Hearing (Superior Court)

Clerk stamps date here when form is filed.

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.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

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 situation 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

Case name: _____ **Case Number:**

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):* _____

This is a Court Order.

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: _____

This is a Court Order.

FW-008-GC

Order on Court Fee Waiver After Hearing (Superior Court) (Guardian or Conservator)

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

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):* _____

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 situation 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.

This is a Court Order.

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 giving notice and certificates
- Clerk's fees for certified 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 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 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 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).

_____
_____
_____

This is a Court Order.

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 situation 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: _____

This is a Court Order.

FW-010 Notice to Court of Improved Financial Situation

CONFIDENTIAL

Clerk stamps date here when form is filed.

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): _____

Fill out court name and street address:

Superior Court of California, County of

Fill out case number and case name:

Case Number:

Case Name:

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 situation 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 situation 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 Situation (Guardian or Conservator)**

CONFIDENTIAL

Clerk stamps date here when form is filed.

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: _____
Name: _____
Name: _____
Street or mailing address: _____
City: _____ State: ___ Zip: _____
Phone: _____ Email: _____

☐ *(If there are more persons giving this notice or multiple addresses, attach a sheet of paper and write "Attachment 1" at the top. Provide the information listed above for each extra person or address.)*

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 situation 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.

Case name: _____ **Case Number:**

6 ☐ A change in the ward's or conservatee's financial situation 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 situation 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 situation. *(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

Date: _____

_____ ▶ _____
Print your name here Sign here

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.

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 situation 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 situation 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)**

Clerk stamps date here when form is filed.

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.

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 has information indicating that *(check all that apply):*

a. ☐ The ward's or conservatee's financial situation may have changed, or you may no longer be eligible for a fee waiver based on their situation 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 situation 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 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 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.

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.

Case name: _____ **Case Number:**

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 no longer eligible for waiver of all the fees that were previously waived. 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) ☐ From the date of this order, the court waives only the following fees *(check all that apply):*

☐ 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

This is a Court Order.

Case name: _____ **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, 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-012-GC

Order on Court Fee Waiver After Reconsideration Hearing (Superior Court) (Guardian or Conservator)

Clerk stamps date here when form is filed.

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 situation for the reasons stated ☐ below ☐ on Attachment 8b.

_____

_____

_____

Case name: _____ **Case Number:**

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 situation 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 that you are no longer eligible for waiver of all the fees that were previously waived. You must pay the fees as checked in items d(1), d(2), and d(3) below.
The court's reasons are stated ☐ below ☐ on Attachment 8d.

_____

_____

_____

(1) ☐ You must pay ____ percent of the court fees.

(2) ☐ From the date of this order, the court waives only the following fees *(check all that apply):*

- ☐ 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).

_____

_____

_____

This is a Court Order.

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: _____

This is a Court Order.

SPR26-10 Chart of Comments (DRAFT)

Rules and Forms: Revisions to Fee Waiver Forms (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)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Family Violence Appellate Project by Cory Hernandez, Senior Managing Attorney	Position: Not indicated The Family Violence Appellate Project (FVAP) respectfully submits the following comments in response to the Judicial Council's Invitation to Comment number SPR26-10. We are joined in our comments by the Legal Aid Association of California (LAAC) and the Survivor Justice Center. This proposal makes various revisions to the FW forms and rules of court. We support the proposal's intent to not only implement new changes in the law but also to simplify the forms, particularly for pro. per. litigants. As the Council knows, the vast majority of family law litigants are pro. per., and even more are in DVPA proceedings in particular. FVAP is a State Bar-funded statewide nonprofit organization founded more than a decade ago to address a critical gap in access to justice by providing free appellate representation to survivors of gender-based abuse in civil appeals who cannot afford to challenge adverse trial court rulings. A core part of FVAP's mission is to build a robust body of law that protects survivors and their children. FVAP's mission includes ensuring all litigants, including survivors, have equal and fair access to justice, including the Courts of Appeal. LAAC serves as the unified voice for the over 100 nonprofits that provide free civil legal services to low-income people and communities throughout California. Legal aid programs support vulnerable Californians navigating life-altering civil legal issues, from domestic violence to housing to consumer debt. We advocate on behalf, and with, our members for better laws and policies, including at the Judicial Council.	Please see the committees' responses to the commenter's specific suggestions below.

Commenter	Comment	Committee Response
	The mission of Survivor Justice Center (formerly known as Los Angeles Center for Law and Justice) is to secure justice for survivors of domestic violence, sexual assault and human trafficking and empower them to create their own future. Located in East Los Angeles, Survivor Justice Center is a 33-person non-profit law firm serving survivors throughout Los Angeles County. Survivor Justice Center's primary practice areas are family law and immigration. However, Survivor Justice Center strives to provide clients with holistic legal services and has both a robust criminal justice advocacy and appellate practice. Through our integrated legal/social worker service model, Survivor Justice Center Community Care Advocates provide supportive services such as education, safety planning, accompaniment, and linkages to other service providers as part of the legal team. Survivor Justice Center is committed to a trauma-informed and culturally-responsive workplace and service provision.	
Family Violence Appellate Project (continued)	**I. Preliminary Comments** On p. 7 of the PDF, in discussing revisions to form FW-012, item 6d, we oppose the proposal's striking of the language derived from GC § 68636(f). 63636(f)'s language ("limitations should be placed on court services") clearly can include limiting a litigant's fee waiver, including modifying or terminating it as necessary in response to the bad conduct covered by the statutory subdivision. After all, the entire statute itself speaks to modifying or terminating a FW, and reading one of the statutory subdivisions as not applying to such would seem anomalous. Else, how does the Council envision 68636(f) is supposed to work in practice?	The committees have revised the finding in item 6d on form FW-012 and item 8d on form FW-012-GC to read, "The court finds that you are no longer eligible for waiver of all the fees that were previously waived." The committees determined that because the statutory language is ambiguous as to whether the fee waiver itself can be modified if obtained in bad faith or for a proper purpose, it is appropriate for the form to give judicial officers the discretion to modify the fee waiver for the reasons stated in section 68636(f).
Family Violence Appellate Project (continued)	On p. 8 of the PDF, as to the title of FW-010 and FW-010-GC, we suggest that the terms "settlement" and "recovery" be omitted from the title. The title is already long as it is. And just because a party gets a settlement or recovery does not necessarily mean that their financial condition will improve such that they can start affording fees. For instance, a litigant may still be in debt, especially if a settlement or recovery is less than what they had requested or needed, or if the amount does not include attorney fees.	The committees have considered all the comments on this issue and are recommending the title "Notice of Improved Financial Situation" for forms FW-010 and FW-010-GC. The committees determined that including "recovery" in the title could be confusing because non-attorneys are unlikely to be familiar with the term's legal meaning.

Commenter	Comment	Committee Response
Family Violence Appellate Project (continued)	**II. COMMENTS re CRC 3.51 changes** We agree with the addition in CRC 3.51(c) to require the clerk to provide the FW forms for anyone who requests them or anyone who "indicates an inability to pay any court fee or cost." Still, we suggest this rule apply to every litigant—since some litigants may not know to ask for a FW form, some may not know a FW is available at all and so may not know to bring up any inability to pay issues, and some may be embarrassed to express any inability to pay. Alternatively or additionally, the rule should require courts to display information about fee waiver requests and forms at filing locations, including e-filing webpages and the court's websites.	This suggestion is beyond the scope of the current proposal, but the committees will consider it as time and resources permit. The committees also note that rule 3.51(c) implements Government Code section 68633(d).
Family Violence Appellate Project (continued)	**III. COMMENTS re FW-002 changes** On FW-002, p. 1, it seems odd to require the litigant to explain in item 6 why they need the services in item 5. Such an explanation isn't required by the applicable rules or statutes. Furthermore, at least some of the items have a self-explanatory need—such as jury fees and court-appointed interpreter or expert fees—so what additional explanation is needed form the litigant? And the need for a witness to come testify should be explained/explainable by other court filings, such as a witness list or the complaint/request for order. Furthermore, what explanation would suffice under item 6? And when would an explanation not be sufficient? There do not appear to be clear answers. As such, we recommend removing item 6 from FW-002.	This suggestion is beyond the scope of the current proposal, but the committees will consider it as time and resources permit.
Family Violence Appellate Project (continued)	**IV. COMMENTS re FW-003 changes** On FW-003, p. 3, the proposal amends the Warning! to clarify that the 10-day deadline starts from the date of service of the court's denial. However, it's not clear *which* denial triggers the 10 days. There is the initial denial of the fees in this very form, under item 4, and then there is the subsequent denial that takes place after the hearing. Indeed, the form itself under item 4 (including 4(c)) indicates this form's decision is itself a denial, and then the Warning! also indicates "the judge will deny your request" if you don't attend the hearing—as such, there are at least two denials. So which triggers the 10-day deadline?	The committees agree and have revised this warning on forms APP-016/FW-016, APP-016-GC/FW-016-GC, FW-003, and FW-003-GC to read: "You will have 10 days from the date of service of the court's order after hearing to pay your fees" (emphasis added).

Commenter	Comment	Committee Response
	It seems the intent is for the latter to control, but it'd be important to clarify this on the form. For instance, we'd suggest amending the Warning! language to say in relevant part: ". . . and you will have 10 days from the date of service of the court's latest denial . . ." ***or*** ". . . and you will have 10 days from the date of service of the court's denial after the hearing . . ." This suggestion also applies to the other forms/rules where this phrase with "deny" has been included.	
Family Violence Appellate Project (continued)	**V. ADDITIONAL SUGGESTIONS FOR ALL ITCs** In addition to our comments above, we strongly and respectfully recommend that the Council revise its protocols for seeking public comments. Specifically, we ask that the Council expand the number of ITC periods from two per year to, perhaps, four per year, and limit the number of ITCs per period, especially when multiple ITCs fall within one area or are otherwise related. 40 proposals in one ITC period, where many proposals almost reach 100 pages, and where many proposals address similar areas of law (e.g., there are a lot of family law and protective order ITCs, there are a lot of appellate ITCs, etc.)—this is unfortunately too much for the field to be able to adequately review and submit comments for. We have heard from dozens of organizations and individuals across the state that there are often too many ITCs released at once, with a short timeframe for providing comments, such that they almost always cannot review all ITCs that are relevant to their work, let alone analyze and draft written comments for them all. As a result, many organizations and individuals instead have to forego making comments altogether or on some of the proposals they would otherwise want to comment on. FVAP and other statewide organizations have attempted, to the best of their availability, to help alleviate some of these issues by collecting sign-ons to comments they've developed. However, doing so takes even more time and work for the statewide organization collecting sign-ons, and it seems from the Council's reports that the Council still counts the comments as being from only the one organization rather than individual comments from each sign-on.	This suggestion is beyond the scope of the current proposal, but it will be shared with the internal committee responsible for the Judicial Council's rulemaking process.

Commenter	Comment	Committee Response
	We understand and appreciate our request for revising the Council's protocols in the ways described above would likely require changes to the Council's work. But we believe these changes would be well worth it to ensure the Council is receiving as much relevant feedback as possible—including feedback from more than just courts, bar associations, and governmental entities, but also feedback from on-the-ground providers and other interested stakeholders.	
Harriett Buhai Center for Family Law by Rebecca L. Fischer, Managing Director of Legal Programs & Stacy Horth-Neubert, Executive Director	Thank you for your request for comments on the proposed changes to the Judicial Council Forms. The Harriett Buhai Center for Family Law is a non-profit family law legal services organization that serves low-income litigants in Los Angeles County. Our mission is to ensure meaningful access to justice and stability through the family law system. We provide free legal services, education, and advocacy. In addition to the free case management, pleading preparation, and in-court representation we provide for hundreds of clients each year in family law cases, we also provide free legal advice to hundreds more litigants each year in individual consultations designed to help them resolve their family law issues. Our clients are unable to afford an attorney, either for in-court representation or for even limited legal advice. Many clients seek services at the Buhai Center after attempting to proceed in their matters as self-represented litigants. In addition to our direct legal services, we provide education to the self-represented client community, service providers, and to law students and attorneys to help them better access the family law system. We have extensive experience practicing family law, supporting self represented litigants, and in training the community on family law and the family court system, including court forms. We have participated in the Judicial Council Invitations to Comment process for decades. We hope our perspective, both as direct service providers as well as community educators will be useful in this review process.	Please see the committees' responses to the commenter's specific suggestions below.

Commenter	Comment	Committee Response
Buhai Center (continued)	I. Does the proposal appropriately address the stated purpose? The Buhai Center supports the proposed changes with suggestions for minor revisions to the proposal. The Buhai Center has assisted self-represented litigants for decades and nearly all of our clients in any given year request and obtain an initial fee waiver and a sizeable number also seeking additional fee waivers throughout their cases for court reporter fees, custody evaluations, or other costs. Fee waivers are a critical tool for ensuring all litigants have access to the courts and we support changes that clarify and simply the forms and rules that govern fee waivers.	The committees appreciate the response.
Buhai Center (continued)	*Revision to proposed CRC 3.51(c):* Many litigants do not know about the availability of fee waivers, additional fee waivers, or that new fee waivers can be granted after a fee waiver has expired, and for that reason, they may never ask for a fee waiver. Requiring individuals to affirmatively ask to even get the informational form regarding fee waivers will likely result in qualified people who need a fee waiver not receiving the form. We propose (c) be amended to read as "The clerk must provide the Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO) without charge in all filed cases. If a primary language other than English is identified, the form should be provided in that language if available. The clerk must provide the appropriate forms for applying for fee waiver without any change to any person who requests any fee waiver application or indicates they are unable to pay any court fee or cost." Providing the form to all litigants also prevents clerks from making judgments about the need for a fee waiver based on the appearance of the litigant.	This suggestion is beyond the scope of the current proposal, but the committees will consider it as time and resources permit. The committees also note that rule 3.51(c) implements Government Code section 68633(d).
Buhai Center (continued)	*FW-001:* We support excluding veterans disability benefits from 5(b). However, we propose eliminating the cross-reference in 8 to 5(b). Further, we propose adding an 8(c) that specifically requests the amount of veterans disability benefits.	The committees are not recommending revisions in response to this suggestion because a dollar amount field could cause applicants to use that amount in one of the other calculations, or could lead to a court misunderstanding what the applicant is claiming as gross monthly income.

Commenter	Comment	Committee Response
Buhai Center (continued)	II. Should "settlement" remain in the name of forms FW-010 and FW-010-GC, be changed to "recovery," or be omitted as proposed? No comment.	No response required.
Orange County Bar Association by Shirin Forootan, President	Position: Agree Does the proposal appropriately address the stated purpose? Yes.	The committees note the commenter's agreement with the proposal.
Orange County Bar Association (continued)	Should "settlement" remain in the name of forms FW-010 and FW-010-GC, be changed to "recovery," or be omitted as proposed? As proposed, any reference to "settlement" or "recovery" in the name of the subject forms should be omitted.	The committees have considered all the comments on this issue and are recommending the title "Notice of Improved Financial Situation" for forms FW-010 and FW-010-GC. The committees determined that including "recovery" in the title could be confusing because non-attorneys are unlikely to be familiar with the term's legal meaning.
Superior Court of Los Angeles County, by Stephanie Kuo	Position: Agree with proposed changes The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-10 Rules and Forms: Revisions to Fee Waiver Forms," the Court agrees the proposal appropriately addresses the stated purpose.	The committees note the commenter's agreement with the proposal.
Superior Court of Los Angeles County (continued)	The Court agrees with the proposal that "settlement" should be omitted in the name of forms FW-010 and FW-010-GC for the sake of clarification.	The committees have considered all the comments on this issue and are recommending the title "Notice of Improved Financial Situation" for forms FW-010 and FW-010-GC. The committees determined that including "recovery" in the title could be confusing because non-attorneys are unlikely to be familiar with the term's legal meaning.
Superior Court of Los Angeles County (continued)	The proposal will not provide cost savings for the Court.	The committees appreciate the information.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train its staff and judicial officers. Internal documents and training materials will also need to be updated. The Court may also need to update its case management system. The Court recommends a minimum 120-day implementation period for the proposal. Additionally, the proposal would work for courts of different sizes.	The committees appreciate the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions by Christine Nguyen, Operations Analyst	1. Does the proposal appropriately address the stated purpose? Response: ☒ Yes ☐ No Yes. The proposal implements SB 54 and corrects fee-waiver forms and rules that currently misstate or incompletely reflect existing law. The most helpful changes are the standardized terminology, corrected payment-deadline language, clearer recovery reporting requirements, and GC-series updates showing that the waiver is granted to the guardian, conservator, or petitioner. Also support consistent GC-series terminology showing that the waiver is granted to the guardian, conservator, or petitioner, even though eligibility is based on the ward's or conservatee's financial condition.	The committees appreciate the response.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	2. Should "settlement" remain in the name of forms FW-010 and FW-010-GC, be changed to "recovery," or be omitted as proposed? Response: Change "settlement" to "recovery." Use "recovery" instead of "settlement." The reporting obligation is broader than settlement and applies when a civil litigant recovers $10,000 or more by settlement or otherwise. Omitting both terms may make the title cleaner, but it could make the reporting requirement less obvious to users. A title such as Notice to Court of Improved Financial Condition and Recovery would better alert users to when the form must be filed.	The committees have considered all the comments on this issue and are recommending the title "Notice of Improved Financial Situation" for forms FW-010 and FW-010-GC. The committees determined that including "recovery" in the title could be confusing because non-attorneys are unlikely to be familiar with the term's legal meaning.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	3. Would the proposal provide cost savings? If so, please quantify. Response: No measurable direct cost savings are anticipated.	The committees appreciate the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	4. What would the implementation requirements be for courts – for example, training staff, revising processes and procedures, changing docket codes in case management systems, or modifying case management systems?	The committees appreciate the information.

Commenter	Comment	Committee Response
	Response: Implementation would require updating civil and probate fee waiver procedures, self-help materials, form packets, and staff guidance. Case processing staff and, where applicable, courtroom staff should receive brief training or written guidance on the revised fee waiver forms, particularly the Probate GC-series title and terminology changes, revised income calculation language, recovery reporting, fee waiver expiration language, date of service deadlines, and electronic-service options. CMS updates may be needed to update filing document names, add-filing names, form references, or document descriptions.	
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	5. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Response: ☒ Yes ☐ No Yes. Two months should generally be sufficient if final forms are issued promptly.	The committees appreciate the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	6. How well would this proposal work in courts of different sizes? Response: It would work well. Larger courts may benefit from standardized language and corrected workflows because they process higher fee-waiver volumes across multiple operational areas. Smaller courts should also benefit because the revisions reduce ambiguity in public-facing forms and staff explanations, especially around waiver expiration, recovery reporting, and GC-series terminology.	The committees appreciate the information.
Superior Court of Orange County, Family Law and Juvenile Divisions	Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committees appreciate the response.
Superior Court of Orange County, Family Law and Juvenile Divisions (continued)	Should “settlement” remain in the name of forms FW-010 and FW-010-GC, be changed to “recovery,” or be omitted as proposed? Recommend that “settlement” should be changed to “recovery.” This term is broader and better reflects the requirement to report more than just settlements. Omitting the term entirely may make it less clear to court users when the form must be filed.	The committees have considered all the comments on this issue and are recommending the title “Notice of Improved Financial Situation” for forms FW-010 and FW-010-GC. The committees determined that including “recovery” in the title could be confusing.

Commenter	Comment	Committee Response
Superior Court of Orange County, Family Law and Juvenile Divisions (continued)	Would the proposal provide cost savings? If so, please quantify. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committees appreciate the information.
Superior Court of Orange County, Family Law and Juvenile Divisions (continued)	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, and updating the case management system.	The committees appreciate the information.
Superior Court of Orange County, Family Law and Juvenile Divisions (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County.	The committees appreciate the information.
Superior Court of Orange County, Family Law and Juvenile Divisions (continued)	How well would this proposal work in courts of different sizes? Our court is a larger court, and this could work for Orange County.	The committees appreciate the information.
Superior Court of Riverside County	Position: Not indicated. Does the proposal appropriately address the stated purpose? Yes.	The committees appreciate the response.
Superior Court of Riverside County (continued)	Should “settlement” remain in the name of forms FW-010 and FW-010-GC, be changed to “recovery”, or be omitted as proposed? For forms FW-010 and FW-010-GC, keep “Situation” and remove “Settlement” or “Condition” in the titles. The term “financial situation” is a more common plain language term then “financial condition”.	The committees have considered all the comments on this issue and are recommending the title “Notice of Improved Financial Situation” for forms FW-010 and FW-010-GC. The committees determined that including “recovery” in the title could be confusing because non-attorneys are unlikely to be familiar with the term’s legal meaning.

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? No.	The committees appreciate the information.
Superior Court of Riverside County (continued)	What would the implementation requirements be for the court? Updates to procedures, printed form packets, possible updates to the case management system (CMS), and several half-day trainings for judicial officer and staff (Self-Help, Courtroom, and Clerk's Office).	The committees appreciate the information.
Superior Court of Riverside County (continued)	Would 2 months provide sufficient time for implementation? Yes, provided the final forms are available timely.	The committees appreciate the information.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? Depending on the updates needed for the CMS and staff shortages, courts of any size may require more time to make the necessary changes and provide training for staff.	The committees appreciate the information.
Superior Court of Riverside County (continued)	Suggestion: For Rule 7.5, replace "financial condition" with "financial situation" in all mentions.	The committees do not recommend replacing "condition" in the rule because the fee waiver statutes use "condition" more frequently than other terms, and variance from statutory usage in rules of court tends to obscure the scope of their application more than it clarifies. In addition, reference to the "financial situation" of an estate is uncommon, and the term may therefore increase confusion if used in the context of rule 7.5.
Superior Court of Riverside County (continued)	Suggestion: For all forms, keep "Situation" and remove "Condition" in all forms. The term "financial situation" is a more common plain language term then "financial condition".	The committees agree that replacing "financial condition" with "financial situation" in the forms is appropriate and have revised the recommended forms accordingly.
Superior Court of Riverside County (continued)	Comment: Appreciate the inclusion of electronic service in the Clerk's Certificate of Service sections.	The committees appreciate the response.

Commenter	Comment	Committee Response
Superior Court of San Bernardino County, Staff Committees	Position: Not indicated Does the proposal appropriately address the stated purpose? Yes	The committees appreciate the response.
Superior Court of San Bernardino County (continued)	Should "settlement" remain in the name of forms FW-010 and FW-010-GC, be changed to "recovery," or be omitted as proposed? Settlement should be changed to recovery.	The committees have considered all the comments on this issue and are recommending the title "Notice of Improved Financial Situation" for forms FW-010 and FW-010-GC. The committees determined that including "recovery" in the title could be confusing because non-attorneys are unlikely to be familiar with the term's legal meaning.
Superior Court of San Bernardino County (continued)	Would the proposal provide cost savings? If so, please quantify No	The committees appreciate the information.
Superior Court of San Bernardino County (continued)	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? Informative emails to staff and judicial officers, with forms requiring updates in case management systems. No staff training or changes to existing processes.	The committees appreciate the information.
Superior Court of San Bernardino County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes	The committees appreciate the information.
Superior Court of San Bernardino County (continued)	How well would this proposal work in courts of different sizes? No, this would work well for any court size.	The committees appreciate the information.

Commenter	Comment	Committee Response
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree if modified Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committees note the commenter's agreement with the proposal.
Superior Court of San Diego County (continued)	Q: Should "settlement" remain in the name of the forms FW-010 and FW-010-GC, be changed to "recovery," or be omitted as proposed? A: Settlement should be omitted; however, "Condition" should be updated to "Circumstance" or remain as "Situation."	The committees have considered all the comments on this issue and are recommending the title "Notice of Improved Financial Situation" for forms FW-010 and FW-010-GC. The committees determined that including "recovery" in the title could be confusing because non-attorneys are unlikely to be familiar with the term's legal meaning.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committees appreciate the information.
Superior Court of San Diego County (continued)	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 local packets and internal procedures.	The committees appreciate the information.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time.	The committees appreciate the information.
Superior Court of San Diego County (continued)	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 committees appreciate the information.
Superior Court of San Diego County (continued)	**Multiple Petitioners in Probate:** It was helpful to clarify in Rule 7.5(a)(2) that in Probate, "…if multiple petitioners file a joint petition for appointment of a guardian or conservator….they may file a joint request for an initial fee waiver…."	The committees agree with this suggestion and has revised the request forms, FW-001-GC and FW-002-GC, to insert space for additional names and additional signatures.

Commenter	Comment	Committee Response
	It would be helpful to go a step further and mirror the "Your Information" section in the FW-001-GC and FW-003-GC forms to allow for multiple petitioners to be listed, as well as multiple signature lines. See GC-210(P) that offers 1a., 1b., and 1c. for this purpose.	
Superior Court of San Diego County (continued)	**Clerk's Certificate of Service:** It was helpful to add the electronic service section to the Clerk's Certificate of Service sections of the applicable forms. However, this does not cover all scenarios for returning documents by various case management systems. Some case management systems will allow the completed form to be returned within the transaction/envelope that was submitted to the court. This would be returned to the Electronic Filing Service Provider (EFSP) and not directly to the email address listed for the attorney or party listed on the form. An additional checkbox for returning via EFSP would help cover this scenario.	This suggestion is beyond the scope of the current proposal, but the committees will consider it as time and resources permit.

Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree with proposed changes
	
	The JRS notes the following impact to court operations:
	• Requires development of local rules and/or forms.
	  o Filing guides prepared by Self Help Center staff may need to be updated to reflect the modified forms. Web site changes will be needed to update the Fee Waiver forms and information.
	• Results in additional training, which requires the commitment of staff time and court resources.
	  o Training will be required for all clerical and Self Help staff to familiarize them to the changes to all the fee waiver forms. The training will also include information on how to explain changes to court users, as needed.
		The committees note the commenter's agreement with the proposal and appreciate the information provided.

Rules Committee Action Request Form

Item number: 11

Rules Committee Meeting Date: September 9, 2026

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

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, rules 3.891 and 3.894

Advisory 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: 10/16/2025, as amended 7/8/2026
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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.) N/A

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-126

For business meeting on October 16, 2026

Civil Practice and Procedure: Amendment of Court-Ordered Mediation Rule (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 3.891 and 3.894

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 19, 2026

Contact
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Executive Summary

Assembly Bill 1523 (Stats. 2025, ch. 201) makes changes to the law regarding cases that may be ordered into mediation. The Civil and Small Claims Advisory Committee recommends amending California Rules of Court, rules 3.891 and rule 3.894 to implement these changes in law and improve readability and clarity.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2027, amend California Rules of Court, rules 3.891 and 3.894 to reflect the changes in law made by Assembly Bill 1523 related to cases that may be ordered into mediation. The committee also recommends reorganizing rule 3.891 to place court-ordered mediation and stipulated mediation into separate subdivisions.

The proposed amended rules are attached at pages 5-6.

Relevant Previous Council Action

The Judicial Council adopted rules 3.891 and 3.894, then numbered 1631 and 1634, in 1994 as part of a series of rules implementing the Civil Action Mediation Act of 1993. The rules were renumbered and amended in 2007, but those amendments are not relevant to this report. The rules were again renumbered as 3.891 and 3.894 in 2009.

Analysis/Rationale

Currently, under Code of Civil Procedure section 1775.5, the only limit on the court's ability to order cases into mediation is that the amount in controversy must not exceed $50,000. Effective January 1, 2027, AB 1523 (see Link A) increases the monetary limit in section 1775.5 to $75,000 but adds other limitations on the court's ability to order cases into mediation, including that the case must already have been set for trial and there must not be any ongoing discovery disputes.

To reflect the changes in law made by AB 1523, the committee recommends amending California Rules of Court, rule 3.891, which identifies cases that may be ordered into mediation. Specifically, the committee recommends amending rule 3.891(a)(1) to state: "The court may order an action submitted to mediation if it meets the conditions stated in Code of Civil Procedure section 1775.5(a)."

The committee also recommends 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 Code of Civil Procedure section 1775.5(a)(2).

Currently, both court-ordered mediation and stipulated mediation are described in subdivision (a), which could be confusing for court users. Thus, the committee recommends 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).

After this proposal circulated for comment, the committee determined that rule 3.894 must also be amended to implement AB 1523.[1] Rule 3.894(a) requires mediations conducted under rule

[1] This amendment did not circulate for comment, but the Rules Committee has determined that it is a minor substantive change that is unlikely to create controversy and is therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

3.891 to be attended in person unless the mediator permits attendance by telephone. Section 1775.5(c), created by AB 1523, states that "[a]ll parties and counsel attending the mediation shall comply with subdivision (a) of Rule 3.894 of the California Rules of Court, except that the parties may utilize any means of remote technology in accordance with [section 1775.5(a)(6)]." Section 1775.5(a)(6) allows parties to "mediate through the use of remote technology upon the stipulation of all parties."

To implement AB 1523, the committee recommends amending rule 3.894(a) to amend the phrase "unless excused or permitted to attend by telephone as provided in (3)" to include "or as authorized by statute." The committee also recommends amending rule 3.894 to add an advisory committee comment to state: "Subdivision (a). Code of Civil Procedure section 1775.5 provides that the parties may use remote technology in specific circumstances."

Policy implications

The key policy implication is to ensure that the California Rules of Court correctly reflect the law. In addition to implementing statutory changes, the recommended rule amendments are also intended to improve the organization and clarity of the rules. The recommended rule amendments are therefore consistent with the *Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The committee solicited public comments on this proposal from April 13 to May 18 as part of the council's spring 2026 invitation-to-comment cycle. The proposal received five comments: three comments from superior courts (the Superior Court of Los Angeles County, the Superior Court of Riverside County, and the Superior Court of San Bernardino County), one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, and one from the Orange County Bar Association. Three commenters agreed with the proposal, and two did not indicate a position. No commenters disagreed with the proposal. There were no comments suggesting changes to the proposed rule amendments.

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

Alternatives considered

The committee did not consider the alternative of taking no action because, unless amended, the rule will be inconsistent with statute on January 1, 2027. The committee considered whether to list the conditions specified in section 1775.5(a) instead of providing a citation to that subdivision, as a list of the conditions may be more accessible to readers than a cross-reference to the Code of Civil Procedure. However, the committee 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 that term. The committee was also concerned that defining the term might inadvertently exclude cases that are suitable for mediation.

Fiscal and Operational Impacts

Amending rules 3.891 and 3.894 will require educating court staff and judicial officers. Because the revisions to the rules are required to ensure conformity with a new law, these operational impacts cannot be avoided.

Attachments and Links

1. Cal. Rules of Court, rules 3.891 and 3.894, at pages 5–6
2. Chart of comments, at pages 7–10
3. Link A: Assem. Bill 1523 (Stats. 2025, ch. 201)

Rules 3.891 and 3.894 of the California Rules of Court are 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 Code of Civil Procedure 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.

~~(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.

Rule 3.894. Attendance, participant lists, and mediation statements

(a) Attendance

(1) All parties and attorneys of record must attend all mediation sessions in person unless excused or permitted to attend by telephone as provided in (3) or as authorized by statute. If a party is not a natural person, a representative of that party with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or a legislative body, a representative with authority to recommend such agreement, must attend all mediation sessions in person, unless excused or permitted to attend by telephone as provided in (3) or as authorized by statute.

(2) If any party is insured under a policy of insurance that provides or may provide coverage for a claim that is a subject of the action, a representative of the insurer with authority to settle or recommend settlement of the claim must attend all mediation sessions in person, unless excused or permitted to attend by telephone as provided in (3) or as authorized by statute.

(3) The mediator may excuse a party, attorney, or representative from the requirement to attend a mediation session under (1) or (2) or permit attendance by telephone. The party, attorney, or representative who is excused or permitted to attend by telephone must promptly send a letter or an electronic communication to the mediator and to all parties confirming the excuse or permission.

(4) Each party may have counsel present at all mediation sessions that concern the party.

(b) * * *

Advisory Committee Comment

Subdivision (a). Code of Civil Procedure section 1775.5 provides that the parties may use remote technology in specific circumstances.

SPR26-11 Chart of Comments (DRAFT)

Civil Practice and Procedure: Amendment of Court-Ordered Mediation Rule (Amend Cal. Rules of Court, rules 3.891 and 3.894)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Orange County Bar Association by Shirin Forootan, President	Position: Agree Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-11 Civil Practice and Procedure: Amendment of Court-Ordered Mediation Rule," the Court agrees the proposal appropriately addresses the stated purpose. The proposal provides enhanced clarity by separating court-ordered mediation and stipulated mediation into different paragraphs. The Court also agrees with the decision to cross-reference code section rather than stating conditions. It will avoid future rule amendments. The proposal may result in cost savings over time if cases are successfully resolved through mediation.	The committee appreciates the information and acknowledges the commenter's agreement with the proposal.
Superior Court of Los Angeles (continued)	To implement the proposal, the Court would need to revise its processes and procedures. At minimum, the Court would need to change any reference to the amount in controversy. The Court may also need to establish a clerical review to determine if the conditions of CCP 1775.5 are met. It is important to note that the primary responsibility for implementation is on	The committee appreciates the information.

Commenter	Comment	Committee Response
	judicial officers. This includes awareness of the changes and may involve developing guidelines for ordering cases to mediation for consistency and uniformity across the local bench. Additionally, existing case management configurations could be leveraged in whole or in part. Two months should be sufficient time for implementation, as courts have been aware of AB 1523 and may already be developing an implementation plan with the ADR/Mediation unit. The proposal would work for courts of different sizes.	
Superior Court of Riverside County by Sarah Hodgson, General Counsel	Position: Not indicated 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.	No response required.
Superior Court of Riverside County (continued)	Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the information.
Superior Court of Riverside County (continued)	Q: Would the proposal provide cost savings? A: Possibly, by increasing the amount of cases sent to mediation, there is the potential for more settlements to be reached, saving court time and resources.	The committee appreciates the information.
Superior Court of Riverside County (continued)	Q: What would the implementation requirements be for the court?	The committee appreciates the information.

Commenter	Comment	Committee Response
	A: Training for judicial officers and staff (Self-Help, Courtroom, ADR staff, and Clerk's Office).	
Superior Court of Riverside County (continued)	Q: Would 2 months provide sufficient time for implementation? A: Yes.	The committee appreciates the information.
Superior Court of Riverside County (continued)	Q: How well would this proposal work in courts of different sizes? A: This proposal should work well for courts of all sizes.	The committee appreciates the information.
Superior Court of San Bernardino County by Traci Ramos, Confidential Administrative Assistant	Position: Not indicated Q: Does the proposal appropriately address the statute's purpose? A: Yes	The committee appreciates the information.
Superior Court of San Bernardino County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No	The committee appreciates the information.
Superior Court of San Bernardino County (continued)	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: Education for staff and judicial officers. Update the Procedure Manuals	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of San Bernardino County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes	The committee appreciates the information.
Superior Court of San Bernardino County (continued)	Q: How well would this proposal work in courts of different sizes? A: Yes, this would work well for any court size.	The committee appreciates the information.
Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee (TCPJAC/CEAC) Joint Rules Subcommittee (JRS)	Position: Agree The JRS notes the following impact to court operations: • Results in additional training, which requires the commitment of staff time and court resources. o Amount of training necessary is not particularly onerous.	The committee appreciates the information and acknowledges the commenter's agreement with the proposal.
JRS (continued)	The JRS also notes that the proposal should be implemented because it conforms with section 1775.5 of the California Code of Civil Procedure as amended by AB 1523.	The committee appreciates the information.

Rules Committee Action Request Form

Item number: 12

Rules Committee Meeting Date: September 9, 2026

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

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 Cal. Rules of Court, rule 3.1380

Advisory 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: 10/16/2025, amended 7/8/2026
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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.) N/A

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-127

For business meeting on October 16, 2026

Civil Practice and Procedure: Amendment of Mandatory Settlement Conferences Rule (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 3.1380

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 20, 2026

Contact
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Executive Summary

The Civil and Small Claims Advisory Committee recommends 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 discretion to determine how parties must appear, including by remote appearance. The committee recommends this amendment in response to a suggestion by a member of the public.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2027, amend California Rules of Court, rule 3.1380 to remove language that could imply in-person attendance is required at mandatory settlement conferences.

The proposed amended rule is attached at page 6.

Relevant Previous Council Action

The Judicial Council adopted rule 3.1380, then numbered rule 222, effective January 1, 1985. The rule was amended in 1995 to add language to subdivision (b) requiring any party with consensual authority to settle be personally present at the conference. The rule was also amended in 2001 and 2002, but those amendments are not relevant to this report. The rule was renumbered as rule 3.1380 effective January 1, 2007.

Analysis/Rationale

The Civil and Small Claims Advisory Committee recommends amending rule 3.1380 to remove the word "personally" from the phrases "personally attend" and "personally present" in subdivision (b).

Rule 3.1380 addresses mandatory settlement conferences and specifies who is required to attend. Specifically, rule 3.1380(b) currently 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.

Rule 3.1380 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).

Adding to the need for clarification, Code of Civil Procedure section 367.75, which came into effect January 1, 2021, 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. Although section 367.75 does not explicitly address mandatory settlement conferences, it does appear to apply as section 367.75(a)(1) states the general rule that in civil cases a party may appear remotely and a court 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 governs remote civil proceedings generally and 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 to

[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 was previously set to sunset on January 1, 2027, but the sunset date was extended by Senate Bill 174 (Stats. 2026, ch. 29) through January 1, 2032.

"personally attend" or be "personally present" creates ambiguity as to how section 367.75 and rule 3.672 apply to mandatory settlement conferences.

So, although remote appearances are permitted for mandatory settlement conferences under section 367.75, rules 3.672 and 3.1380 are unclear on the issue. The recommended amendments to rule 3.1380 are intended to clarify that the rule does not require in-person attendance at mandatory settlement conferences and thus remove confusion as to whether Code of Civil Procedure section 367.75 and rule 3.672 apply to mandatory settlement conferences. Under these amendments, the court will have discretion to determine how parties must appear,[3] including by requiring in-person appearances at a mandatory settlement conference.

Policy implications

The key policy implications in this proposal are increasing court efficiency and reducing confusion for courts and court users by clarifying that remote appearances are allowed at mandatory settlement conferences. This proposal is therefore consistent with the strategic plan for California's judicial branch, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The committee solicited public comments on this proposal from April 13 to May 18 as part of the council's spring 2026 invitation-to-comment cycle.

The proposal received five comments: three from superior courts (the Superior Court of Los Angeles County, the Superior Court of Riverside County, and the Superior Court of San Bernardino County), one from the Orange County Bar Association (OCBA), and one from an individual attorney. One commenter agreed with the proposal, one commenter agreed with the proposal if modified, two did not indicate a position, and one commenter did not agree with the proposal. A chart with the full text of the comments received and the committee's responses is attached at pages 7–13.

The invitation to comment proposed amending rule 3.1380(b) to remove "personally" from the phrases "personally attend" and "personally present." Additionally, the committee requested specific comments on two alternatives: (1) adding an advisory committee comment stating, "Attendance may be in person or remote," and (2) adding subdivision (e), which would allow for remote appearances at the discretion of the court.

The commenters were generally in favor of the proposal to remove "personally" from subdivision (b), though one commenter suggested leaving the word "personally" in the rule and adding a separate subdivision to address remote appearances.

[3] California Rules of Court, rule 3.1380(a) provides the court may set mandatory settlement conferences on the court's own motion or at the request of any party.

Amend the rule to include an advisory committee comment
Four commenters responded to the question regarding the possible addition of an advisory committee comment. The Orange County Bar Association (OCBA) stated the addition of an advisory committee comment would not be useful. The Superior Court of Los Angeles was in favor of adding the comment, noting the advisory committee comment provides clarity and allows courts discretion to determine if physical appearance is required. The Superior Court of Riverside acknowledged an advisory committee comment would add clarifying language but suggested including the language directly in the rule. And the Superior Court of San Bernardino raised concerns with the with the language in the advisory committee comment.

Amend the rule to include new subdivision (e)
The Superior Courts of Riverside and San Bernardino commented that amending the rule to include subdivision (e) would be the most useful way to address the issue of remote appearances while still allowing courts the discretion of having in-person appearances as needed.

The Orange County Bar Association (OCBA) was in favor of adding subdivision (e) and proposed slightly modified language: "The court may permit a party to appear remotely at the conference under (a) if the court determines that a remote appearance is appropriate."

OCBA commented that retaining "personally" in subdivision (b) and providing the additional language in new subdivision (e) established the default for in-person mandatory settlement conferences, but the court retains discretion as to how parties are to appear. OCBA also stated that, with this approach, it is likely the rules and procedures for a particular courtroom would address any operative preference for remote appearances.

The committee's recommendations
The committee considered the comments and determined it should recommend amending the rule to remove "personally" from subdivision (b), allowing courts discretion to determine how parties must appear at mandatory settlement conferences.

The committee considered adding an advisory committee comment and a new subdivision but declined to recommend either alternative. The committee determined that because Code of Civil Procedure section 367.75 and rule 3.672 address remote appearances for civil proceedings generally, adding language regarding remote appearances to rule 3.1380 (for mandatory settlement conferences specifically) could lead to inadvertent future conflicts or confusion if either section 367.75 or rule 3.672 (governing remote civil proceedings generally) is amended in the future.

Alternatives considered
In addition to the alternatives discussed above, the committee considered taking no action when drafting the proposed rule amendment and after the comment period. One commenter, an individual attorney, disagreed with the proposal and suggested the committee take no action. The commenter stated that because the current rule allows a party to apply for permission to appear remotely if they can demonstrate hardship or extreme expense, the proposed rule amendment is

unnecessary. The commenter also noted that the rule compelling personal appearance at mandatory settlement conferences is one of the few tools trial courts have to encourage settlement.

Ultimately the committee determined that amending rule 3.1380 will help clarify for courts and court users that remote attendance at mandatory settlement conferences is permissible. Additionally, with the proposed revisions, courts would retain the discretion to require in-person attendance at mandatory settlement conferences, which addresses the commenter's main concern.

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.

Attachments and Links

1. Cal. Rules of Court, rule 3.1380, at page 6
2. Chart of comments, at pages 7–13

Rule 3.1380 of the California Rules of Court is 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) * * *

SPR26-12 Chart of Comments (DRAFT)

Civil Practice and Procedure: Amendment of Mandatory Settlement Conferences Rule (Amend Cal. Rules of Court, rule 3.1380)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Law Offices of Joseph W. Campbell By Joseph William Campbell, Attorney Alameda	Position: Disagree One of the few tools trial courts still have to encourage settlement is the rule compelling personal appearance at an MSC. Under the current Rules a party can apply for permission to appear remotely if it can demonstrate hardship or extreme expense so there is no reason to change this existing requirement.	In light of all the comments received on this issue, the committee is recommending revisions to rule 3.1380. There is ambiguity as to how the term "personally" is interpreted and clarification would be useful to court users. The committee acknowledges the commenter's concern, but notes that prior to the adoption of Code of Civil Procedure section 367.75 and rule 3.672, telephonic appearances were explicitly allowed, at the discretion of the court, under rule 3.670. Under the proposed amendments, courts would retain the discretion to require in-person attendance at mandatory settlement conferences.
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree if modified. As is indicated in the response to the request for specific comments, it is believed "personally" should remain in the rule and, accordingly, the second alternative suggested by the committee is preferable to either the initial proposal or the first alternative. It is suggested, however, that the language implementing the second alternative be modified slightly from that proposed, to read as follows: The court may permit a party to appear remotely at the conference under (a) if the court determines that a remote appearance is appropriate. The suggested modification references "the" conference consistent with the balance of the rule, and avoids any confusion as to what is indicated by including a reference to	The committee declines to adopt the suggestion to leave "personally" in subdivision (b). Because there is ambiguity as to what is meant by "personally attend" or "be personally present," the committee is recommending the removal of the term "personally." The committee declines to implement either alternative presented in the proposal. The committee determined that because rule 3.672 addresses remote appearances, adding specific language to rule 3.1380 governing remote appearances for mandatory settlement conferences could lead to future conflicts or confusion if Code of Civil Procedure section 367.75 or rule 3.672 are amended in the future.

Commenter	Comment	Committee Response
	"proceeding," in a rule applying only to mandatory settlement conferences.	
OCBA (continued)	Request for Specific Comments Q: Does the proposal appropriately address the stated purpose? A: Yes, as to the second alternative and with the suggested language modifications.	The committee appreciates the comment. Please see the committee's previous response regarding the alternative.
OCBA (continued)	Q: Would amending the rule to include the proposed advisory committee comment be useful? A: No.	The committee agrees and is not recommending adding an advisory committee comment. In addition, the committee determined that because rule 3.672 addresses remote appearances, adding specific language to rule 3.1380 governing remote appearances for mandatory settlement conferences could lead to future conflicts or confusion if Code of Civil Procedure section 367.75 or rule 3.672 are amended in the future.
OCBA (continued)	Q: Is the alternative of amending the rule to explicitly allow the court to permit remote appearances preferable to the proposed amendment to subdivision (a)? [As there is no amendment proposed to subdivision (a), it is believed subdivision (b) is the correct reference here and comments will be directed accordingly.] If so, please explain. A: In light of the proposal and attendant discussion, it appears the committee interprets the phrase "unless excused by the court for good cause," to apply to any attendance and not to in-person attendance at the conference. There may be differences of opinion as to this interpretation. Proceeding based upon the interpretation indicated, however, it is believed that eliminating "personally" (the initial proposal) or adding an advisory committee comment (the first alternative) does not resolve ambiguity as to what is meant by "attend" or "present"	In response to several comments on this issue, the committee is recommending removing "personally" from subdivision (b) to resolve the ambiguity as to whether remote appearances are allowed. The committee is not recommending amending the rule to include new subdivision (e). The committee determined that because rule 3.672 addresses remote appearances, adding specific language to rule 3.1380 governing remote appearances for mandatory settlement conferences could lead to future conflicts or confusion if Code of Civil Procedure section 367.75 or rule 3.672 are amended in the future.

Commenter	Comment	Committee Response
	at the conference, or make clear that it is the court with the discretion or option to decide how parties are to appear. This could result in confusion, unhappy surprise, or lost opportunity for settlement. Retaining "personally" in subdivision (b) and providing the additional language in a new subdivision (e) provides not only a default, but a set position from which the court or counsel and parties may then make their respective cases for remote appearance. Were the additional language included at a subdivision (e), it is then likely the rules and procedures set for a particular courtroom would address any operative preference for remote appearance and so, alert counsel and parties to its possibility and attendant considerations. A well-conducted, in-person MSC affords the opportunity for nuanced case discussion between decisionmakers, and sometimes is the first opportunity for a party to come face-to-face with their opposition. Overall, the experience can be very conducive to settlement. Accordingly, the rule should be clear that discretion as to how parties are to appear resides with the court, and that in-person appearance is the norm for mandatory settlement conferences.	It is beyond the scope if this proposal to resolve any ambiguity as to the meaning of "attend" or "present."
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-12 Civil Practice and Procedure: Amendment of Mandatory Settlement Conferences Rule," the Court agrees the proposal appropriately addresses the stated purpose. The Court believes that it is important to provide individuals with	The committee appreciates the information and acknowledges the commenter's agreement with the proposal.

Commenter	Comment	Committee Response
	full flexibility to settle the case, whether appearing in-person or remotely.	
Superior Court of Los Angeles County (continued)	The Court agrees that amending the rule to include the proposed advisory committee comment would be useful. It provides clarity and allows courts discretion to determine if physical appearance is required.	After considering the comments on this issue, the committee is not recommending amending the rule to include an advisory committee comment. The committee determined that because rule 3.672 addresses remote appearances, adding specific language to rule 3.1380 governing remote appearances for mandatory settlement conferences could lead to future conflicts or confusion if Code of Civil Procedure section 367.75 or rule 3.672 are amended in the future.
Superior Court of Los Angeles County (continued)	The proposal would not provide cost savings. To implement the proposal, the Court would need to ensure judicial officers are aware of the changes. The Court may need to develop guidelines for permitting remote appearances. This could require specific minute order language for consistency and ease of creating minute order (use of a code, rather than typing the full text). Two months should be sufficient time for implementation. Additionally, it should work for courts of different sizes.	The committee appreciates the information.
Superior Court of Riverside County by Sarah Hodgson, General Counsel	Position: Not specified. 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.	No response required.

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the comment.
Superior Court of Riverside County (continued)	Q: Would amending the rule to include the proposed advisory committee comment be useful? A: While including the proposed advisory committee comment would add the clarifying language needed for this rule change proposal, it would be better to have this language directly in the rule.	After considering comments on this issue, the committee is not recommending amending the rule to include an advisory committee comment or a new subdivision. The committee determined that because rule 3.672 addresses remote appearances, adding specific language to rule 3.1380 governing remote appearances for mandatory settlement conferences could lead to future conflicts or confusion if Code of Civil Procedure section 367.75 or rule 3.672 are amended in the future.
Superior Court of Riverside County (continued)	Q: Is the alternative of amending the rule to explicitly allow the court to permit remote appearances preferable to the proposed amendment to subdivision (b)? A: Yes, having the rule explicitly allow remote appearances would be the best and most clear way to address the issue of remote appearances while still allowing courts the option of having in person appearances as needed.	Please see the committee's previous response.
Superior Court of Riverside County (continued)	Q: Would the proposal provide cost savings? A: N/A.	No response required.
Superior Court of Riverside County (continued)	Q: What would the implementation requirements be for the court? A: Training for judicial officers and staff (Self-Help, Courtroom and Clerk's Office).	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	Q: Would 2 months provide sufficient time for implementation? A: Yes.	The committee appreciates the information.
Superior Court of Riverside County (continued)	Q: How well would this proposal work in courts of different sizes? A: This proposal should work well for courts of all sizes.	The committee appreciates the information.
Superior Court of San Bernardino County	Q: Does the proposal appropriately address the statutes' purpose? A: Yes	The committee appreciates the comment.
Superior Court of San Bernardino County (continued)	Q: Would amending the rule to include the proposed advisory committee comment be useful? If so, please explain. A: No, I do not think the comment would be helpful unless it specifies at the court's discretion. Not all Judicial Officers allow remote appearances. Indicated appearances may be remote or in person, might give the impression that it is up to the party and approval by the court is not needed.	After considering the comments on this issue, the committee is not recommending adding an advisory committee comment. The committee determined that because rule 3.672 addresses remote appearances, adding specific language to rule 3.1380 governing remote appearances for mandatory settlement conferences could lead to future conflicts or confusion if Code of Civil Procedure section 367.75 or rule 3.672 are amended in the future.
Superior Court of San Bernardino County (continued)	Q: Is the alternative of amending the rule to explicitly allow the court to permit remote appearances preferable to the proposed amendment to subdivision (b)? If so, please explain. A: The alternative amendment would be more useful. That would let parties know remote appearance is allowed, but only at the discretion of the court.	After considering the comments on this issue, the committee is not recommending amending the rule to include a new subdivision. The committee determined that because rule 3.672 addresses remote appearances, adding specific language to rule 3.1380 governing remote appearances for mandatory settlement conferences could lead to future conflicts or confusion if Code of Civil Procedure section 367.75 or rule 3.672 are amended in the future.

Commenter	Comment	Committee Response
Superior Court of San Bernardino County (continued)	Q: Would the proposal provide cost savings? If so, please quantify A: No	The committee appreciates the information.
Superior Court of San Bernardino County (continued)	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: Informational email can be sent to Judicial Officers, Judicial Assistants, and Clerk's Office indicating the changes. Judicial Assistants- 1 day- May need to update courtroom specific procedures or macros to reflect remote appearances, based on the Judicial Officers preference.	The committee appreciates the information.
Superior Court of San Bernardino County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes	The committee appreciates the information.
Superior Court of San Bernardino County (continued)	Q: How well would this proposal work in courts of different sizes? A: Yes, this would work well for any court size.	The committee appreciates the information.

Item 13 [Reserved]

Rules Committee Action Request Form

Item number: 14

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory committee or other entity submitting the proposal:
Civil and Small Claims Advisory Committee & Family and Juvenile Law Advisory Committee

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: October 16, 2025, amended July 8, 2026 (CSCAC); October 16, 2025, amended January 7, 2026 (FamJuv)
Project description from annual agenda:

Civil and Small Claims Advisory Committee. Item 10: Statements of Decision: Implementation of AB 515
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.

Family and Juvenile Law Advisory Committee. Item 1d. Assembly Bill 515 (Pacheco), Trial: statement of decision (Stats. 2025, ch. 559)
This bill requires a request for a statement of decision in all trials by court to be made in writing, or orally if there is an official record of the proceeding being transcribed, before the matter is submitted for decision. This bill authorizes the court, if a statement of decision is not timely requested, to announce its ruling on all relief sought without a statement of decision or to issue a written statement of decision without a request from a party. The bill authorizes the court to order a party or parties to prepare a draft statement of decision and permits a party to make objections to a statement of decision, as specified. Timeframes for each stage of the process are set forth and can be extended by the court in all cases. For cases under the Family Code, the court may shorten the time frame with a written order and statement of good cause. This bill requires the Judicial Council to adopt or amend all rules of court necessary to implement these provisions, and to prepare a form that a party may use to request a statement of decision and an accompanying information sheet.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-137

For business meeting on October 16, 2026

Civil Practice and Procedure: Statement of Decision Rules and Forms to Implement Assembly Bill 515 (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 3.1590 and 3.1591; approve forms CIV-175, CIV-175-INFO, CIV-176, and CIV-177

Recommended 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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 21, 2026

Contact
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Executive Summary

Assembly Bill 515 (Stats. 2025, ch. 559) changes the procedures for requesting, preparing, and finalizing a statement of decision. To implement that law, the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend amending two rules of court and approving two Judicial Council forms relating to statements of decision. The committees also recommend approving two additional forms for parties to use make objections, as provided for in AB 515. AB 515 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.

Recommendation

The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2027:

1. Amend California Rules of Court, rules 3.1590 and 3.1591 to implement Assembly Bill 515;

2. Approve *Request for Statement of Decision* (form CIV-175) and *Statement of Decision Information Sheet* (form CIV-175-INFO), consistent with the direction in Code of Civil Procedure section 632(h); and

3. Approve *Objection to Statement of Decision* (form CIV-176), and *Objection to Proposed Judgment* (form CIV-177), respectively, to allow a party to object to a statement of decision and to allow a party to object to a proposed judgment.

The proposed rule amendments and forms are attached at pages 11–22.

Relevant Previous Council Action

Rule 3.1590 governs the processes for preparing a tentative decision, statement of decision, and proposed judgment in a bench trial. The rule was originally adopted, effective January 1, 1949 (as rule 232). The rule has been amended several times over the years to implement statutory changes and make other improvements to the rule.[1]

Rule 3.1591 provides further detail about how the processes described in rule 3.1590 apply in a bifurcated proceeding. This rule was adopted, effective January 1, 1975 (as rule 232.5) and has been amended various times. None of the amendments are relevant to this proposal.

There are currently no court forms for requesting a statement of decision or providing information about the process of making such a request.

Analysis/Rationale

Assembly Bill 515 (Link A) makes significant changes, operative January 1, 2027, to the process for requesting and preparing a statement of decision, an explanation of the factual and legal reasons for a court's ruling after a bench trial. The bill expressly directs the Judicial Council to make conforming changes to the California Rules of Court and prepare forms related to the statement of decision process.

[1] See, e.g., Judicial Council of Cal., Advisory Committee Rep., *Statement of Decision* (Aug. 3, 2009); Memo to Members of the Sup. Ct. Com., *Amendments to Rules on Statements of Decision* (Oct. 21, 1982); Judicial Council of Cal., Advisory Com. Rep., *Proposed Amendments Relating to the Preparation of Proposed Findings, Conclusions and Judgment (Rules 232 and 520) (Staff Draft)* (May 8, 1973); Judicial Council of Cal., Advisory Com. Rep., *Proposed Rule Amendments: Findings of Fact (Staff Draft)* (Nov. 1, 1968).

Existing statement of decision process

Currently, both Code of Civil Procedure section 632[2] and rule 3.1590 govern the statement of decision process. The law provides that a court shall issue a statement upon the request of a party appearing at a bench trial. The rule includes more detailed provisions governing the process for and relationship between tentative decisions, statements of decision and proposed judgments. The current process is quite complex, as the law provides two different timeframes for requesting a statement of decision (depending on the length of the trial).[3] In addition, the rule provides several options for how the tentative decision may relate to the statement of decision. Specifically, the tentative decision can either (1) be designated as the court's proposed statement of decision, (2) indicate that the court will prepare a statement of decision, (3) order a party to prepare a statement of decision, or (4) indicate that the tentative decision will become the statement of decision, unless a party requests that other issues be addressed in the statement of decision.[4]

Rule 3.1591 specifies how these processes work in a bifurcated proceeding. In particular, the rule provides for a tentative decision and, if requested, a statement of judgment from a judge conducting a separate trial on a particular factual issue. The rule also provides that the judge trying the final issue must prepare the proposed judgment.

Changes to statement of decision process by AB 515

AB 515 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] 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.[7] With this change, the statement of decision process no longer includes the issuance of a tentative decision.

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[2] Unless otherwise indicated, all references to code sections refer to sections of the Code of Civil Procedure. Aside from text describing the current process, all references to sections 632 and 664 refer to the versions of these sections from AB 515 that will become operative on January 1, 2027. References to the current version of the code sections refer to the sections that are operative prior to January 1, 2027.

[3] 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."

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 Assem. Floor, Analysis of Assem. Bill 515 (Sept. 10, 2025), p. 2 (hereafter, AB 515 Assem. Floor Analysis).

[4] Cal. Rules of Court, rule 3.1590(c).

[5] Sen. Judiciary Com., Analysis of Assem. Bill 515 (July 11, 2025), p. 1.

[6] AB 515 Assem. Floor Analysis, *supra* note 3, at p. 2.

[7] Code Civ. Proc., § 632(a); see also Cal. Rules of Court, rule 2.900(a).

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.[8]

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 in section 632 is derived from rule 3.1590.[9]

Finally, AB 515 amends section 664 to specify different timeframes for a clerk to enter judgment depending on whether a statement of decision was requested.[10]

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.

Rule 3.1590

Due to the significant changes to the statement of decision process made by AB 515, the committees recommend that the existing content of rule 3.1590 be replaced altogether. In general, the existing content of the rule is either inconsistent with the new law or would be duplicative of the law.

While the new law is fairly comprehensive as to the statement of decision process, the committees identified a couple of issues for which rule content could provide helpful guidance or supplemental information. For this reason, the committees recommend retaining rule 3.1590 with the following content:

- **Subdivision (a)** specifies that the rule applies when a statement of decision is requested under Code of Civil Procedure section 632(a). The associated advisory committee comment identifies the optional form (form CIV-175) that can be used to make a request and provides guidance to assist litigants and courts with assessing the timeliness of a request.

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[8] Code Civ. Proc., § 632(g).

[9] "[AB 515] would codify, and in some ways recast, many of the steps related to the statement of decision set forth in [rule] 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 3, at p. 2.)

[10] Code of Civil Procedure section 664(b) will require judgment to be entered within 30 days after the filing of the court's decision (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).

- **Subdivision (b)** identifies options for the court if the party ordered to prepare a draft statement fails to timely submit the draft. Specifically, the court may itself prepare and serve a statement of decision, order another party to prepare a draft statement within a specified time frame, or, if the party who failed to timely prepare a draft statement was the only party who requested a statement of decision, order that the statement of decision is deemed waived.

- **Subdivision (c)** applies when a written judgment is required and requires the court to sign and file the judgment to enable the clerk to timely enter judgment under section 664. The associated advisory committee comment identifies the optional forms that a party can use to object to a statement of decision or to a proposed judgment. The comment also highlights the 30-day timeframe in section 664 for entry of judgment that runs from the statement of decision becoming final.

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) apply in a bifurcated proceeding. The law does not address how the statement of decision process should work for a bifurcated proceeding. The committees recommend retaining rule 3.1591, with the following conforming amendments to reflect the changes made by AB 515:

- **Subdivision (a)** will be amended 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)** will be amended to replace text that requires 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 under section 632).

New forms to implement AB 515

AB 515 directs the Judicial Council to "prepare forms that a party may use to request a statement of decision and that explain the requirements prescribed by this section on requesting a statement of decision." The committees recommend that the Judicial Council approve two optional forms to comply with this directive. The committees also recommend that the Judicial Council approve two additional optional forms that can be used by parties to object to a statement of decision or proposed judgment, as provided for in section 632.

Request for Statement of Decision *(form CIV-175)*

New form CIV-175 may be used 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 recommend that this form be optional rather than mandatory.

The committees considered whether the form should be drafted to expressly allow a party 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, to conform to the post-AB 515 law, the committees do not recommend including 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 and amended rule 3.1590. 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, new forms CIV-175 and CIV-176, and other resources.

Objection forms
In addition to the two forms above that AB 515 requires the Judicial Council to prepare, the committees also recommend two additional forms that parties can use to make objections:

- *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. 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 also includes a notice that explains the purpose of objecting to a statement of decision and describes the proper use of objections.[11]

- *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 recommend 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. This will provide clarity to the parties and to the court about the form's limited purpose.

Policy implications
The rules and forms implement the legislative policy decisions about the statement of decision process made in AB 515. In addition to implementing legislative changes, the committees' recommendations contribute to the implementation of Goals I and IV, "Access, Fairness,

[11] 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. The notice would also indicate that 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.

Diversity, and Inclusion" and "Quality of Justice and Service to the Public," of the *Strategic Plan for California's Judicial Branch* (Link B). The recommendations to simplify the rules of court and develop a series of forms to facilitate the statement of decision process (and provide helpful guidance as to how the statement of decision process operates) will benefit court professionals, attorneys, and parties in a wide range of cases.

Comments

The committees solicited public comments on this proposal from April 13 to May 18, 2026, as part of the council's regular spring invitation-to-comment cycle. The proposal received 19 comments from 21 commenters (3 commenters submitted one joint comment letter). Three commenters agreed with the proposal in its entirety; nine agreed if modified; eight commenters did not specify a position;[12] and one commenter disagreed with the proposal. The commenters included five superior courts, five superior court judges, nine organizations or associations, one law firm, and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee (JRS).

The committees appreciate the commenters' review of the proposal and the feedback provided. The substantive comments and the committee's responses are summarized below. A chart with the full text of the comments received and the committees' responses is attached at pages 23–64.

Comments about rules 3.1590 and 3.1591

For the rules, the invitation to comment sought comment on both the proposed rule content, including whether rules 3.1590 and 3.1591 should be repealed altogether. Consistent with the alternatives presented in the invitation to comment, the comments similarly expressed a range of views on the rules, although the comments generally focused on rule 3.1590.

With respect to rule 3.1590, commenters who favored repealing rule 3.1590 generally indicated that the proposed rule duplicated section 632 and undermined Assembly Bill 515's objective of consolidating the statement of decision procedures into a single statutory framework.[13] Conversely, commenters who supported retaining rule 3.1590 indicated that a limited rule could provide useful procedural guidance where the statute is silent.[14]

Although commenters differed on whether rule 3.1590 should be retained, there was substantial agreement that any rule should avoid duplicating statutory requirements and should not reintroduce procedural complexity that Assembly Bill 515 sought to eliminate. The committees'

[12] Of the commenters that did not specify a position, four responded that the proposal appropriately addressed the stated purpose, three suggested changes to improve the rule and/or the forms, and one indicated that rule 3.1590 is not necessary.

[13] See, e.g., comments of Judge Beaudet, the California Academy of Appellate Lawyers, and the California Judges Association, Civil Committee.

[14] See, e.g., comments of the California Lawyers Association Family Law Section Executive Committee; joint comments of the Family Violence Appellate Project, the Legal Aid Association of California, and the Harriett Buhai Center for Family Law; and comments of the Superior Court of San Diego County.

recommended revisions reflect those concerns by substantially narrowing the rule content and retaining only limited supplemental guidance.

In addition, the invitation to comment sought specific comment on whether rule 3.1590 should establish a deadline for the court to prepare a statement of decision. Commenters expressed differing views, including supporting the proposed 90-day deadline, suggesting a shorter 30-day deadline, or omitting a rule-based deadline altogether. After considering the comments and discussing this issue further,[15] the committees concluded that including a deadline in the rule could create uncertainty regarding its application in a variety of procedural circumstances (for example, when a party prepares a draft statement of decision, when a party fails to prepare a draft, or when the court issues an amended statement of decision after objections). Accordingly, the committees recommend that the rule not include a deadline for the court to prepare a statement of decision.

In light of these comments, the committees pared down the rule content to avoid duplicating content from section 632 or establishing deadlines. The version of the rule that circulated for public comment contained six subdivisions. The committees now recommend only three (subdivisions (a) through (c)), which contain provisions that provide supplemental procedural guidance, and advisory committee comments to assist courts or litigants with finding related forms or provisions of law. The recommendations simplify the rule while preserving limited procedural guidance that will assist courts, attorneys, and self-represented litigants in implementing the new statutory framework.

With respect to rule 3.1591, most commenters either supported the proposed amendments to rule 3.1591 or did not suggest substantive changes.[16] In light of the comments, the committee recommends retaining the rule, with amendments to reflect the changes made by AB 515.

Comments about forms CIV-175, CIV-175-INFO, CIV-176, and CIV-177

Comments generally supported approval of the proposed forms to implement AB 515, with most suggested revisions focusing on the *Statement of Decision Information Sheet* (form CIV-175-INFO). Several commenters proposed revisions to form CIV-175-INFO to improve accuracy and usability, many of which the committees incorporated into the recommended form. One court suggested more significant changes such as making the forms mandatory and designating the civil (CIV) forms as joint civil and family law forms.

The committees considered the court commenter's suggestion that the new forms be mandatory and jointly numbered (for example, "form CIV-175/FL-175"). However, the committees

[15] The committees also considered rule 2.900, which relates to the 90-day timeframe for pending and undetermined matters in the California Constitution, and identified the need for amendments to this rule to conform with AB 515 and the recommended amendments to rule 3.1590. See Invitation to Comment on Rules and Forms: Amendment of Rule 2.900 (SP26-06, pending), available on the Judicial Council Invitation to Comment website.

[16] But see comments of the Complex Appellate Litigation Group (suggesting that rules 3.1590 and 3.1591 be combined) and the Orange County Bar Association (indicating proposed content in rules should be repealed).

continue to recommend the forms for optional use. Further, the committees do not recommend jointly numbering these forms because joint numbering would not cover the full range of matters where the forms could be used. A statement of decision can be requested in a wide range of civil cases, including those filed in family, probate, and juvenile court. Expanding the form numbering accordingly would be unduly cumbersome.

After considering the comments suggesting changes or additions to the content of form CIV-175-INFO, the committees recommend incorporating changes that clarify the procedures and the availability of resources for the parties. The recommended changes also use phrasing that is suitable for a plain-language-style form.

Alternatives considered

The committees did not consider taking no action, as AB 515 requires the council to amend the rules of court and create specified forms to implement the legislation. Without amendments, rules 3.1590 and 3.1591 would conflict with statutory procedures that become operative on January 1, 2027. Similarly, AB 515 requires the adoption of certain forms that parties may use to request a statement of decision and to provide information about that process. The committees recommend forms CIV-175 and CIV-175-INFO to comply with the bill's direction.

In developing the proposal, the committees considered several alternative approaches to the rule revisions to implement AB 515. The committees specifically sought public comment on whether rules 3.1590 and 3.1591 should be repealed altogether or retained in a substantially amended form. The committees also considered which provisions of the proposed rule content should be retained, amended, relocated to the advisory committee comment, or eliminated because they duplicate the new statutory provisions. As previously discussed, the committees considered whether rule 3.1590 should establish a deadline for the court to prepare a statement of decision, but does not recommend including a deadline in the rule. The committees concluded that the recommended rule content will assist courts and parties with navigating the statement of decision process under AB 515.

For the new forms, the committees considered whether to adopt forms for objecting to statements of decision and proposed judgments, although the forms were not required to implement AB 515. The committees concluded that optional objection forms would assist litigants, particularly those who are self-represented, in preparing objections authorized by Code of Civil Procedure section 632.

Fiscal and Operational Impacts

Courts commented that 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 recommended changes to the rules and forms are needed to implement the statute, these impacts cannot be avoided.

Attachments and Links

1. Cal. Rules of Court, rules 3.1590 and 3.1591, at pages 11–15
2. Forms CIV-175, CIV-175-INFO, CIV-176, and CIV-177, at pages 16–22
3. Chart of comments, at pages 23–64
4. Link A: Assem. Bill 515
5. Link B: *Strategic Plan for California's Judicial Branch*

Rules 3.1590 and 3.1591 of the California Rules of Court are amended, effective January 1, 2027, to read:

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.~~

~~(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.~~

~~(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.~~

~~**(m) Extension of time; relief from noncompliance**~~

~~The court may, by written order, extend any of the times prescribed by this rule and at any time before the entry of judgment 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.~~

~~**(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.~~

(a) Scope

This rule applies when a statement of decision is requested under Code of Civil Procedure section 632(a).

(b) Draft statement of decision not timely submitted by party

If the court has ordered a party to prepare a draft statement of decision under Code of Civil Procedure section 632(d) and the party does not prepare and submit the draft within the specified time period, the court may:

(1) Prepare and serve a statement of decision;

(2) Order another party to prepare a draft statement of decision within a specified time period; or

(3) Order that the statement of decision is deemed waived, if the party who failed to prepare the draft was the only party who timely requested a statement of decision.

(c) Signing and filing of judgment

When a written judgment is required, after completing the procedures specified in Code of Civil Procedure section 632, the court must sign and file the judgment to enable the clerk to timely enter judgment under Code of Civil Procedure section 664(b).

Advisory Committee Comment

Subdivision (a). A party may use *Request for Statement of Decision* (form CIV-175) to make a request. 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.

Subdivision (c). A party may object to a statement of decision as provided in Code of Civil Procedure section 632(e) and may use *Objection to Statement of Decision* (form CIV-176) to make an objection.

A party may object to a proposed judgment as provided in Code of Civil Procedure section 632(f) and may use *Objection to Proposed Judgment* (form CIV-177) to make an objection.

Courts and litigants should note that: (1) Code of Civil Procedure section 632(f) allows for a proposed judgment to be prepared "before or after the statement of decision is final;" and (2) 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."

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;~~ decision, 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 serve a statement of decision as to the issues tried by that judge ~~and the judge trying the final issue must prepare the proposed judgment~~.

(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.

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***
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: 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 court orders the matter submitted for decision 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 all that apply below):*
   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.

For family law cases, the 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. Any 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:

- 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 respondent?
- Does the court find that the plaintiff 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 submit it to 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.

Code of Civil Procedure section 632 and rule 3.1590(b) provide 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?

The court may order a party or parties to prepare a draft statement of decision within a time period specified by the court.

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 within a time period specified by the court; or
- Order that the statement of decision be deemed waived (not required) if the party ordered to prepare the draft was the only party who asked for a statement of decision.

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:

- All parties agree; or
- The oral statement of decision is made on the record when the parties are present in a short trial (fewer than 8 hours).

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.

CIV-175-INFO Statement of Decision Information Sheet

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.

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.:	
EMAIL ADDRESS:		
ATTORNEY FOR *(name):*		
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 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: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR *(name):*	***FOR COURT USE ONLY***
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/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. (Code Civ. Proc., § 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

SPR26-14 Chart of Comments

Civil Practice and Procedure: Statement of Decision Rules and Forms to Implement Assembly Bill 515 (amend Cal. Rules of Court, rules 3.1590 and 3.1591; approve forms CIV-175, CIV-175-INFO, CIV-176, and CIV-177)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Hon. Teresa A. Beaudet, Superior Court of Los Angeles County	Position: Disagree Response to the Invitation to Comment, SPR26-14 from Judge Teresa A. Beaudet, Los Angeles Superior Court Dept.508 dated 5/11/26: There is no need for the proposed Rule 3.1590. As a judge in civil, I appreciate the new statute's structure of containing all the deadlines in one place. It has been very confusing to have to review both Code of Civil Procedure 632 and Rule 3.1590 anytime I prepare a statement of decision.	The committees acknowledge the commenter's disagreement with the proposal. The committees agree that the consolidation of statement of decision deadlines in statute provides greater clarity and reduces the need to consult multiple sources of authority. After considering all of the comments received, including the suggestion to repeal rule 3.1590, the committees recommend retaining rule 3.1590 to provide a centralized resource for litigants, attorneys, and courts navigating the statement of decision process. The committees recommend changes to the proposed rule to streamline its content and remove provisions that merely restate or reference the governing law. The retained rule is intended to complement, rather than duplicate, the statutory requirements by providing procedural guidance in a single, accessible location.
Hon. Teresa A. Beaudet (continued)	I also strongly oppose any effort to re-introduce the concept of a tentative statement of decision. The new statute makes the process much cleaner, where the court either prepares or orders a party to prepare a statement of decision, which then becomes the final by operation of law, after a period of time for objections. I do not support going back to the process of a tentative, proposed, and final statement of decision.	The committees appreciate the comment and agree that the rule should not contain any requirement for a tentative decision.
Hon. Teresa A. Beaudet (continued)	With the exception of proposed subsection (b), the rule merely restates provisions in the statute, which could lead to unnecessary confusion.	The committees appreciate the comment and recommend removing language that simply refers to the governing law from the body of the rule. The references have either been moved to the advisory committee comment or deleted altogether.

Commenter	Comment	Committee Response
Hon. Teresa A. Beaudet (continued)	Subsection (b)(1) sets forth a 90-day deadline for the court's issuance of the statement of decision. There is no need for this provision because the 90-day deadline is already established under the California Constitution, Article VI, section 19 and Government Code section 68210.	The committees appreciate the comment. The committees concluded that including the deadline in rule 3.1590 would not provide sufficient clarity to courts or litigants because the rule would need to address how the timeframe applies in various circumstances. For example, it would be difficult to determine when the 90-day period begins to run when a party prepares a draft statement of decision, when a party fails to timely prepare a draft, or when the court issues an amended statement of decision after objections. Accordingly, the committees do not recommend retaining the 90-day deadline in the rule and instead recommend that the rule focus on procedural guidance regarding the statement of decision process. The committees also note that the California Constitution and Government Code specify a 90-day timeframe for pending and undetermined causes. And, rule 2.900 contains provisions specifying when a cause is submitted and when a submitted cause is pending and undetermined.
Hon. Teresa A. Beaudet (continued)	I would strongly oppose any deadline shorter than 90 days and would urge the committee to reject any comments suggesting a shorter deadline.	The committees acknowledge the commenter's opposition to a shorter-than-90-day deadline. As indicated above, the committees do not recommend including a deadline in the rule.
Hon. Teresa A. Beaudet (continued)	Subsection (b)(1) establishes a default deadline of 30 days for a party to prepare a draft statement of decision when ordered to do so by the court, subject to the court's discretion to set a different deadline. Given the variety of matters to which Code of Civil Procedure section 632 applies, this should be left to the discretion of the court without a default deadline.	The committees acknowledge the commenter's concern that the proposed 30-day default deadline for a party to prepare a draft may not be appropriate in all matters. In light of all of the comments on the proposed 30-day default deadline, the committees recommend removing this deadline from the proposed rule.

Commenter	Comment	Committee Response
Hon. Teresa A. Beaudet (continued)	If the committee concludes subsection (b)(1) is needed, the court should have the discretion to set a longer or shorter deadline. Proposed subsection (f) appears to eliminate the court's discretion to set a shorter deadline. This limitation on the court's discretion is not contained in the statute.	See response to previous comment. The committees understand this comment to apply to the proposed 30-day default deadline for a party to prepare a draft. The committees acknowledge the commenter's concern that, if a court fails to specify a timeframe when initially ordering a party to prepare a draft, the default 30-day deadline in proposed rule 3.1590(b) would be triggered. In that case, the rule could be read to limit the court's authority to adjust the timeframe to the situations specified in proposed rule 3.1590(f), such that the court could not shorten the timeframe except in Family Code matters. The committees note that this was not the intended result; instead, the committees intended that the initial clause of proposed rule 3.1590(b)(2), allowing the court to specify a different timeframe, would still have effect such that the court could later override the default 30-day timeframe by specifying a different timeframe.
Hon. Teresa A. Beaudet (continued)	If any commenter advocates a deadline for issuance of the statement of decision shorter than 90-days, I urge the committee to reject any public comment advocating for a shorter deadline.	See response above related to the commenter's opposition to a deadline shorter than 90 days.
Hon. Teresa A. Beaudet (continued)	The statute already gives the court the discretion to set the deadline. Given the wide variety of matters to which Code of Civil Procedure section 632 applies, there is no reason to believe that 30 days would be the appropriate default for all case types.	See response above to the commenter's concern about the appropriateness of the proposed 30-day default deadline.
Hon. Teresa A. Beaudet (continued)	Further, if proposed subdivision (b)(2) and proposed subdivision (f) are both included in the rule, a potential ambiguity arises. It is unclear whether a court in a civil proceeding would be able to set a deadline shorter than 30 days for a party to prepare a proposed statement of decision. This could cause problems in cases where prompt resolution is necessary or desirable, such as in unlawful detainer actions. This conflict does not exist in the statute.	The committees appreciate the comment. As indicated above, the committees recommend removing the 30-day default deadline from the rule. See also responses above to the commenter's concern about the relationship between proposed rule 3.1590(b) and (f).

Commenter	Comment	Committee Response
Hon. Teresa A. Beaudet (continued)	I have no objection to subsection (b)(2)(A), which provides consequences in the event a party who is ordered to provide a statement of decision fails to do so. If a rule is enacted, it could reasonably be limited to this provision. But my first preference would be to simply get rid of Rule 3.1590 altogether.	The committees appreciate the comment. The committees recommend retaining the rule content about the court's options when a party fails to timely prepare a draft as ordered.
California Academy of Appellate Lawyers by Judith E. Posner, Academy Vice President	Position: Not indicated The California Academy of Appellate Lawyers (calappellate.org), referred to herein as the Academy, one of the nation's first bar organizations devoted to appellate practice, provides comments to the Judicial Council's proposed revisions to the rules addressing statements of decision. As set forth below, the Academy is generally opposed to new proposed rule 3.1590 as it is superfluous, merely duplicates a detailed statute that takes effect on January 1, 2027, and creates confusion and extra material for lawyers and courts to read and digest. The new proposed rule reads somewhat like a practice guide, but the Academy does not believe the rules of court are to function as a practice guide. Rather, they should fill holes or add requirements that statutes do not already impose. While the deadlines set forth in the proposed rule are arguably new, they are also unnecessary because the statute provides that a court can change them for any time and for any reason.	The committees acknowledge the commenter's general opposition to proposed rule 3.1590 and respond to the commenter's specific comments below.
California Academy of Appellate Lawyers (continued)	Cal. R. Ct. 3.1590 [*An image of the text of proposed subdivision (a) omitted.] This provision appears superfluous and passive. The Academy does not believe the purpose of the rules of court should be to flag the existence of optional forms, which is what this proposed rule does.	The committees appreciate the comment and recommend modifying subdivision (a) to state the scope of the rule and moving the reference to the optional form into the advisory committee comment.
California Academy of Appellate Lawyers (continued)	[*An image of the text of proposed subdivision (b) omitted.] The Academy recommends deleting subsection (b)(1) and (2). Code of Civil Procedure section 632, subdivision (d), already provides that the court may order the parties to prepare the statement of decision. We do not think the deadlines are necessary or helpful. There is no need to specify that a party who fails to comply with a court order directing the party to prepare a statement of decision has waived something. The court can simply issue a short statement of decision. There also is no need for a default deadline of 30 days, which the court can alter if it wants. The proposed changes complicate the statement of decision process without reason, as the statute says the court can change any of the proposed deadlines.	The committees acknowledge the commenter's opposition to the deadlines for preparing a statement of decision (or draft). In light of all of the comments on these deadlines, the committees do not recommend including the deadlines in the rule. For further detail, see responses, above, to comments of Judge Beaudet on the proposed 90-day and 30-day timeframes in the rule. In addition, in light of all of the comments, the committees recommend retaining the rule content that specifies a court's options when a party fails to timely prepare a

Commenter	Comment	Committee Response
		draft statement of decision. This provision could provide helpful guidance to courts and litigants.
California Academy of Appellate Lawyers (continued)	[*An image of the text of proposed subdivision (c) omitted.] We recommend deleting this provision as it simply duplicates the statutory language.	The committees appreciate the comment and recommend removing this provision from the rule.
California Academy of Appellate Lawyers (continued)	[*An image of the text of proposed subdivision (d)] We recommend deleting this provision for the same reasons stated in relation to subdivision (a) above, as it merely duplicates the statute and flags the existence of an optional form. We already know that Judicial Council forms may be used for the purpose that the Judicial Council specified.	The committees appreciate the comment and recommend moving the text of proposed subdivision (d) into the advisory committee comment.
California Academy of Appellate Lawyers (continued)	[*An image of the text of proposed subdivision (e)] We recommend deleting this provision. The statute provides that a party may file objections within 10 days after service of the proposed judgment. (New section 632(f)(2).) Also, judgment must be entered within 30 days after the statement of decision becomes final. (New section 644(b).) Further, we are unclear of any difference between filing the judgment and entering the judgment as referenced in the proposal.	In light of all of the comments on this provision, the committees recommend retaining proposed subdivision (e) in the rule (now relettered as subdivision (c)). The committees note that Code of Civil Procedure section 664 distinguishes the timing of the court's decision and entry of judgment. The committees also recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment.
California Academy of Appellate Lawyers (continued)	[*An image of the text of proposed subdivision (f)] We recommend deleting these proposed changes, which just duplicate the statute.	The committees recommend removing proposed subdivision (f) from the rule. In light of the removal of the deadlines in the rule, the committees note that there are no timeframes in the rule to which this authority would apply.
California Child Support Association Judicial Council Forms Committee (CALCSA) by Michael Smitsky, Executive Director	Position: Agree California Rules of Court, rule 3.1590, Page 13 The Committee agrees with the proposed changes.	The committees appreciate the comment and acknowledge the commenter's support for the proposed amendments to rule 3.1590.
CALCSA (continued)	California Rules of Court, rule 3.1591, Page 17 The Committee agrees with the proposed changes.	The committees appreciate the comment and acknowledge the commenter's support for the proposed amendments to rule 3.1591.

Commenter	Comment	Committee Response
CALCSA (continued)	Request for Statement of Decision, CIV-175, Page 19 The Committee agrees with the proposed changes.	The committees appreciate the comment and acknowledge the commenter's support for the recommendation to approve form CIV-175.
CALCSA (continued)	Statement of Decision Information Sheet, CIV-175-INFO, Page 20-23 The Committee agrees with the proposed changes.	The committees appreciate the comment and acknowledge the commenter's support for the recommendation to approve form CIV-175-INFO.
CALCSA (continued)	Objection to Statement of Decision, CIV-176, Page 24 The Committee agrees with the proposed changes.	The committees appreciate the comment and acknowledge the commenter's support for the recommendation to approve form CIV-176.
CALCSA (continued)	Objection to Proposed Judgment, CIV-177, Page 25 The Committee agrees with the proposed changes.	The committees appreciate the comment and acknowledge the commenter's support for the recommendation to approve form CIV-177.
California Judges Association, Civil Committee (CJA Civil Committee) by Hon. Anne Richardson	Position: Agree if modified To the Chair and Honorable Members of the Judicial Council Rules Committee: Thank you for the opportunity to comment on proposed Rules 3.1590 and 3.1591 and the proposed forms. We are the members of the Civil Committee of the California Judges Association (CJA). The Civil Committee reviews legislation that may affect the judiciary. We also propose legislation. Assembly Bill 515 (AB 515) originated with our members, and we helped shepherd the bill through the legislature. We make these comments to explain the objectives of AB 515 and express concern that proposed Rule 3.1590 would substantially reinstitute the procedural complexity and uncertainty that AB 515 was specifically intended to eliminate. Proposed Rule 3.1591 and the proposed forms (as modified) generally advance the goals of the statute, but proposed Rule 3.1590 does not. We also address the questions raised in the invitation to comment.	See the committees' responses to the specific suggestions for modification below.
CJA Civil Committee (continued)	I. The Purpose of Assembly Bill 515 One of the main purposes of Assembly Bill 515 was to simplify a confusing procedure. Former Code of Civil Procedure 632 and Rule 3.1590 created an unnecessarily complicated and lengthy process to obtain a final statement of decision (SOD). The requirements were difficult for parties and judges to navigate and generated uncertainty about the correct steps. We proposed amendments to CCP 632 to avoid the multi-step process of tentative, proposed, and final SODs and to consolidate procedures and deadlines into a single statutory	The committees appreciate the comment.

Commenter	Comment	Committee Response
	framework. The new statute gives litigants the same procedural protections that existed under the prior scheme. Litigants may still request a statement of decision, identify issues to be addressed, prepare a proposed statement of decision if directed by the court, and object before the statement becomes final. The new statute also combines the requirements for SODs in one location. Having some rules in CCP 632 and some in Rule 3.1590 was a source of confusion for litigants and judicial officers alike.	
CJA Civil Committee (continued)	II. Proposed Rule 3.1590 is Not Necessary and Reintroduces Problems AB 515 Was Designed to Solve The new statute provides: "[t]he Judicial Council shall adopt or amend all rules of court necessary to implement this section." (Code Civ. Proc. § 632, subd. (h)(1).) We anticipated that the Judicial Council would delete Rule 3.1590 as no longer necessary.	The committees appreciate the comment.
CJA Civil Committee (continued)	Much of proposed Rule 3.1590 merely duplicates statutory provisions already contained in section 632. It also includes new deadlines that may create confusion and be inconsistent with section 632 and other laws. For example, subsection (b)(1) of the proposed rule duplicates the 90-day requirement in the California Constitution, Article 6, section 19 and in Government Code section 68210. Its inclusion in the proposed rule may create the incorrect impression there is a 90-day rule specific to SODs, particularly given the proposed language "unless the court has ordered a party to prepare a draft statement of decision." Moreover, if the Judicial Council decides to issue a rule with a deadline, we strongly oppose any deadline shorter than the existing 90 days.	The committees acknowledge the commenter's opposition to deadlines in the rule. In general, commenters expressed differing views, including supporting the proposed 90-day deadline, suggesting a shorter 30-day deadline, or omitting a rule-based deadline altogether. After considering these alternatives, the committees concluded that including a deadline in the rule could create uncertainty regarding its application in a variety of procedural circumstances (for example, when a party prepares a draft statement of decision, when a party fails to prepare a draft, or when the court issues an amended statement of decision after objections). Accordingly, the committees recommend that the rule not include a deadline for the court to prepare a statement of decision. The committees also note that the California Constitution and Government Code specify a 90-day timeframe for pending and undetermined causes. And, rule 2.900 contains provisions specifying when a cause is submitted and when a submitted cause is pending and undetermined.

Commenter	Comment	Committee Response
CJA Civil Committee (continued)	Proposed subsection (b)(2), which sets a default 30-day deadline for a party to file and serve a draft SOD when ordered by the court, presents similar concerns. Section 632 intentionally does not impose a specific deadline so that the trial court can tailor the deadline to the particular case. After a very short bench trial, a proposed SOD can be prepared in a few days. Family law cases with pressing deadlines may require a proposed SOD as soon as possible. After complicated, lengthy trials, especially when the parties request time to order transcripts, a longer period may be necessary. The statute appropriately leaves these determinations to the discretion of the trial court. Also, proposed subsection (f) and section 632(g)(1)) allow a court to extend deadlines. Proposed subsection (b)(2)'s 30-day default may generate disputes about whether a court may shorten that deadline or may only extend it.	The committees acknowledge the commenter's concern regarding the default 30-day timeframe for a party-prepared draft. The committees recommend removing this timeframe from rule. For more detail, see responses, above, to the comments of Judge Beaudet on the proposed 30-day timeframe.
CJA Civil Committee (continued)	Subsection (b)(2)(A) represents the only substantive modification of CCP 632 that we view as potentially useful. This subsection details what happens if a party ordered to file a draft SOD does not do so, an issue not addressed by CCP 632. If the Committee does not agree there should be no rule 3.1590 at all, this portion of the rule should remain. However, if this is the only subsection the Committee is inclined to retain, we suggest any advantage is outweighed by the disadvantage of recreating a regime in which rules relating to SODs are located in different places.	The committees appreciate the comment. After considering all of the comments on this issue, the committees recommend retaining this content in the rule, as it provides helpful, supplemental guidance on the options available to the court when a party fails to timely prepare a draft statement of decision when ordered to do so by the court.
CJA Civil Committee (continued)	Finally, subsection (b)(2)(B) is entirely duplicative of CCP 632, subdivision (d).	The committees recommend deleting this provision from the rule.
CJA Civil Committee (continued)	III. Proposed Changes to Rule 3.1591 We agree with the revised Rule 3.1591.	The committees appreciate the comment.
CJA Civil Committee (continued)	IV. Specific Comments on Proposed Forms We have no edits to CIV 175, CIV 176, and CIV 177 and support the availability of these forms.	The committees appreciate the commenter's support of the forms developed to implement Assembly Bill 515.
CJA Civil Committee (continued)	We agree CIV 175 INFO will be helpful for parties and counsel, but we propose the following revisions. 1. Paragraph (4) on page 1: This answer may inadvertently suggest that a court must provide a statement of decision whenever requested. In fact, it is only required "upon the trial of a question of fact by the court" or in certain family law matters. We propose adding the following after the second sentence of paragraph (4): "However, a statement of decision is only required upon the trial of a question of fact by the court. For example, it is generally not required after a court hears a	The committees agree with the suggestion regarding item 4 on form CIV-175-INFO and have incorporated the suggestion, with minor alterations, into the form they recommend for approval.

Commenter	Comment	Committee Response
	motion. (In re Marriage of Fong (2011) 193 Cal.App.4th 278, 294-297.)" The remainder of that paragraph then discusses its availability in certain family law matters, which we support as drafted.	
CJA Civil Committee (continued)	2. Paragraph (6) on page 1: We propose clarifying that the trial court retains discretion regarding modifying deadlines, so that a litigant does not believe that the court must do so upon request. We propose that in the first line, the words "in its discretion" be added: "Yes, the court may, in its discretion: . . ."	The committees appreciate the suggestion regarding item 6 on form CIV-175-INFO, but conclude that the initially-proposed language is more suitable for a plain-language information sheet. Thus, the committees have not incorporated the language suggested by the commenter.
CJA Civil Committee (continued)	3. Paragraph (9), page 2: Under section 632, the request for statement of decision must be made at or before the time of submission of the matter. Because a party will not know the court's tentative ruling at that time, a few of the examples should be rewritten. For example, the first question might read: "Does the court find for plaintiff or defendant on plaintiff's first cause of action for breach of contract, and if so, on what grounds?" or "If the court finds for plaintiff, what is the measure of damages, and why?"	The committees agree with the commenter's suggestion and have made changes to the list of questions to avoid phrasing that would presume that the parties know the court's ruling when making a request.
CJA Civil Committee (continued)	4. Paragraph (11), page 2: The final sentence should refer to section 632 as well as the rule, unless the rule is completely eliminated, in which case it should cite only the statute.	The committees agree with the commenter's suggestion for item 11 on form CIV-175-INFO and have included it on the form they recommend for approval.
CJA Civil Committee (continued)	5. Paragraph (14), page 3: The answer states the court can issue an oral SOD only if the parties agree or if the trial is less than 9 hours and is transcribed by court report or electronically. While section 632 allows an oral request for statement of decision only if there is an official record of the proceeding being transcribed, it does not impose such a prerequisite for an oral SOD. The distinction is sensible. There should be a written or transcribed request for an SOD in order to have a reliable record of what was in fact requested. To impose this same requirement on a trial court's SOD would cause unnecessary delay. Short cause trials, especially in family law or unlawful detainer courts, may take less than an hour, with courts giving their decisions and reasoning immediately. A court reporter or electronic recording may not be available. Requiring written SODs in those very busy courts would unduly burden the judicial officers, especially because parties can file settled statements or proposed orders if they are	The committees agree in part with the commenter's suggestion and recommend that the content of item 14 on form CIV-175-INFO be changed to align with the language of Code of Civil Procedure section 632(b), which provides "… when the trial is concluded within one calendar day or in less than eight hours over more than one day, the statement of decision may be made orally on the record in the presence of the parties. For the plain-language information sheet, the committees recommend that the content be written as "The court can issue an oral statement of decision only in the following situations: if all parties agree; or the

Commenter	Comment	Committee Response
	unsatisfied with the decision. Accordingly, the last part of this paragraph – "that is being transcribed by a court reporter or electronically" – should be deleted.	oral statement of decision is made on the record when the parties are present in a short trial (less than 8 hours)."
CJA Civil Committee (continued)	6. Generally: If the Committee decides not to enact Rule 3.1590, references to that rule should be deleted.	Because the committees recommend amending rule 3.1590, they recommend retaining the references to the rule in form CIV-175-INFO.
CJA Civil Committee (continued)	V. Alternative Proposal if the Committee Retains Rule 3.1590 Although we strongly recommend that the Committee not adopt proposed Rule 3.1590, we alternatively propose that any rule be substantially narrowed. Specifically, a new rule should not (1) include any new deadlines; (2) duplicate existing statutes, rules, or constitutional provisions, (3) reintroduce procedures and deadlines eliminated by section 632, or (4) shorten the current 90-day rule.	The committees acknowledge the commenter's alternative suggestions about the content of rule 3.1590. In light of all of the comments, the committees recommend paring back the proposed content of rule 3.1590.
CJA Civil Committee (continued)	VI. Responses to Request for Specific Comments We have the following additional comments in response to the Committee's questions at page 11 of the Invitation to Comment.	No response needed; see responses to individual comments below.
CJA Civil Committee (continued)	A. Assuming Rule 3.1590 is eliminated, the remainder of the proposals made by the Committee, as modified above, address the stated purpose of the Committee.	The committees appreciate the comment regarding the proposals other than rule 3.1590. Regarding rule 3.1590, see responses, above and below, to CJA Civil Committee comments addressing the substance of the rule.
CJA Civil Committee (continued)	B. For the reasons stated above, Rule 3.1590 should be repealed in its entirety but Rule 3.1591 should be retained as modified by the Committee.	The committees appreciate the comment regarding rule 3.1591 and recommend retaining the rule as proposed for revision. Regarding rule 3.1590, see responses, above and below, to CJA Civil Committee comments addressing the substance of that rule.
CJA Civil Committee (continued)	C. The Committee should not reinsert the terminology of "tentative decisions." Adding a tentative decision requirement would be contrary to the intent of section 632 to streamline the process.	The committees appreciate the comment and agree that the rule should not contain any requirement for a tentative decision.
CJA Civil Committee (continued)	D. For the reasons stated above, adding a 90-day requirement is unnecessary and confusing.	See response above to CJA Civil Committee comment addressing the 90-day timeframe for the court's issuance of a statement of decision.

Commenter	Comment	Committee Response
CJA Civil Committee (continued)	E. Reiterating that a court has 30 days from the date the SOD becomes final to enter the judgment is unnecessary because CCP 664 already sets that deadline. Thirty days is sufficient for the court to finalize the judgment, and is vastly superior to the old statute, which provided that after a bench trial, judgment had to be entered "immediately upon the filing of such decision." (CCP 664, subd. (a).)	In light of all of the comments on this issue, the committees recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment.
CJA Civil Committee (continued)	Conclusion We thank the Committee for their evident time and attention to detail as they drafted these proposed rules and forms, and we are available should there be any questions regarding the content of these comments.	No response required.
California Lawyers Association (CLA), Family Law Section Executive Committee (FLEXCOM) by Shanon Quinley, FLEXCOM Legislation Chair & Saul Bercovitch, CLA Chief Governmental Affairs Officer	Position: Agree SPR26-14 Civil Practice and Procedure: Statement of Decision Rules and Forms to Implement Assembly Bill 515 FLEXCOM agrees with this proposal. However, FLEXCOM suggests the following revisions to proposed rule 3.1590.	The committees appreciate the comment and acknowledge the commenter's general agreement with the proposal. The committees respond to the commenter's specific suggestions below.
CLA FLEXCOM (continued)	Proposed (b)(1) should retain the current deadline for the court to prepare a statement of decision, which is 30 days, not 90 days. The prior rule 3.1590(f) set a 30-day deadline, and no compelling justification has been offered for tripling it. Tripling the deadline extends overall time to judgment without a clear corresponding benefit.	The committees appreciate the comment and the concern that extending the timeframe for preparing a statement of decision could delay entry of judgment. After considering all comments on this issue, however, the committees do not recommend including a deadline for the court's issuance of a statement of decision in the rule. For additional information regarding the committee's decision not to include a 90-day timeframe in the rule, see the response above to the CJA Civil Committee comment addressing the 90-day timeframe for the court's issuance of a statement of decision.

Commenter	Comment	Committee Response
CLA FLEXCOM (continued)	Proposed (c) should require that preparation of the proposed judgment is mandatory, not optional, or the rules should make clear that the court must enter a separate judgment in every case. Proposed (c) uses "may" while proposed (e) requires the court to sign and file the judgment. More importantly, leaving preparation optional creates serious confusion about appellate deadlines. A statement of decision is not supposed to be an appealable order; the judgment is. If no proposed judgment is prepared and no separate judgment is signed and entered, parties will be left to guess whether the appeal clock runs from the statement of decision or from a later judgment that may or may not issue. The rules should require preparation of a proposed judgment (or make clear that the court must enter a separate judgment in every case).	The committees acknowledge the commenter's concern about the permissive language for preparing the proposed judgment used in proposed rule 3.1590(c). The committees note that the proposed rule language was drafted to be consistent with the language of Code of Civil Procedure section 632(f)(1). In light of all of the comments on this provision, the committees recommend removing the content from the rule.
CLA FLEXCOM (continued)	Proposed (e) should adopt the alternative deadline language shown on page 10 of the Invitation to Comment "and in no event more than 30 days after the statement of decision becomes final." Proposed (e) currently requires the court to sign and file the judgment but sets no deadline, while CCP § 664(b)(2) requires the clerk to enter judgment within 30 days after the statement of decision becomes final. The committees themselves flag this gap on page 11 (Request for Specific Comment 2). Adopting the alternative language closes the gap directly.	The committees appreciate the comment. In light of all of the comments on this issue, the committees recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment, as opposed to the rule itself.
California Lawyers Association Litigation Section, Committee on Appellate Courts (CAC) by Julia C. Shear Kushner Chair, CAC, CLA Litigation Section and Saul Bercovitch, CLA Chief Governmental Affairs Officer	Position: Not indicated The Committee on Appellate Courts (CAC) of the California Lawyers Association's Litigation Section submits this response to the Invitation to Comment SPR26-14. The California Lawyers Association is a nonprofit, voluntary organization with approximately 45,000 members statewide. It is dedicated to the professional advancement of attorneys practicing in the State of California. The CAC consists of over twenty experienced appellate practitioners and court staff, drawn from a wide range of practice areas.	No response needed; see responses to specific comments below.
CLA Litigation Section, CAC (continued)	The CAC strongly supports the amendment of California Rule of Court, rule 3.1590, as opposed to its repeal. The rule is needed to clarify several important provisions of amended Code of Civil Procedure sections 632 and 664. Our specific proposed revisions to the proposed rule are as follows:	The committees appreciate the comment and respond to the specific proposed revisions below.

Commenter	Comment	Committee Response
CLA Litigation Section, CAC (continued)	Subdivision (a)—The proposal for subdivision (a) is to simply refer parties to section 632, subdivision (a) and add a reference to the new form. The CAC recommends clarifying in the rules when a party is entitled to a statement of decision under section 632, because that is one area where we see a lot of confusion. We recommend that subdivision (a) read as follows: (a) Request for statement of decision Where an issue of fact is tried by the court, a party is entitled to a statement of decision explaining the factual and legal basis for the court's ruling, regardless of whether the trial results in a final judgment or other immediately appealable order. In such case, a party requesting a statement of decision must satisfy the requirements of Code of Civil Procedure section 632, subdivision (a). *Request for Statement of Decision* (form CIV-175) may be used for making a request.	The committees appreciate the suggestion. The committees recommend modifications to subdivision (a) to specify the scope of the rule and move the reference to the new form into the advisory committee comment. The committees do not recommend further rule language to specify the party's right to a statement of decision at this time, as such changes are beyond the scope of what is required to implement Assembly Bill 515. The committees will consider this suggestion as time and resources permit.
CLA Litigation Section, CAC (continued)	We further recommend adding an Advisory Committee Comment for subdivision (a) stating: Subdivision (a): Under California Code of Civil Procedure section 632, a party is entitled to request a statement of decision whenever a court conducts a bench trial on a question of fact—and this right exists regardless of whether the resulting decision constitutes an immediately appealable order or final judgment. There are numerous examples of bench trials producing non-final orders for which a statement of decision is nonetheless required, including issues appropriate for bifurcation in dissolution proceedings under California Rules of Court, rule 5.390; bench trials on special defenses under Code of Civil Procedure section 597; and bifurcated bench trials on liability before damages under Code of Civil Procedure section 598. In circumstances where a statement of decision is required, the court and the parties follow this rule for issuance of a final statement of decision, but the court will not issue a judgment or immediately appealable order except as provided in rule 3.1591.	The committees appreciate the suggestion. The committees do not recommend additional comment language describing the party's right to a statement of decision at this time, as such changes are beyond the scope of what is required to implement Assembly Bill 515. The committees will consider this suggestion as time and resources permit.
CLA Litigation Section, CAC (continued)	Subdivision (b)(1)—Under current rule 3.1590, subdivision (f), a court or a party appointed to prepare a statement of decision has 30 days for this task. This relatively tight timeline helps to ensure that decisions are written when the evidence and argument are fresh in the minds of the court and parties, and that the entire statement of decision process is not excessively long. Delay in legal cases, and especially family law custody matters, can be extremely prejudicial to litigants and their children. The CAC opposes the provision that a court routinely have 90 days to prepare a statement of decision, with this deadline presumably being extendable for good cause. We propose instead that the regular timeline for the court to prepare the initial statement of decision under subdivision (b)(1) be 30 days.	The committees acknowledge the commenter's preference for 30-day deadline for preparing a statement of decision, however, in light of all of the comments on this issue, the committees do not recommend including a deadline for the court's issuance of a statement of decision in the rule. For more details, see response above to CJA Civil Committee comment addressing the 90-day timeframe for the court's issuance of a statement of decision.

Commenter	Comment	Committee Response
CLA Litigation Section, CAC (continued)	Subdivision (b)(2)—CAC is again concerned that the proposed deadlines will cause undue delay. When the court assigns a party to prepare a draft statement of decision, we recommend that the party have 20 days to do so and then the court must issue its decision within 10 days thereafter. Thus, in both cases, the first step of the process, issuance of the initial decision, will be completed in 30 days, consistent with the timeline in the current rule. CAC is also concerned that the rule governing a party's preparation of a draft statement of decision creates an ambiguity by saying the party "must file and serve the draft . . . ." The CAC believes that it will create confusion in the record if a statement of decision is filed when in draft form, without further instruction or clarification. The CAC recommends the proposed rule be modified to state: • 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~~ 20 days after the submission of the matter for decision, submit the draft with the court following the procedures for submitting proposed orders under rule 3.1312 and serve the draft on all parties. • If the draft statement of decision is not ~~filed~~ submitted 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~~ and if the party who failed to prepare the draft was the only party who timely requested a statement of decision, the court may order the statement of decision is deemed waived. The court may prepare and serve a statement of decision, or order another party to prepare a draft statement of decision. • If the draft statement of decision is ~~filed~~ submitted and served within that time, the court must within 10 days thereafter issue and serve ~~a~~ the statement of decision on the parties.	The committees appreciate the comment and the concern that the proposed default timeframe for preparing a draft statement of decision could unnecessarily delay the statement of decision process. After considering all comments on the issue, however, the committees do not recommend including a default deadline for a party to prepare a draft statement of decision in the rule. Code of Civil Procedure section 632(d) authorizes the court to order a party or parties to prepare a draft statement of decision "*within a specified time period*" (emphasis added). The committees concluded that an appropriate default deadline would be difficult to establish because of the variety of case types to which the rule applies. In addition, the committees did not intend for a default deadline to override or limit the court's statutory authority to specify a different timeframe in an individual case. Several commenters also expressed concern that including a default deadline could create confusion regarding the court's authority under section 632(d). For these reasons, the committees recommend against including a default deadline in the rule. The committees also agree that referring to a draft statement of decision as being "filed" could create unnecessary confusion. Accordingly, the committees recommend amending the rule (and modifying the corresponding information sheet language) to provide that the draft be "submitted" rather than "filed."

Commenter	Comment	Committee Response
CLA Litigation Section, CAC (continued)	Subdivision (c)—The CAC finds, consistent with the analysis in the invitation to comment, that AB 515 appears to change the process for proposed judgments and objections thereto, from that set forth in current rule 3.1590. The grammar of section 632, subdivision (f)(1) creates ambiguity as to the Legislature's intent and proper interpretation of that provision. Review of the Legislature's analyses of the bill show that changing the proposed judgment portion of the process from mandatory to optional was not a stated goal of the bill. The invitation to comment notes that the language and grammar changes from 3.1590 to 632, subdivision (f)(1) demonstrate an intent to make the proposed judgment process optional. But it is also possible, in light of the September 10, 2025 Assembly Floor Analysis indicating that the drafters believed that—other than the timing of the statement of decision—the bill largely mirrored rule 3.1590 and that the extent to which the rule would need amendment, that the Legislature intended to leave the process as mandatory, state that the court "may" prepare the proposed judgment or "may" order a party to do so, but "must" as consistent with current rule 3.1590, do one or the other. If the Advisory Committees conclude that AB 515 was not intended to change this process, then the CAC believes the use of the word "may" in proposed rule 3.1590(c) perpetuates this unintended ambiguity. We suggest that the proposed language be modified to state: "The court ~~may~~ shall either prepare and serve a proposed judgment (or order in cases involving orders) 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, subdivision (f)."	The committees acknowledge the commenter's concern about the permissive language for preparing the proposed judgment used in proposed rule 3.1590(c). The committees note that the proposed rule language was drafted to be consistent with the language of Code of Civil Procedure section 632(f)(1). In light of all of the comments on this provision, the committees recommend removing this content from the rule.
CLA Litigation Section, CAC (continued)	Subdivision (e)—It is commonly the case that a statement of decision ends with the sentence "It is so ordered." Oftentimes, no further order is issued. Parties thus frequently assume that their deadline to appeal a decision is 60 days after issuance of the statement of decision. To avoid continued confusion here, the CAC recommends that the following language be added to subdivision (e) or the advisory comment to the amended rule: "The time to appeal as set forth in rule 8.406 runs from issuance of the judgment or order, and not the statement of decision or amended statement of decision." Alternatively, in response to the Advisory Committee's question whether additional information should be included in the rules, the CAC recommends as follows, in order to further reduce the confusion in determining whether the court has issued an appealable order.	The committees appreciate the suggestion. The committees do not recommend additional comment language clarifying the running of the time to file a notice of appeal at this time, as such changes are beyond the scope of what is required to implement Assembly Bill 515. The committees will consider this suggestion as time and resources permit.

Commenter	Comment	Committee Response
CLA Litigation Section, CAC (continued)	Subdivisions (c), (d), (e)—As stated above, the largest area of confusion we, as appellate practitioners, see with respect to the statement of decision process is determining whether the court has issued an appealable order. We believe that confusion can be lessened by reorganizing them into two subdivisions—(c) and (d)—limiting subdivision (c) to finalizing the statement of decision and limiting subdivision (d) to judgments. Proposed subdivision (f) would then become subdivision (e). The specific language CAC recommends for subdivisions (c) and (d) is as follows: (c) Final statement of decision (1) Any party may file objections to the court's statement of decision as provided in Code of Civil Procedure section 632, subdivision (e)(1). *Objection to Statement of Decision* (form CIV-176) may be used for objections to a statement of decision. (2) The court may resolve any objections to the statement of decision with or without a hearing, provided that any such hearing must occur within 30 days of the date that a party files objections to the statement of decision, and that in no case shall this deadline be extended past 90 days. (3) The statement of decision will become final upon resolution of the procedures provided in Code of Civil Procedure section 632, subdivisions (e)(2)–(5). (4) The final statement of decision is not an appealable order, notwithstanding any language in the statement of decision containing words such as "The court orders" or "it is so ordered." (d) Final judgments/orders (1) Where a judgment is required after trial of a question of fact by the court, the court shall either prepare and serve a proposed judgment on all parties that appeared at the trial or 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, subdivision (f). (2) If the court or a party prepares and serves a proposed judgment, any party may object to the proposed judgment as provided in Code of Civil Procedure section 632, subdivision (f). (3) Upon resolution of the procedures specified in Code of Civil Procedure section 632, subdivision (f) 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, subdivision (b). An electronic signature by the court is as effective as an original signature. (4) As used in this rule, "judgment" includes an appealable order.	In response to the concern about combining rule content related to the statement of decision and judgment or order, the committees recommend changes to separate the statement of decision material from the material related to a proposed judgment. The committees recommend relocating the proposed content of rule 3.1590(d) to the advisory committee comment. Regarding the suggested addition of content about the final statement of decision and final judgments and orders, the committees appreciate the suggestion, but do not propose additional rule language at this time, as such changes are beyond the scope of what is required to implement Assembly Bill 515. The committees will consider this suggestion as time and resources permit.

Commenter	Comment	Committee Response
Complex Appellate Litigation Group LLP (CALG) by Kelly A. Woodruff, Counsel	Position: Not indicated The Complex Appellate Litigation Group (CALG) is a 27-attorney appellate specialty law firm with offices in San Francisco, Los Angeles, San Diego, Newport Beach, and Washington, DC. Our firm focuses exclusively on appellate work and consulting in the trial court on appellate-related issues, and is the largest appellate specialty law firm headquartered in Northern California. Eleven CALG attorneys are State Bar-certified appellate specialists and 10 are members of the California Academy of Appellate Lawyers. The firm's attorneys include past presidents of the Los Angeles and San Diego County Bar Associations, as well as several past chairs of appellate sections of county bar associations throughout California and the California Lawyers Association's Committee on Appellate Courts. A number of the firm's attorneys are retired California Supreme Court and Court of Appeal research attorneys, and one is a retired California Court of Appeal Justice. Many members of the firm have written and spoken extensively about appellate practice, including the statement of decision process both before and after the amendments to Code of Civil Procedure sections 632 and 664.	No response needed; see responses to specific comments below.
CALG (continued)	CALG supports the amendment of Rule 3.1590, as opposed to its repeal. However, CALG recommends repealing Rule 3.1591 and incorporating some of the language of that proposed rule into Rule 3.1590. As appellate specialists, we routinely see confusion among trial litigators about when a party is entitled to a statement of decision and when the deadline for a notice of appeal begins to run. We believe much of the confusion stems from having a separate rule (Rule 3.1591) governing the statement of decision procedure for trials that do not result in a judgment or appealable order. For example, a court may hold a bifurcated trial to determine the valuation of a business, the validity of a prenuptial agreement, or liability separate from damages. Those trials will not result in an appealable order, but parties are still entitled to a statement of decision if they request one. We often get phone calls asking whether the client is entitled to a statement of decision, or when the deadline begins to run to appeal the bifurcated decision. CALG believes that Rules 3.1590 and 3.1591 should be combined into a single rule 3.1590 (repealing Rule 3.1591) that clarifies several important provisions of amended Code of Civil Procedure sections 632 and 664.	The committees acknowledge the commenter's general support for retaining rule 3.1590. With respect to the commenter's suggestion that rules 3.1590 and 3.1591 be combined into a single rule that further clarifies the amended provisions of the Code of Civil Procedure, the committees do not recommend combining the rules at this time, as doing so is beyond the scope of what is required to implement Assembly Bill 515. In addition, combining the rules would be a significant modification to the proposal that would require recirculation for comment, before being considered for approval.
CALG (continued)	Our specific proposed revisions to the proposed Rule 3.1590 rule are as follows:	No response needed; a response to each specific proposed revision is provided below.

Commenter	Comment	Committee Response
CALG (continued)	Subdivision (a) – The proposal for subdivision (a) is to simply refer parties to section 632, subdivision (a) and add a reference to the new form. CALG recommends clarifying in this subdivision that the rule governs the procedure for obtaining a statement of decision in all cases. We do not believe reference to the statute is necessary, and reference to the new form can be included in an Advisory Committee Comment. Specifically, we recommend that subdivision (a) read as follows: (a) Request for statement of decision This rule applies whenever a party is entitled to a statement of decision after an issue of fact is tried by the court, regardless of whether the trial results in a final judgment or other appealable order. We further recommend adding an Advisory Committee Comment for subdivision (a): **Subdivision (a)**: Under California Code of Civil Procedure section 632, a party is entitled to request a statement of decision whenever a court conducts a bench trial on a question of fact, and this right exists regardless of whether the resulting decision constitutes an immediately appealable order or final judgment. There are numerous examples of bench trials producing non-final orders for which a statement of decision is nonetheless required, including issues appropriate for bifurcation in dissolution proceedings under California Rules of Court, rule 5.390; bench trials on special defenses under CCP section 597; bifurcated bench trials on liability before damages under CCP section 598. *Request for Statement of Decision* (form CIV-175) may be used for making a request.	The committees appreciate the comment and recommend modified rule language along these lines. The recommended language in rule 3.1590(a) specifies the scope of the rule's application and indicates that the rule applies when a statement of decision is requested under Code of Civil Procedure section 632. The committees recommend including the optional form reference in the advisory committee comment, as proposed. Regarding the proposed additional comment language, the committees appreciate the suggestion, but do not propose additional comment language at this time, as such changes are beyond the scope of what is required to implement Assembly Bill 515. The committees will consider the further suggestions in this comment as time and resources permit.
CALG (continued)	Subdivision (b)(2) – CALG is concerned that the proposed rule governing a party's preparation of a draft statement of decision creates an ambiguity by saying the party must "file" and serve the draft. CALG believes that will create confusion in the record if a statement of decision is filed when in draft form and unsigned by the court. CALG recommends proposed Rule 3.1590(b)(2) be modified to state (strikeout text and underlining indicate the differences from the proposed rule): (2) Unless the court has specified a different time period, a party that has been ordered to prepare a draft statement of decision must, within 30 days after the submission of the matter for decision, ~~file and serve~~ submit the draft to the court and serve the draft on all parties ~~within 30 days after the submission of the matter for decision~~. (A) If the draft statement of decision is not ~~filed~~ submitted 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	The committees acknowledge and agree with the commenter's concern about language that would require a party preparing a draft statement of decision to "file" that draft with the court. Where the rule refers to a party-prepared draft, the committees recommend that the rule (and the corresponding language on the information sheet) specify that the draft be "submitted" (rather than "filed") and served. The committees note that, in light of all of the comments on the default 30-day deadline for a party-prepared draft in proposed rule 3.1590(b)(2) and the language of proposed rule 3.1590(b)(2)(B), the committees recommend removing that content from the rule.

Commenter	Comment	Committee Response
	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~~ submitted and served within that time, the court must, within 30 days thereafter, issue and serve ~~a~~ the statement of decision on the parties.	
CALG (continued)	Subdivisions (c), (d), (e) – As stated above, one of the largest areas of confusion we, as appellate practitioners, see with respect to the statement of decision process is determining whether the court has issued an appealable It is commonly the case that a statement of decision ends with the sentence "It is so ordered." Often, no further order is issued. Parties thus frequently assume that their deadline to appeal a decision is 60 days after issuance of a statement of decision, even where no immediately appealable order will be forthcoming, and courts sometimes fail to issue a final judgment or order, even when required. Further, current Rule 3.1591 adds unnecessary confusion to the process by separately discussing the process for trials that do not end in a final judgment or appealable order. We believe the confusion can be lessened by modifying these three proposed subdivisions such that subdivision (c) would govern the process for finalizing the statement of decision, subdivision (d) would govern the process for issuing judgments and appealable orders, and subdivision (e) would govern the process for non-appealable orders currently contained in Rule 3.1591. Specifically, CALG recommends revising and reorganizing proposed subdivisions (c), (d), and (e) in their entirety as follows: (c) Final statement of decision (1) Any party may file objections to the court's statement of decision as provided in Code of Civil Procedure section 632(e)(1). *Objection to Statement of Decision* (form CIV-176) may be used for objections to a statement of decision. (2) The court may resolve any objections to the statement of decision with or without a hearing, provided that any such hearing must occur within 30 days of the date a party files objections to the statement of decision, and in no case shall this deadline be extended past 90 days. (3) The statement of decision will become final upon resolution of the procedures provided in Code of Civil Procedure section 632(e)(2)-(5). (4) The final statement of decision is not an appealable order, notwithstanding any language in the statement of decision containing words such as "The court orders" or "it is so ordered". (d) Final judgments/orders	The committees appreciate the suggestion. However, in light of all of the comments on the rule, the committees do not recommend expanding the rule content and combining the rules as suggested at this time, as such changes are beyond the scope of what is required to implement Assembly Bill 515. The committees will consider the suggestions in this comment as time and resources permit.

Commenter	Comment	Committee Response
	(1) Where a judgment is required after trial of a question of fact by the court, the court must issue the judgment in a document separate from any statement of decision. (2) The court may first prepare and serve a proposed judgment and allow the parties to submit objections thereto as provided in Code of Civil Procedure section 632(f). (4) Whether or not the court serves a proposed judgment on the parties, the court must sign and file the judgment to enable the clerk to timely enter judgment under Code of Civil Procedure section 664(b), but in no event shall the court issue the final judgment before the statement of decision, if any, is final. An electronic signature by the court is as effective as an original signature. (5) As used in this rule, "judgment" includes an appealable order. (e) Bifurcated Trials and Nonappealable Orders When a factual issue is tried by the court separately and before the trial of other issues, the court must not issue judgment until the other issues are tried. Any order issued by the court after trial of a bifurcated issue is appealable only as part of an appeal of the final judgment or, if applicable, pursuant to Rules 5.390 and 5.392. We appreciate your consideration of these comments.	
Hon. Kristin S. Escalante, Superior Court of Los Angeles County	Position: Not indicated Thank you for the opportunity to comment on the proposed revisions to Rule 3.1590. I was part of a small subcommittee of the California Judges Association (CJA) that drafted the proposed language that became the new Code of Civil Procedure section 632. I strongly believe that proposed Rule 3.1590 is unnecessary for the reasons stated in the CJA's comments. I wanted to expand upon a few points in response to the advisory committees' request for specific comments.	The committees acknowledge the commenter's general opposition to proposed rule 3.1590 and respond to the commenter's specific concerns below.
Hon. Kristin S. Escalante (continued)	A. DEADLINE FOR THE STATEMENT OF DECISION The advisory committees ask (1) whether it is helpful to include a timeframe for the court's preparation of a statement of decision in the rule, (2) whether the 90-day timeframe is appropriate, and (3) whether the proposed timeframe in rule 3.1590(b)(1) should apply instead. In my view, it would not be helpful to include a timeframe for the court's preparation of a statement of decision in the rule. In the absence of a rule, the court's issuance of a statement of decision would be governed by general ethical principles and the 90-day rule in California Constitution, Article 6, section 19 and	The committees acknowledge the commenter's position that the rule should not specify a deadline for the court's issuance of a statement of decision. In general, commenters expressed differing views, including supporting the proposed 90-day deadline, suggesting a shorter 30-day deadline, or omitting a rule-based deadline altogether. After considering these alternatives, the committees concluded that

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	in Government Code section 68210. There is no reason to restate the 90-day deadline in the rule. Including a deadline in this rule would be a departure from existing Rule 3.1590 and from the general practice under the Rules of Court. Under current Rule 3.1590(a), there is no deadline set for the issuance of the court's ***tentative*** decision. Instead, the 90-day rule applies by operation of law. This is consistent with the general approach under the Rules of Court. For example, there are no deadlines in the rules for the court's decisions on law and motion matters, such as preliminary injunctions and summary judgment motions.	including a deadline in the rule could create uncertainty regarding its application in a variety of procedural circumstances (for example, when a party prepares a draft statement of decision, when a party fails to prepare a draft, or when the court issues an amended statement of decision after objections). Accordingly, the committees recommend that the rule not include a deadline for the court to prepare a statement of decision. The committees also note that the California Constitution and Government Code specify a 90-day timeframe for pending and undetermined causes. And, rule 2.900 contains provisions specifying when a cause is submitted and when a submitted cause is pending and undetermined.
Hon. Kristin S. Escalante (continued)	If the Judicial Council determines that a deadline should be stated in the rule, the deadline should be no shorter than 90 days. There is no reason to impose a ***shorter*** deadline for the issuance of the statement of decision than currently applies to the issuance of a tentative decision or that applies to regular law and motion matters. One of the few times that a judge may require the full 90 days to issue a decision is when the judge conducts a lengthy bench trial with many complex issues of fact and law. Other commenters might note that current Rule 3.1590(f) states that the court must prepare and serve a proposed statement of decision within 30 days of announcement or service of ***the tentative decision***. These commenters might suggest that this 30-day deadline should apply to the issuance of the court's statement of decision under the new rule. But this would be a false equivalency. The new statute does away with tentative and proposed decisions. Under the new statute, the first written statement by the court is the court's statement of decision. The advisory committees should keep in mind that the current Rule 3.1590(f) deadline does not come into play until ***after*** the court issues the tentative decision, for which the court had up to 90 days to issue. Thus, any argument that the current rule has a 30-day deadline should be rejected.	The committees appreciate the comment and acknowledge the commenter's opposition to a shorter-than-90-day timeframe.
Hon. Kristin S. Escalante (continued)	B. WHETHER THE TENTATIVE DECISION PROVISIONS SHOULD BE RETAINED IN THE NEW RULE The advisory committees requested comments on whether existing Rule 3.1590(a) – (c) should be retained in the new rule.	The committees appreciate the comment and agree that the rule should not contain any requirement for a tentative decision.

Commenter	Comment	Committee Response
	They should not be retained. First, as can be seen by comparing the current and new statute, the Legislature deleted reference to a tentative decision. Retaining Rule 3.1590(a) – (c) would be inconsistent with the Legislature's clear intent to eliminate the tentative decision requirement. Second, the new statute was intended to streamline the statement of decision process. Requiring a tentative decision would reintroduce complexity that the new statute was designed to eliminate. Third, there would be no purpose for requiring a tentative decision. Presumably, if the new Rule 3.1590 were to mandate a tentative decision, the new rule would also have to allow the parties to do something in response to it. But it is unclear what that would be. The rule could not allow litigants to request a statement of decision or to identify the principal controverted issues ***after*** a tentative decision is issued because the statute requires a party to do so ***before*** the matter is submitted. A new rule theoretically could allow parties to object to the tentative decision, but the statute gives the parties the right to object ***after*** the statement of decision is issued. Introducing a new round of objections would be contrary to the apparent Legislative intent to streamline the process. Fourth, nothing in the new statute prevents judges, pursuant to their inherent authority, from issuing a tentative decision and inviting further argument on the merits. But this would be a rare occurrence. There is no reason to mandate such a procedure. Fifth, requiring a tentative decision would eliminate an important benefit under the new statute. Under current law, if the court issues a tentative decision and the parties file any of the responses permitted under the rule, the court must take some action for the tentative decision to become the court's statement of decision. If the judge fails to do so before issuing judgment or leaving the court, the tentative decision will have no effect no matter how thorough the reasoning and no matter how unmeritorious the objections. (*Raville v. Singh* (1994) 25 Cal.App.4th 1127, 1133; *Armstrong v. Picquelle* (1984) 157 Cal.App.3d 122, 127; *Swift v. Daniels* (1980) 103 Cal.App.3d 263). The new statute eliminates this trap for the unwary. Under new section 632, the court's initial decision will become final without a further order even if objections are filed, unless the court orders otherwise. (See new Code Civ. Proc. § 632, subd. (e)(5).) Fifth and relatedly, requiring a tentative decision would unnecessarily lengthen the time to judgment, which would not only affect the rights of the parties but also undermine the efficiency of the courts. Under current law, when a judge approaches retirement or is facing a lengthy medical leave, the judge must calculate the time required to complete the statement of decision process in	

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	determining whether to start a bench trial. Again, under current law, if a judge completes a bench trial, issues a lengthy and well-reasoned tentative decision, but leaves the bench before a party files papers under current Rule 3.1590(d), (e) or (g), there will be no statement of a decision, and a mistrial likely will result. The current timeline for the full statement of decision process is at least 45 days from issuance of the tentative decision, which substantially limits the number of bench trials a judge can complete before departure. The new statute substantially shortens the process, allowing departing judges to try more cases before they leave.	
Family Violence Appellate Project (FVAP), Legal Aid Association of California (LAAC), and the Harriett Buhai Center for Family Law (Buhai Center) by Cory Hernandez, FVAP Senior Managing Attorney & Jennafer Dorfman Wagner, FVAP Director of Programs	Position: Support in part, oppose in part, with suggestions The Family Violence Appellate Project (FVAP) respectfully submits the following comments in response to the Judicial Council's Invitation to Comment number SPR26-14. We are joined in our comments by the Legal Aid Association of California (LAAC), and the Harriett Buhai Center for Family Law. FVAP is a State Bar-funded statewide nonprofit organization founded more than a decade ago to address a critical gap in access to justice by providing free appellate representation to survivors of gender-based abuse in civil appeals who cannot afford to challenge adverse trial court rulings. A core part of FVAP's mission is to build a robust body of law that protects survivors and their children. FVAP's mission includes ensuring all litigants, including survivors, have equal and fair access to justice, including the Courts of Appeal. LAAC serves as the unified voice for the over 100 nonprofits that provide free civil legal services to low-income people and communities throughout California. Legal aid programs support vulnerable Californians navigating life-altering civil legal issues, from domestic violence to housing to consumer debt. We advocate on behalf, and with, our members for better laws and policies, including at the Judicial Council. The Harriett Buhai Center for Family Law is among the largest and few non-profit firms exclusively dedicated to providing comprehensive free family law assistance to very low-income victims of domestic violence in California. We submit the following responses to the request for specific comments:	The committees acknowledge the commenters' position; see the committees' responses to the specific suggestions below.
FVAP, LAAC, and Buhai Center (continued)	1. Does the proposal appropriately address the stated purpose? Yes, the proposal does address the stated purpose. FVAP has two suggestions on how to better do so, on the Proposed CIV-175-INFO: • On page 2 of 4 item (13) add to point 3 "if the party ordered to prepare the draft was the only party who requested a statement of decision" to clarify that this penalty is not possible if the party ordered to prepare	The committees appreciate the comments about items 13 and 18 on form CIV-175-INFO and recommend incorporating the suggested changes into the form.

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	the statement of decision was not the party who requested it, a situation common when the party requesting the statement of decision is pro se and the other party was represented. • On page 4 of 4, item (18) at the top of the second column, the form refers litigants needing additional assistance to the court's self help center only "[f]or family law cases". However, the self-help center is available to all litigants. This limiting phrase should be removed. In addition, as discussed in response to question 4 below, we strongly recommend clarifying that the entire statement of decision process should be completed in 90 days, and it is the judicial officer's job to ensure the timely process.	
FVAP, LAAC, and Buhai Center (continued)	2. 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.*) FVAP strongly supports retaining rules 3.1590 and 3.1951 because they provide clear and necessary guidance for how to make a statement of decision request (proposed rule 3.1590 (a)) and establish a needed guideline for litigants and trial courts on the timeline for preparation and submission of a final statement of decision (proposed rule 3.1590(b)). Absent any timeline for preparing and serving a statement of decision in the Code of Civil Procedure, establishing one through the Rules of Court is of paramount importance. As a legal services organization that routinely reviews matters for potential appellate representation, we have come across many trial level matters where the statement of decision timeline was unclear, and parties were waiting months for a final statement of decision to be issued. This unnecessarily complicates the appellate process and may even completely defeat any potential writ relief where the error would be clear and amenable to writ relief if a final statement of decision were timely prepared. The proposed rules also helpfully point to the available forms for requesting a statement of decision (proposed rule 3.1590 (a)) and objecting to a statement of decision or proposed judgment (proposed rule 3.1590(d), which could be particularly helpful for pro se litigants who may not know how to find both the relevant rules and forms.	The committees appreciate the comment and recommend retaining the rules. In rule 3.1590, in light of all of the comments, the committees recommend streamlining the rule content by moving content into the advisory committee comment (including optional form references) or removing content that simply reiterates statutory requirements. The committees note that Code of Civil Procedure section 632(e) provides timelines for finality of a statement of decision.
FVAP, LAAC, and Buhai Center (continued)	3. 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.*) FVAP supports striking the rules governing tentative decisions. It is confusing to litigants, and even some courts, when proposed judgments and statements of	The committees appreciate the comment and agree that the rule should not contain any requirement for a tentative decision.

Commenter	Comment	Committee Response
	decision are not intentionally combined into one document which objection process to follow, and even which document embodies the appealable order. Streamlining the rule as proposed may help avoid this confusion.	
FVAP, LAAC, and Buhai Center (continued)	4. 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. a. 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.*) Yes, it is extremely important to include a timeline, otherwise in FVAP's experience some statement of decision processes will languish indefinitely. The proposed timeframe of 90 days is appropriate, because it aligns with the existing timeline for issuing a final judgment on the matter. (Cal. Const. Art. VI, §19; Gov. Code §68210.) Pursuant to subsection Code of Civil Procedure 632(g)(1) the court may also extend the timelines involved. Therefore, there is no reason to believe this timeline would be unduly burdensome to trial courts. Most matters should be able to be completed within 90 days of submission, ensuring litigants finality and enabling the appellate process to proceed, where necessary, without undue delay.	The committees acknowledge the commenters' support for including the 90-day timeframe for the court's preparation of a statement of a decision in the rule. In general, commenters expressed differing views, including supporting the proposed 90-day deadline, suggesting a shorter 30-day deadline, or omitting a rule-based deadline altogether. After considering these alternatives, the committees concluded that including a deadline in the rule could create uncertainty regarding its application in a variety of procedural circumstances (for example, when a party prepares a draft statement of decision, when a party fails to prepare a draft, or when the court issues an amended statement of decision after objections). Accordingly, the committees recommend that the rule not include a deadline for the court to prepare a statement of decision. The committees also note that the California Constitution and Government Code specify a 90-day timeframe for pending and undetermined causes. And, rule 2.900 contains provisions specifying when a cause is submitted and when a submitted cause is pending and undetermined.
FVAP, LAAC, and Buhai Center (continued)	b. 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? Yes, it would be helpful to clarify that the 90-day timeline applies regardless of whether a party was ordered to prepare a draft statement of decision. This could be accomplished by modifying proposed rule 3.1590(b)(1) to strike the following phrase: "unless the court has ordered a party to prepare a draft statement of decision." There is no reason that party preparation of a statement of decision should increase the amount of time needed for the court to finalize and serve a statement of decision. Moreover, clarifying that it is the court who has the duty to	The committees appreciate the comment. For the reasons noted above, the committees do not recommend including a timeframe for the court's issuance of a statement of decision in the rule.

Commenter	Comment	Committee Response
	shepherd the process to conclusion within the 90 day time frame will reduce unnecessary confusion, especially for pro se litigants who often are waiting on the other party's counsel to draft a proposed statement of decision which is sometimes not timely prepared due to engagement or payment issues. Finally, as discussed above, establishing a 90 day deadline should not unduly burden courts who have the authority to extend the deadlines where necessary and are already under a Constitutional and statutory obligation to complete cases within 90 days of submission. In the alternative, some timeline should be established for finalizing and serving a statement of decision where a party has been ordered to prepare a draft statement of decision that clarifies it is the judicial officer who is ultimately responsible for ensuring the timely filing and service of the statement of decision. The timeline should not be left indefinite and the rules should make clear it is the judicial officer who is ultimately responsible for ensuring timely issuance of the statement of decision.	
FVAP, LAAC, and Buhai Center (continued)	5. 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? Yes, it would be helpful to include the 30-day timeline either in the language of the rule or in an advisory comment to ensure courts and litigants are aware of this statutory timeframe. Pro se litigants, especially, may not be aware of the need to cross-reference the statute on this important point.	The committees appreciate the comment. In light of all of the comments on this issue, the committees recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment.
FVAP, LAAC, and Buhai Center (continued)	In addition to our comments above, we strongly and respectfully recommend that the Council revise its protocols for seeking public comments. Specifically, we ask that the Council expand the number of ITC periods from two per year to, perhaps, four per year, and limit the number of ITCs per period, especially when multiple ITCs fall within one area or are otherwise related. 40 proposals in one ITC period, where many proposals almost reach 100 pages, and where many proposals address similar areas of law (e.g., there are a lot of family law and protective order ITCs, there are a lot of appellate ITCs, etc.)--this is unfortunately too much for the field to be able to adequately review and submit comments for. We have heard from dozens of organizations and individuals across the state that there are often too many ITCs released at once, with a short timeframe for providing comments, such that they almost always cannot review all ITCs that are relevant to their work, let alone analyze and draft written comments for them all.	These concerns are beyond the scope of the present proposal. These concerns will be shared with the internal committee responsible for maintaining the rulemaking process.

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	As a result, many organizations and individuals instead have to forego making comments altogether or on some of the proposals they would otherwise want to comment on. FVAP and other statewide organizations have attempted, to the best of their availability, to help alleviate some of these issues by collecting sign-ons to comments they've developed. However, doing so takes even more time and work for the statewide organization collecting sign-ons, and it seems from the Council's reports that the Council still counts the comments as being from only the one organization rather than individual comments from each sign-on. We understand and appreciate our request for revising the Council's protocols in the ways described above would likely require changes to the Council's work. But we believe these changes would be well worth it to ensure the Council is receiving as much relevant feedback as possible—including feedback from more than just courts, bar associations, and governmental entities, but also feedback from on-the-ground providers and other interested stakeholders.	
Orange County Bar Association ("OCBA") by Shirin Forootan, President	Position: Agree The proposal does appropriately address the stated purpose. In response to the request for specific comments:	The committees appreciate the comment.
OCBA (continued)	1.The proposed content in rules 3.1590 and 3.1591 should be repealed. There is no reason to retain it in light of the overall changes.	The committees appreciate the comment. After considering all of the comments on the rules and the possibility of repeal, the committees recommend retaining rules 3.1590 and 3.1591. The committees recommend adjustments to rule 3.1590 to streamline the rule content and eliminate provisions that simply reference the governing law.
OCBA (continued)	2. A timeframe of 90 days for the court to prepare a statement of decision is appropriate.	The committees appreciate the comment, but do not recommend including a timeframe for the court's issuance of a statement of decision in rule 3.1590. For more detail, see response to comment of FVAP, LAAC, and Buhai Center on the initially-proposed 90-day timeframe. The committees also note that the California Constitution and Government Code specify a 90-day timeframe for pending and undetermined

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		causes. And, rule 2.900 contains provisions specifying when a cause is submitted and when a submitted cause is pending and undetermined.
OCBA (continued)	3. The proposed timeframe in rule 3.1590(b)(1) should apply to the court's statement of decision, regardless of whether it was initially prepared by the court or a party order to prepare it.	The committees appreciate the comment. However, as indicated in the previous response, the committees do not recommend that the 90-day timeframe for the court's issuance of a statement of decision be included in the rule.
OCBA (continued)	4. Yes the 30 day timeframe should be included to ensure that the courts and litigants are aware of the timeframe.	The committees appreciate the comment. In light of all of the comments on this issue, the committees recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment.
Hon. Craig G. Riemer (retired) Superior Court of Riverside County	Position: Agree if modified Rules of Court should supplement, not merely reiterate, statutory provisions. The proposed rule 3.1590 is unnecessarily duplicative of section 632 as amended. For instance:	The committees appreciate the comment and acknowledge the commenter's general concern about rule content that simply reiterates the relevant code sections. The committees provide specific responses related to the individual provisions noted by the commenter below.
Hon. Craig G. Riemer (continued)	- The first sentence of subdivision (a) of the rule merely summarizes subdivision (a) of section 632.	The committees appreciate the comment and recommend rephrasing this sentence to describe the scope of the rule.
Hon. Craig G. Riemer (continued)	- Subdivision (c) of the rule merely reiterates subdivision (f)(1) of section 632.	The committees appreciate the comment and recommend removing this content from the rule.
Hon. Craig G. Riemer (continued)	- The first sentence of subdivision (d) of the rule merely reiterates subdivision (e)(1) of section 632.	The committees recommend moving the content of proposed rule 3.1590(d) to the advisory committee comment.
Hon. Craig G. Riemer (continued)	- Subdivision (f) of the rule merely reiterates subdivision (g) of section 632.	With the removal of the timeframes in the rule, the committees recommend deleting proposed rule 3.1590(f).

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Hon. Craig G. Riemer (continued)	The references to the forms may be helpful to self-represented litigants, and subdivision (b)(2)(A) of the rule commendably supplements section 632 on a topic that the statute does not address. With those exceptions, the proposed rule is more duplicative than necessary and should be dramatically pared down. At a minimum, each of the duplicative portions of the rule identified above should be deleted.	The committees appreciate the comment and acknowledge the commenter's view that the form references and the content of proposed rule 3.1590(b)(2)(A) may be helpful. The committees recommend retaining the content of proposed rule 3.1590(b)(2)(A) (the court's options when a party fails to timely prepare a draft statement of decision), now found in rule 3.1590(b). The committees also recommend retaining the form references, but locating those references in the advisory committee comment to the rule.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions by Christine Nguyen, Operations Analyst	Position: Not indicated 1. Does the proposal appropriately address the stated purpose? Response:☒ Yes ☐ No Yes. The proposal generally implements AB 515's purpose of simplifying and clarifying the statement of decision process, conforming rules 3.1590 and 3.1591 to amended Code of Civil Procedure sections 632 and 664 and providing optional forms that should make the process easier for parties and courts to navigate. Support retaining clear form notices that help parties understand the proper purpose of objections, including that objections should not be used to reargue the case.	The committees appreciate the comment.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	2. 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? Response: Retain streamlined rules; do not repeal in their entirety. The rules should be retained in a narrowed form. AB 515 now governs much of the process, but targeted rule text remains useful for procedural gaps and operational clarity. Rule 3.1590 remains helpful for identifying the optional forms, setting default timing for preparation or issuance of a statement of decision, addressing objections and proposed judgments, and coordinating the process so the clerk can timely enter judgment under section 664. Rule 3.1591 remains helpful for bifurcated proceedings because the statute does not fully spell out how the statement of decision process should operate when different judges try different issues.	The committees acknowledge the commenter's position that rules 3.1590 and 3.1591 should be retained in a narrowed form. After considering all of the comments on this issue, the committees recommend retaining rules 3.1590 and 3.1591 to assist litigants, attorneys, and courts with navigating the statement of decision process. The committees also recommend streamlining the content of rule 3.1590 and moving certain content into the advisory committee comment.

Commenter	Comment	Committee Response
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	3. 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? Response: ☐ Yes ☒ No No. Because AB 515 removes tentative decisions from the request timeline and from the core statement of decision process, retaining those provisions in this rule chapter would likely recreate confusion that the statutory changes are intended to eliminate.	The committees appreciate the comment and agree that the rule should not contain any requirement for a tentative decision.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	4. 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 in the rule? Is 90 days appropriate? Should the timeframe instead apply to issuance of the statement of decision regardless of whether the statement was initially prepared by the court or by a party? Response: ☒ Yes Yes. It is helpful to include a timeframe in the rule. A default timeframe gives courts and litigants a workable benchmark, supports internal case management, and helps avoid conflict with the clerk's deadline to enter judgment under amended section 664. The proposed 90-day period is generally appropriate as a default, particularly because the rule preserves the court's authority to extend time by written order or excuse noncompliance where authorized. Civil recommends clarifying that the 90-day period functions as an outside timeframe for the court's issuance and service of the statement of decision, regardless of whether the statement was initially drafted by the court or by a party under court order. This approach is easier to track operationally and avoids a timing gap when a party-prepared draft is used.	The committees acknowledge the commenters' support for including the 90-day timeframe for the court's preparation of a statement of a decision in the rule. In general, commenters expressed differing views, including supporting the proposed 90-day deadline, suggesting a shorter 30-day deadline, or omitting a rule-based deadline altogether. After considering these alternatives, the committees concluded that including a deadline in the rule could create uncertainty regarding its application in a variety of procedural circumstances (for example, when a party prepares a draft statement of decision, when a party fails to prepare a draft, or when the court issues an amended statement of decision after objections). Accordingly, the committees recommend that the rule not include a deadline for the court to prepare a statement of decision.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	5. Proposed rule 3.1590(e) relates to the court's signing and filing of 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? Response: ☒ Yes Yes. Civil recommends including the 30-day statutory timeframe in an advisory comment or other clear note tied to rule 3.1590(e). The 30-day period in Code of Civil Procedure section 664(b)(2) is operationally significant because it affects judgment-entry timing after the statement of decision becomes final. An advisory comment may be the cleaner approach because the	The committees appreciate the comment. In light of all of the comments on this issue, the committees recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment.

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	30-day period is statutory and runs to the clerk's entry of judgment, but the rule materials should make the timing consequence clear.	
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	6. Would the proposal provide cost savings? If so, please quantify. Response: No measurable direct cost savings are anticipated.	The committees appreciate the comment.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	7. What would the implementation requirements be for courts – for example, training staff, revising processes and procedures, changing docket codes in case management systems, or modifying case management systems? Response: Implementation would require updating statement of decision procedures, proposed judgment procedures, self-help materials, and staff guidance. Courtroom staff, case processing staff, judgment entry staff, self-help staff, research attorneys, and judicial officers would need training or written guidance on the revised rules, optional forms, objection procedures, statement-of-decision finality, and judgment-entry timing CMS updates will be needed to add new document names for CIV-175, CIV-176, and CIV-177.	The committees appreciate the comment.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	8. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Response: ☒ Yes Yes. Two months should generally be sufficient if final forms, final rule text, and updated instructions are issued promptly.	The committees appreciate the comment.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	9. How well would this proposal work in courts of different sizes? Response: It would work well. Larger courts may benefit from more consistent statewide handling of requests, objections, and judgment-entry timing in bench trials. Smaller courts may benefit from the optional forms and simplified process because they reduce the need for local explanatory materials.	The committees appreciate the comment.
Superior Court of Orange County, Family Law and Juvenile Law Divisions by Marina Barragan, Operations Analyst	Position: Not indicated Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committees appreciate the comment.

Commenter	Comment	Committee Response
Superior Court of Orange County, Family Law and Juvenile Law Divisions (continued)	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.) Orange County does not believe the rules are necessary in light of AB 515, although they do provide clarity on (a) where litigants, attorneys, and the court can look for statutory authority on statements of decision and (b) provide the 90-day timelines not called for in AB 515.	The committees acknowledge the commenter's position that rules 3.1590 and 3.1591 are not necessary in light of Assembly Bill 515. After considering all of the comments on this issue, the committees recommend retaining rules 3.1590 and 3.1591 to assist litigants, attorneys, and courts with navigating the statement of decision process. The committees have made further adjustments to rule 3.1590 to streamline the rule content and eliminate provisions that simply reference the governing law.
Superior Court of Orange County, Family Law and Juvenile Law Divisions (continued)	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.) No. No reason to retain in rule.	The committees appreciate the comment and agree that the rule should not contain any requirement for a tentative decision.
Superior Court of Orange County, Family Law and Juvenile Law Divisions (continued)	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.) Yes. It would be helpful to include the 90-day timeframe. 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? No. The proposed timeframe should not apply.	The committees acknowledge the commenters' support for including the 90-day timeframe for the court's preparation of a statement of a decision in the rule. In general, commenters expressed differing views, including supporting the proposed 90-day deadline, suggesting a shorter 30-day deadline, or omitting a rule-based deadline altogether. After considering these alternatives, the committees concluded that including a deadline in the rule could create uncertainty regarding its application in a variety of procedural circumstances (for example, when a party prepares a draft statement of decision, when a party fails to prepare a draft, or when the court issues an amended statement of decision after objections). Accordingly, the committees recommend that the rule not include a deadline for the court to prepare a statement of decision.

Commenter	Comment	Committee Response
Superior Court of Orange County, Family Law and Juvenile Law Divisions (continued)	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? Yes, it would be helpful to include the timeframe.	The committees appreciate the comment. In light of all of the comments on this issue, the committees recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment
Superior Court of Orange County, Family Law and Juvenile Law Divisions (continued)	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. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committees appreciate the comment.
Superior Court of Orange County, Family Law and Juvenile Law Divisions (continued)	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, and updating the case management system. Anticipated training not to exceed one hour.	The committees appreciate the comment.
Superior Court of Orange County, Family Law and Juvenile Law Divisions (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would be sufficient time for Orange County.	The committees appreciate the comment.
Superior Court of Orange County, Family Law and Juvenile Law Divisions (continued)	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 committees appreciate the comment.
Superior Court of Riverside County by Sarah Hodgson, General Counsel	Position: Not indicated 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	No response needed; see responses to specific comments below.

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	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.	
Superior Court of Riverside County (continued)	Does the proposal appropriately address the stated purpose? Yes.	The committees appreciate the comment.
Superior Court of Riverside County (continued)	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? Rules 3.1590 and 3.1591 should be retained with the proposed changes as they now provide more procedural steps which will greatly assist court staff and users with navigating this process.	The committees acknowledge the commenter's position that rules 3.1590 and 3.1591 should be retained with the proposed changes. After considering all of the comments on this issue, the committees recommend retaining rules 3.1590 and 3.1591 to assist litigants, attorneys, and courts with navigating the statement of decision process. In light of all of the comments, the committees also recommend streamlining the content of rule 3.1590 and moving certain content into the advisory committee comment.
Superior Court of Riverside County (continued)	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? No.	The committees appreciate the comment and agree that the rule should not contain any requirement for a tentative decision.
Superior Court of Riverside County (continued)	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? It would be helpful to provide a timeframe for preparation of a statement of decision both for court staff and users. A timeframe of 90 days would be appropriate and allow time for courts with limited staffing to adjust workloads as necessary to meet this deadline. It would also be beneficial to court users and give them a definitive expectation regarding this process. 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? Yes, keeping the timeframe the same, regardless of who prepares the document, would be less confusing for court staff and users.	The committees acknowledge the commenters' support for including the 90-day timeframe for the court's preparation of a statement of a decision in the rule. In general, commenters expressed differing views, including supporting the proposed 90-day deadline, suggesting a shorter 30-day deadline, or omitting a rule-based deadline altogether. After considering these alternatives, the committees concluded that including a deadline in the rule could create uncertainty regarding its application in a variety of procedural circumstances (for example, when a party prepares a draft statement of decision,

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		when a party fails to prepare a draft, or when the court issues an amended statement of decision after objections). Accordingly, the committees recommend that the rule not include a deadline for the court to prepare a statement of decision.
Superior Court of Riverside County (continued)	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? An advisory comment would be better as stating the 30-day period may be confusing for court users given the 90-day timeframe in previous rule subdivisions.	The committees appreciate the comment. In light of all of the comments on this issue, the committees recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? No.	The committees appreciate the comment.
Superior Court of Riverside County (continued)	What would the implementation requirements be for the court? Updates to the case management system (CMS), procedures, and trainings for judicial officers and staff (Self-Help, Courtroom and Clerk's Office).	The committees appreciate the comment.
Superior Court of Riverside County (continued)	Would 2 months provide sufficient time for implementation? Yes, provided the final forms are available timely.	The committees appreciate the comment.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? Depending on the updates needed for the CMS and staff shortages, courts of any size may require more time to make the necessary changes and provide training for staff.	The committees appreciate the comment.
Superior Court of San Bernardino County, staff committees by Traci Ramos, Confidential Administrative Assistant	Position: Not indicated Does the proposal appropriately address the statutes purpose? Yes	The committees appreciate the comment.

Commenter	Comment	Committee Response
Superior Court of San Bernardino County, staff committees (continued)	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.) Rules should be repealed in their entirety if they are no longer consistent with the law.	The committees appreciate the comment and propose removing all existing rule content that is not consistent with the law as amended by Assembly Bill 515.
Superior Court of San Bernardino County, staff committees (continued)	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.) No, tentative decision provisions should be removed.	The committees appreciate the comment and agree that the rule should not contain any requirement for a tentative decision.
Superior Court of San Bernardino County, staff committees (continued)	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? Yes, it is helpful to include a timeframe and 90 days seems appropriate. It should apply regardless of if a party is ordered to prepare a draft statement of decision.	The committees acknowledge the commenters' support for including the 90-day timeframe for the court's preparation of a statement of a decision in the rule. In general, commenters expressed differing views, including supporting the proposed 90-day deadline, suggesting a shorter 30-day deadline, or omitting a rule-based deadline altogether. After considering these alternatives, the committees concluded that including a deadline in the rule could create uncertainty regarding its application in a variety of procedural circumstances (for example, when a party prepares a draft statement of decision, when a party fails to prepare a draft, or when the court issues an amended statement of decision after objections). Accordingly, the committees recommend that the rule not include a deadline for the court to prepare a statement of decision.
Superior Court of San Bernardino County, staff committees (continued)	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? Yes, if a timeframe is required, then it would be helpful to include this in the language.	The committees appreciate the comment. In light of all of the comments on this issue, the committees recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment

Commenter	Comment	Committee Response
Superior Court of San Bernardino County, staff committees (continued)	Would the proposal provide cost savings? If so, please quantify No	The committees appreciate the comment.
Superior Court of San Bernardino County, staff committees (continued)	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? Judicial Officers- 1 day. Informative training in the new law and procedures. Judicial Assistant- 1 day. Training in the new process and procedure. 2 weeks- conferring and creating procedures for the JA manual. Clerk's Office- 1 day- training in the new process/procedures. 2- weeks. conferring and/or creating any new process/procedures. Court Tech- 1 week to modify/ add/ delete any codes in the cases management system.	The committees appreciate the comment.
Superior Court of San Bernardino County, staff committees (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? No	The committees acknowledge the commenter's concern about the implementation timeframe. This proposal implements changes to the law that become operative on January 1, 2027. To ensure that the rules are not inconsistent with the law on that date, the proposal's effective date cannot be delayed.
Superior Court of San Bernardino County, staff committees (continued)	How well would this proposal work in courts of different sizes? Yes, this would work well for any court size.	The committees appreciate the comment.
Superior Court of San Diego by Mike Roddy, Executive Officer	Position: Agree if modified Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committees appreciate the comment.
Superior Court of San Diego (continued)	Q: 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.) A: The proposed content should be retained as it provides useful information to litigants.	The committees appreciate the comment and recommend retaining the rules. In light of all of the comments, the committees recommend moving some proposed content from rule 3.1590 into the advisory committee comment (including optional form references) and removing rule language that refers to or reiterates statutory requirements.

Commenter	Comment	Committee Response
Superior Court of San Diego (continued)	Q: 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.) A: No.	The committees appreciate the comment and agree that the rule should not contain any requirement for a tentative decision.
Superior Court of San Diego (continued)	Q: 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.) A: There should be a timeframe, as it lets litigants know when they should expect to receive the court's decision. 90 days is appropriate. 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? A: No, the timeframe should be the same, 90 days.	The committees acknowledge the commenters' support for including the 90-day timeframe for the court's preparation of a statement of a decision in the rule. In general, commenters expressed differing views, including supporting the proposed 90-day deadline, suggesting a shorter 30-day deadline, or omitting a rule-based deadline altogether. After considering these alternatives, the committees concluded that including a deadline in the rule could create uncertainty regarding its application in a variety of procedural circumstances (for example, when a party prepares a draft statement of decision, when a party fails to prepare a draft, or when the court issues an amended statement of decision after objections). Accordingly, the committees recommend that the rule not include a deadline for the court to prepare a statement of decision.
Superior Court of San Diego (continued)	Q: 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? A: Yes, including the language would be helpful to the court and litigants.	The committees appreciate the comment. In light of all of the comments on this issue, the committees recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment.
Superior Court of San Diego (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committees appreciate the comment.

Commenter	Comment	Committee Response
Superior Court of San Diego (continued)	Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Training the courtroom clerks would take 2 hours; internal procedures and case management system will need to be updated to include the new forms.	The committees appreciate the comment.
Superior Court of San Diego (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time.	The committees appreciate the comment.
Superior Court of San Diego (continued)	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 committees appreciate the comment.
Superior Court of San Diego (continued)	General Comments (1) We suggest making the new proposed forms "CIV" and "FL" joint forms (e.g. "CIV-175/FL-175"). Statements of decision are often requested by family law litigants. Including "FL" form designations will aid litigants in accessing these forms and is supported by the guidance provided in *Elkins v. Sup. Ct.* (2007) 41 Cal. 4th 1337.	The committees appreciate the commenter's suggestion but do not recommend making the new proposed forms joint forms, as the commenter suggested. A statement of decision can be requested in a range of general civil cases, including those filed in family, probate, and juvenile court. The proposed numbering (CIV-175/FL-175) would not adequately cover the different case types in which the forms may be filed. For this reason, the committees recommend the single form numbering system for the statement of decision forms.
Superior Court of San Diego (continued)	(2) We suggest making the new proposed forms mandatory to promote consistency. If the forms are mandatory, the court's business office can easily identify a request for statement of decision and route the form directly to the assigned judicial officer to notify them of the request. Timely notice to the judicial officer is important because of the required timelines stated in the corresponding rule of court. Currently, when a request for statement of decision is submitted as a pleading, it is often hard to identify the document due to mislabeling, particularly from pro per litigants. If the pleading is mislabeled, it may not be routed to the judicial officer. This issue arises frequently in the family division due to the high volume of pro per litigants. San Diego Local Rule 5.12.1(E) requires the requesting party to submit a courtesy copy directly to the assigned department for notice purposes, but many litigants are unaware of this rule. Making the forms mandatory would help remedy this issue.	The committees recommend that the forms be optional, rather than mandatory, because Assembly Bill 515 directed the Judicial Council to develop a form that parties "may" use. As courts gain experience working with these forms, the committees welcome further input on this issue. Going forward, the committees may consider this suggestion and further changes to the forms as time and resources permit.

Commenter	Comment	Committee Response
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree if modified In response to the Judicial Council of California's ITC, "SPR26-14 - Civil Practice and Procedure: Statement of Decision Rules and Forms to Implement Assembly Bill 515," JRS agrees the proposal appropriately addresses the stated purpose. AB 515 clarifies and consolidates requirements which allows for rules 3.1590 and 3.1591 to be repealed. However, JRS believes a streamlined revision of the rules should be retained. While AB 515 now provides most of the governing framework, the rules still clarify important procedural details—such as timing, draft handling, and split proceeding practices—that the statute does not fully address. Keeping a simplified version would promote consistency and help courts and litigants navigate the process more easily.	The committees appreciate the comment. The committees recommend revisions to rule 3.1590 to streamline the rule content by relocating or deleting content that simply reference the governing law.
JRS (continued)	For rule 3.1590(a)–(c), JRS believes that it is unnecessary to draft a tentative decision given the litigant will have 30 days to appeal the statement of decision. AB 515 eliminates tentative decisions from the statement of decision process, so keeping those provisions would conflict with the updated statute and create unnecessary confusion.	The committees appreciate the comment and agree that the rule should not contain any requirement for a tentative decision.
JRS (continued)	The 90-day timeframe in proposed rule 3.1590(b)(1) is appropriate, as it provides the court with sufficient time to draft a thorough and accurate statement of decision while still preventing unnecessary delay. This is also the timeframe allowed for the court to make a ruling on a submitted matter. Applying the proposed timeframe to the court's issuance of a statement of decision, regardless of whether the court prepares it or directs a party to prepare a draft, would promote accountability and uniformity for all.	The committees acknowledge the commenters' position that 90-day timeframe for the court's preparation of a statement of a decision is appropriate. In general, commenters expressed differing views, including supporting the proposed 90-day deadline, suggesting a shorter 30-day deadline, or omitting a rule-based deadline altogether. After considering these alternatives, the committees concluded that including a deadline in the rule could create uncertainty regarding its application in a variety of procedural circumstances (for example, when a party prepares a draft statement of decision, when a party fails to prepare a draft, or when the court issues an amended statement of decision after objections). Accordingly, the committees recommend that the rule not include a deadline for the court to prepare a statement of decision.

Commenter	Comment	Committee Response
JRS (continued)	JRS also agrees that including the 30-day statutory timeframe, either in the text of rule 3.1590(e) or in an advisory comment, would be helpful to ensure courts and litigants are aware of the mandatory deadline. It is necessary to assist in compliance with mandatory timelines. It may also be helpful to include the 30-day timeframe in both the language of the rule and in an advisory comment to ensure litigants are fully aware of the timeframe for finalizing judgment.	The committees appreciate the comment. In light of all of the comments on this issue, the committees recommend noting the 30-day timeframe for entry of judgment in the advisory committee comment.
JRS (continued)	The proposal will not provide cost savings.	The committees appreciate the comment.
JRS (continued)	To implement the proposal, courts would need to train staff and judicial officers on the changes. Courtroom and clerical staff would have to be trained on how to process a request for Statement of Decision, including the timeframe for filing. Filing window staff and judicial assistants would also need to be trained. Training would take three to four hours. Courts may also need to update case management systems to create new workflows, minute codes, and programming to monitor the mandated timelines. The impact would fall mainly on civil operations.	The committees appreciate the comment.
JRS (continued)	Two months is adequate for implementation, but the Court finds that a minimum 4-month implementation period is ideal to allow for case management updates. The proposal would work for courts of different sizes.	The committees acknowledge the commenter's request for a longer implementation timeframe. This proposal implements changes to the law that become operative on January 1, 2027. To ensure that the rules are not inconsistent with the law on that date, the proposal's effective date cannot be delayed.
Hon. Christine Van Aken, Superior Court of San Francisco County	Position: Agree if modified Dear committee, Thank you for your hard work in developing implementing rules, and thank you for the opportunity to comment. I am a member of CJA's civil law committee. The committee is submitting separate comments by letter. I am writing to underscore that the CJA committee's comments were reached after several deliberative committee sessions and much discussion. I commend the comments to you as the product of thoughtful effort by many very learned and experienced judges. In particular, I agree with the CJA committee's suggestion to omit anything from the proposed rule that duplicates or overlaps with the revised statement of decision statute. As a law and motion judge, I am not often required to issue SODs and therefore have to consult the statute and rule of court carefully every time I am required to issue one. Streamlining and simplification will assist judges and litigants alike. Thank you for considering my views.	The committees appreciate the comment and acknowledge the commenter's general opposition to rule content that duplicates or overlaps with the law. For content that refers to or reiterates statutory requirements, the committees recommend rephrasing or deleting proposed rule language and moving proposed rule language into the advisory committee comment. These recommended changes will streamline the rule and avoid duplicating statutory language.

Commenter	Comment	Committee Response
Hon. Helen Williams, Superior Court of Santa Clara County	Position: Agree if modified The Statement of Decision Information Sheet does not adequately advise about the proper type and form of principle controverted issues that may be presented in a request for statement of decision. It lists examples of proper questions that may be asked in the request for SOD but it does not explain the many types of improper questions or give examples of improper questions that are submitted ALL THE TIME to judges. For example, a judge is not required to list all the evidence in favor of a certain finding or include answers to sub-issues. Parties may not interrogate the judge by use of a request for SOD. There is a lot of case authority as to what is out of bounds in a request for SOD and I think the info form should include and explain these principles as a guide to what is a proper and improper question in a request for SOD. Otherwise, this new form will be used with regularity to ask improper questions and the judge will have to respond somehow, even if only to point out that the questions are improper. I'm all for improving the SOD process and making it easier for a proper request for SOD to be submitted. But the info sheet should explain more fairly and correctly what is and is not a proper question in a request for SOD with examples of both.	The committees appreciate the commenter's suggestion to improve form CIV-175-INFO by adding content about what would constitute an improper question for a request. The committees recognize that adding specific examples of improper questions could be a very helpful change, but believe that the addition of sample questions would require public comment in a future cycle before they are considered for approval. The committees will consider this suggestion as time and resources permit.

Rules Committee Action Request Form

Item number: 15

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory committee or other entity submitting the proposal:
Criminal Law Advisory Committee

Staff contact (name, phone, and email)**:**
Alex Bender, 415-865-7995, Alex.Bender@jud.ca.gov

Annual agenda approved by Rules Committee on: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

Item No.: 26-142

For business meeting on October 16, 2026

Criminal Procedure: Revisions to Felony Sentencing Rules (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 4.420 and 4.421

Recommended by
Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 4, 2026

Contact
Alex Bender, 415-865-7995
alex.bender@jud.ca.gov

Executive Summary

Recent case law has addressed the circumstances under which a trial court may rely on aggravating factors to justify the imposition of an upper term sentence in the context of a felony prosecution. The Criminal Law Advisory Committee recommends amending two rules of the California Rules of Court to reflect this case law as well as to clarify the scope of the trial court's discretion when imposing an upper term sentence.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Amend rule 4.420 of the California Rules of Court to:

a. Clarify that even when an aggravating factor has been properly pled and proved, the court has the discretion to determine what weight, if any, the aggravating factor merits;

b. Update the advisory committee comment to (1) specify that the above amendment 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, and (2) clarify that 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 as described in *People v. Wiley* (2025) 17 Cal.5th 1069; and

c. Make technical amendments to the advisory committee comment to address minor, nonsubstantive errors; and

2. Amend rule 4.421 to:

a. Update the advisory committee comment to (1) clarify that although *Lovelace v. Superior Court* (2025) 108 Cal.App.5th 1081 prohibits courts from relying on the residual clause in subdivision (c) to justify the imposition of an upper term sentence, the residual clause may still be relied upon to justify the imposition of a middle term sentence or in making other discretionary decisions, and (2) clarify that consideration of the fact of a defendant's prior conviction is limited to consideration of the bare fact of the prior conviction as described in *Wiley, supra*; and

b. Make technical amendments to the rule and the advisory committee comment to address minor, nonsubstantive errors.

The text of the amended rules is attached at pages 9–14.

Relevant Previous Council Action

The Judicial Council 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 of imprisonment.[1] To that end, in 1977, the council adopted what are now 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 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).

Effective January 1, 2018, the council amended rules 4.420 and 4.421 to reflect changes to California's determinate sentencing law following the United States Supreme Court's decision in

[1] Pen. Code, § 1170.3(a). All further statutory references are to the Penal Code unless otherwise specified.

Cunningham v. California (2007) 549 U.S. 270 and the legislative responses to that decision. Relevant to this proposal, rule 4.421 was amended to include 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."[2]

Effective March 14, 2022, the council amended rule 4.420 and the advisory committee comments to rules 4.420 and 4.421 to reflect major statutory changes to felony sentencing procedures, including under what circumstances the court may impose the upper term.[3]

Analysis/Rationale

Felony sentencing statutory framework

In California, criminal trial courts use a determinate sentencing framework that specifies three possible terms of imprisonment for most felony offenses.[4] In 2007, following the United States Supreme Court's decision in *Cunningham, supra*—in which the high 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—the Legislature amended California's determinate sentencing law to provide 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.[5] 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.[6]

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. 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.

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[2] See Judicial Council of Cal., Advisory Com. Rep., *Criminal Law: Felony Sentencing* (Aug. 15, 2017).

[3] See Judicial Council of Cal., Advisory Com. Rep., *Criminal Law: Felony Sentencing* (Mar. 2, 2022).

[4] See § 1170 et seq.

[5] See Sen. Bill 40 (Stats. 2007, ch. 3).

[6] § 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).) The pre– and post–SB 567 sentencing frameworks each represent an alternative means of bringing California's determinate sentencing laws into conformity with *Cunningham*.

Recent sentencing-related case law

Appellate courts have recently weighed in on how to interpret and apply the Judicial Council's sentencing rules in light of the statutory changes and constitutional case law described above. 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 discretion, "[t]oday it no longer is."[7] The court suggested that the Legislature could enact amendatory legislation authorizing the use of an undefined catchall aggravating factor, or 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.[8]

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"[9] and whether the defendant's "performance on probation" was "unsatisfactory"[10] must be submitted to a jury, absent waiver or stipulation.[11]

The recommended amendments to rules 4.420 and 4.421 would reflect the First Appellate District's decision in *Lovelace* and the California Supreme Court's decision in *Wiley* as well as emphasize that post–SB 567, a properly pled and proven aggravating factor does not require the court to 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.[12]

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[7] *Lovelace, supra,* 108 Cal.App.5th at p. 1099.

[8] *Lovelace, supra,* 108 Cal.App.5th at pp. 1104–1105.

[9] Cal. Rules of Court, rule 4.421(b)(2). All further rule references are to the California Rules of Court unless otherwise specified.

[10] Rule 4.421(b)(5).

[11] *Wiley, supra,* 17 Cal.5th at p. 1076.

[12] 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").

Policy implications

The proposed rule amendments would ensure that council rules accurately reflect statutory and decisional law.

Comments

The proposal circulated for comment from April 13 to May 18, 2026, as part of the regular spring comment cycle. In total, the committee received four comments from two superior courts (Los Angeles and Orange County), the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, and the Orange County Bar Association (OCBA). The two courts agreed with the proposal, and the JRS and OCBA agreed if modified. The substantive comments and the committee's responses are summarized below. A chart with the full text of the comments received and the committee's responses is attached at pages 15–23.

OCBA noted that proposed new subdivision (d) in rule 4.420 could cause confusion to the extent that it could be read to imply that the court has discretion to impose an upper term sentence without proof of the underlying facts. OCBA suggested that flipping around the two clauses of the proposed new subdivision would be clearer. The committee agrees with this comment and has incorporated it, with minor modifications, into the revisions that it is recommending for adoption.

The JRS provided comments and recommended modifications to the proposal. While the committee appreciates the thoughtful comments, most of the recommendations were similar to alternatives that the committee already considered and rejected prior to circulation of the invitation to comment. Specifically, the JRS recommended removing the residual clause from rule 4.421(c) to more accurately reflect the holding in *Lovelace* (or, alternatively, taking no action on the residual clause until other appellate courts have addressed the issue) and considering more substantial revisions to the aggravating factors in rule 4.421. The committee does not recommend incorporating these recommendations into the proposal for the reasons discussed below in the "Alternatives considered" section.

The JRS also suggested that the committee consider removing rule 4.421(c) in its entirety, reasoning that the rule was recently adopted and, if the residual clause were deleted, would be redundant and serve no independent purpose. Because this would be an important substantive change to the proposal, the committee believes public comment should be sought before it is considered for adoption. The committee may consider this suggestion during a future proposal cycle.

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.[13] 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.[14] 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*.[15]

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.

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."[16] 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

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[13] See *Sarti v. Salt Creek Ltd.* (2008) 167 Cal.App.4th 1187, 1193 ("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*.

[14] The committee acknowledges that *Lovelace*'s invalidation of the residual clause does not specifically state that the clause can continue to be relied upon to impose the middle term. However, *Lovelace* held that the residual clause improperly delegates power to prosecutors—and ultimately juries—in the context of the post–SB 567 statutory scheme in which aggravating factors used to justify the imposition of the upper term must be properly proven beyond a reasonable doubt. (*Lovelace, supra,* 108 Cal.App.5th at pp. 1103–1104.) Because aggravating factors used to justify the imposition of the *middle* term do not need to be properly proven, the committee believes that *Lovelace* has no application to middle term sentencing. (Cf. 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"], 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"], and 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"].)

[15] See *Auto Equity Sales, Inc. v. Superior Court of Santa Clara County* (1962) 57 Cal.2d 450, 455.

[16] See *Lovelace, supra,* 108 Cal.App.5th at pp. 1106–1107 (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").

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.[17] 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.[18] 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 fundamentally a legislative function.[19] The committee also believes that it may not be

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[17] 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."

[18] 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.) 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.) 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, and the council approved for publication the new aggravating factor instructions. (*Ibid.*)

[19] 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). This occurred well before the United

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

The JRS indicated that the proposal may impact court operations to the extent that it triggers the need for additional training, which would require the commitment of staff time and court resources. No other implementation requirements or operational impacts on courts are likely.

Attachments and Links

1. Cal. Rules of Court, rules 4.420 and 4.421, at pages 9–14
2. Chart of comments, at pages 15–23

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].)

Rules 4.420 and 4.421 of the California Rules of Court are 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) Even when the facts underlying an aggravating circumstance have been properly pled and proved as described in paragraph (b), the court has the discretion to determine what weight, if any, that aggravating circumstance merits.

~~(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~~fn. 5 on p. 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~~.~~; and

(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)((A)–(C)) were a contributing factor to the commission of the offense, the court must impose the lower term (see rule 4.420(e)(f)) 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~~*In re Rodriguez* (1975) 14 Cal.3d 639, 654, quoting ~~In~~*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(e), 4.408(a).)

SPR26-15 Chart of Comments

Criminal Procedure: Revisions to Felony Sentencing Rules (amend Cal. Rules of Court, rules 4.420 and 4.421)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree if modified • Does the proposal appropriately address the stated purpose? Yes.	The committee acknowledges the commenter's position and thanks the OCBA for the information. See the committee's responses to specific suggestions for modification below.
OCBA (continued)	• 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? As phrased, it could. By stating the court retains discretion ***even if*** the underlying facts have been pled and proved, it implies the court may have discretion to impose the upper term ***without*** proof of the underlying facts. It would be more clear if subdivision (d) began with the qualifier: "Even when the facts underlying an aggravating circumstance have been pled and proved, the court retains the discretion to determine what weight, if any, that aggravating circumstance merits."	The committee agrees with this suggestion and has incorporated it, with minor modifications, into the revisions that it is recommending for adoption.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-15 Criminal Procedure: Revisions to Felony Sentencing Rules," the Court agrees the proposal appropriately addresses the stated purpose. The Court does not believe the addition of new subdivision (d) to rule 4.420 would cause confusion. The language is clear that the Court retains discretion. There are no changes necessary to clerical policies or procedures. This amendment would require dissemination to criminal judicial officers and potential updates to judicial sentencing guidelines/rules as this amendment is	The committee acknowledges the court's agreement with the proposal and appreciates the comments.

Commenter	Comment	Committee Response
	specific to judicial determination of the use of enumerated, and nonenumerated aggravating factors in the determination and imposition of the sentencing term and amends the consideration of the fact of a defendant's prior conviction is limited to consideration of the bare face of the prior conviction and its elements. To implement the proposal, the Court would only need to educate the Bench on the new rules. Two months should be sufficient time for implementation and the proposal would work for courts of different sizes.	
Superior Court of Orange County by Nevely Herrera, Operations Analyst I	Position: Agree • Does the proposal appropriately address the stated purpose? The proposal addresses the stated purpose of incorporating information from recent case law, People v. Wiley and Lovelace v. Superior Court, into the California Rules of Court governing felony sentencing. • 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 addition of new subdivision (d) to rule 4.420 may not cause confusion regarding the courts retaining discretion. The proposed language clarifies evidentiary requirements for aggravating factors used to impose an upper-term sentence. The court's discretion to weigh mitigating circumstance or to select the middle or lower terms is not limited. Subdivision (d) along with the advisory comment informs the judicial bench of the obligation to adhere to the ruling in Lovelace. • Would the proposal provide cost savings? If so, please quantify. The proposal may not provide cost savings. • What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee acknowledges the court's agreement with the proposal and appreciates the comments.

Commenter	Comment	Committee Response
	Implementation will primarily involve notifying the judicial bench of the updated advisory comments and potentially updating felony sentencing scripts and/or judicial reference materials. No significant changes to processes, procedures, or Vision are anticipated with this proposal. • Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Two months from Judicial Council approval would provide sufficient time for implementation. • How well would this proposal work in courts of different sizes? Because the proposal adds advisory comments rather than imposing new procedural requirements, it is expected to have minimal impact for larger courts, such as OCSC.	
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	Position: Agree if modified The JRS notes the following impact to court operations: • Results in additional training, which requires the commitment of staff time and court resources. The JRS also notes that the proposal is required to conform to a change of law. Background, Comments and Recommendations The proposal addresses recent developments in felony sentencing law, including Senate Bill 567 (2021) (amending Penal Code section 1170(b)), and the decisions in *Lovelace v. Superior Court* (2025) 108 Cal.App.5th 1081 (2025) (*Lovelace*), and *People v. Wiley* (2025) 17 Cal.5th 1069 (*Wiley*), that have significantly altered the framework governing imposition of aggravating sentencing factors in determinate sentencing cases. The determinate sentencing statutes provide for a triad of potential prison sentences of a low term, midterm, and upper term. The amendment to Penal Code section 1170(b) essentially creates a presumption that the lower or middle	The committee acknowledges the JRS's position and thanks the JRS for the information. See the committee's responses to the JRS's specific suggestions for modification below.

Commenter	Comment	Committee Response
	term will be imposed unless certain statutory or aggravating factors have been pled and proved. Various statutes include circumstances that require consideration of imposition of the upper term. (See, e.g., Penal code sections 422.76, 1170.7 et seq.) Non-statutory aggravating factors have been established by the Judicial Council in California Rules of Court Rule 4.421since 1977, and as amended over the years. A recent amendment in 2018, establishing Rule of Court 4.421(c), is the primary subject of the proposed rule change. The delegation of authority to the Judicial Council to adopt these determinate sentencing factors is expressly set forth in Penal Code section 1170.3(a)(2), (3), for the express purpose of promoting uniformity in sentencing. Rule 4.421(a) sets forth 12 factors relating to the crime. Rule 4.421(b) sets forth five factors relating to the defendant's past criminal conduct and performance on probation. Rule 4.421(c) is a catch-all provision that provides: "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." (Emphasis added.) The "residual clause" may no longer reflect the current state of the law. In *Lovelace*, the Court provides an overview of the evolution of the determinate sentencing law, noting that following the enactment of SB 567 the trial court may only choose an upper term when (1) there are circumstances in aggravation that justify the imposition of the 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 a judge in a court trial. To help trial courts address this shift in fact-finding duties, the Judicial Council has adopted CALCRIM Jury Instructions for guidance on some of the aggravating factors. (CRC Rule 4.421(a)(1),(2),(3),(4),(5),(6),(8),(9), (10),(11) and 4.421(b)(1) now have CALCRIM jury instructions.) Factors 4.421(b)(2) and (5) relating to the defendant do not yet have CALCRIM instructions, and in light of *Wiley*, adoption of CALCRIM instructions to explain these factors may be appropriate. *Lovelace* considered the application of the Rule 4.421(c) "residual clause" application to factors "that reasonably relate to the defendant or the circumstances under which the crime was committed." The Prosecutor in *Lovelace* sought to impose the upper term using the residual clause to apply to defendant having engaged in "similar prior conduct."	

Commenter	Comment	Committee Response
	Lovelace cited *People v Wright* (1982) 30 Cal.3d 705, where the Supreme Court found the Legislature made a reasonable grant of authority to the Judicial Council," a body with great expertise in designing sentencing administration," and that the standards embodied in the statutory delegation (circumstances relating to crime and defendant) were sufficiently precise. The Court found the residual clause exceeded the delegated authority because it is ad hoc and too vague to provide notice, and to meet the goal of promoting uniformity in sentencing. Given the fundamental shift from the trial courts having broad sentencing discretion to consider the sentencing factors, to the jury having to determine if facts exist to support an aggravating factor, the aggravating factors must be specific, clearly stated, and uniformly applied across the state. An ad hoc aggravating factor does not meet this standard. *Lovelace* concludes by noting that the Judicial Council retains the authority under Penal Code section 1170.3 to revise Rule 4.421(c). *Wiley* addressed the issue of how the aggravating facts must be proved. Facts supporting finding that an aggravating factor exists must be proved beyond a reasonable doubt by the trier of fact, unless stipulated to by the defendant. *Wiley* evaluated the findings made by the trial court in imposing the upper term: (1) defendant's prior convictions; (2) poor performance on probation; and (3) the fact that the charges are becoming more serious. The trial court relied on the mere fact of the prior convictions in making all three findings. *Wiley* held that this is no longer permissible for the factors concerning poor performance on probation, and if the charges are becoming more serious over time. An evaluative analysis must now be performed explaining defendant's poor performance on probation, and analyzing why the defendant's conduct is becoming more serious over time. These findings must be determined by the trier of fact. The proposal. 1. Update the advisory committee comments in Rules 4.420 and 4.421 to reflect *Wiley's* holding that a fact of a prior conviction on a certified record of conviction is limited to consideration to the bare fact of the conviction. 2. Update the advisory committee comments in Rule 4.421 to clarify that although *Lovelace* prohibits courts from using the residual clause in Rule 4.421(c) to impose the upper term, the residual clause may still be used to justify imposition of the middle term or in making other discretionary decisions.	

Commenter	Comment	Committee Response
	3. Add a new subdivision (d) to rule 4.420 to clarify that the court retains the discretion to determine what weight, if any, an aggravating factor merits. Alternatives considered. • Removing Rule 4.421(c) residual clause. • Keeping Rule 4.421(c), but include a carve-out or limiting clause that it may not be used to impose the upper term, but may be used for other purposes. • Revise the residual clause to attempt to comply with the *Lovelace* decision. Take no immediate action and wait to see if the Legislature addresses the issue. Proposed action. • Maintain Rule 4.421 until more appellate courts have an opportunity to address the issue. • Add subdivision (d) to Rule 4.420. • Not undertake a more substantial revision to Rule 4.421, because although the Judicial Council has been delegated the authority to adopt factors in aggravation, deference to the Legislature is more appropriate. Request for Specific Comments. Does the proposal appropriately address the stated purpose? Somewhat. See below. Would the addition of a 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 term of punishment? No.	

Commenter	Comment	Committee Response
JRS (continued)	Comments and Recommendations: 1. Recommend that the rule 4.421(c) residual clause be removed. The proposal to maintain the residual clause, even with a limiting use phrase, may not comport with the holding in *Lovelace*. *Lovelace* rejected 4.421(c) residual clause for several reasons, and did not specify that a carve out phrase could meet those concerns. (p.1098-1105). *Lovelace* emphasized that the residual clause does not promote uniformity in sentencing or notice requirements. This would apply to any use by a court for any purpose, including choosing between a middle and low term. The concurring opinion noted that CRC 4.408, as well as Penal Code section 1170 itself provides courts with discretion to consider what term to impose. *Lovelace* expressed concerns that "Nowhere in the words of the residual clause can any meaningful standard be found," that "the emptiness of the residual clause invites arbitrary decision making, not uniformity," and that the residual clause use at the pleading stage is a violation of the non-delegation doctrine, "is fundamentally inconsistent with the plain terms of section 1170.3, which delegates rulemaking authority to the judicial council to "promote uniformity in sentencing." The Court stated, "The defect is of recent vintage," and has "ceased to be an accurate statement of the law." "It has become, in short, an artifact of a past era." *Lovelace* concludes, by holding "The rule 4.421(c) residual clause exceeds the legislative delegation in section 1170.3 and thus violates the separation of powers clause of the California Constitution.	As noted in the invitation to comment, the committee considered recommending removal of the residual clause in rule 4.421(c) in response to *Lovelace* but declines to do so at this time because (1) there is a possibility that a different Court of Appeal could issue a contrary decision and (2) 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. The committee acknowledges that *Lovelace*'s invalidation of the residual clause does not specifically state that the clause can continue to be relied upon to impose the middle term. However, *Lovelace* held that the residual clause improperly delegates power to prosecutors—and ultimately juries—in the context of the post-SB 567 statutory scheme in which aggravating factors used to justify the imposition of the upper term must be properly proven beyond a reasonable doubt. Because aggravating factors used to justify the imposition of the *middle* term do not need to be properly proven, the committee believes that *Lovelace* has no application to middle term sentencing.
JRS (continued)	2. Recommend adoption of rule 4.420(d). While redundant, it serves to emphasize a sentencing court's discretion in light of the recent evolution in narrowing the imposition of upper terms.	The committee appreciates the comment.
JRS (continued)	3. Recommend the Advisory Committee reconsider more substantial revision to rule 4.421 sentencing factors pursuant to its delegated authority under section 1170.3. Many years have passed since the sentencing factors have	As noted in the invitation to comment, the committee considered recommending a more substantial revision of rule 4.421 but

Commenter	Comment	Committee Response
	been reviewed. There may be new factors that warrant consideration of an upper term sentence. 4. Factors related to the crime may include: • Crimes that are facilitated through use of rapidly advancing computer sophistication, including use of artificial intelligence, digital impersonation, that may result in the ability to conceal or magnify the impact of an offense. • Crimes that occur during a public emergency such as widespread fire and other natural disasters or rioting and widespread civil unrest. • Engagement in coordinated criminal conduct, that might be distinct from planning and sophistication or inducing others. • Recording or streaming criminal conduct for purposes of exploitation, profit, or humiliation. • Review if factor that the defendant took advantage of a position of trust could be modified to include crimes conducted by someone who took advantage of an institutional position of authority to facilitate the offense. • Offense resulted in widespread environmental or public safety risk or harm. • Offenses targeting vulnerable populations due to legal status or other circumstances that may be more specific than that the "victim was particularly vulnerable." Factors related to the defendant could include: • The "similar prior conduct" factor at issue in *Lovelace*. • The defendant was granted leniency by prior grants of diversion and rehabilitation and failed to rehabilitate. • Uncharged history in domestic violence, stalking, and similar offenses where the pattern of increased seriousness and unreported conduct over a period of time should be considered as an aggravating factor. • Defendant's sophisticated use of digital technology to conceal criminal conduct. *Lovelace*, citing *People v Wright* (1982) 30 Cal.3d 705, reaffirmed the authority delegated to the Judicial Council to adopt sentencing factors pursuant to section 1170.3, finding "the Legislature made a reasonable grant of authority to the Judicial Council, a body with great expertise in designing sentencing administration…" (*Lovelace*, p. 1098.) Further study and consideration may be	declines to do so at this time because, notwithstanding the Judicial Council's delegated authority to adopt rules on aggravating factors, the committee views the promulgation of aggravating factors as fundamentally a legislative function and does not think that unilaterally revising rule 4.421 would be helpful at this juncture. However, the committee may consider this suggestion during a future proposal cycle.

Commenter	Comment	Committee Response
	warranted pursuant to this delegation, rather than wait for Legislative action to address these new and evolving circumstances that may warrant more serious punishment.	
JRS (continued)	5. Consider taking no action until other Appellate Courts have addressed the issue.	As noted in the invitation to comment, the committee considered recommending that the council take no action on the residual clause in rule 4.421(c) at this time but declines to do so because 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*.
JRS (continued)	6. Consider removing Rule 4.421(c). The rule was recently adopted and, even if the residual clause was deleted, remains redundant and serves no independent purpose.	Because this would be an important substantive change to the proposal, the committee believes public comment should be sought before it is considered for adoption. The committee may consider this suggestion during a future proposal cycle.

Rules Committee Action Request Form

Item number: 16

Rules Committee Meeting Date: September 9, 2026

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

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/MIL-184

Advisory 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: October 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on October 16, 2026

Criminal Law: Revisions to the Order for Dismissal for Military Personnel (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Revise form CR-184/MIL-184

Recommended by
Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
July 22, 2026

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

Executive Summary

The California Department of Justice suggests removing an item on *Order for Dismissal (Military Personnel)* (form CR-184/MIL-184) related to notifying the department of a record sealing order under Penal Code section 1170.9(h)(4)(D). The Criminal Law Advisory Committee recommends revising the form to remove the item, as well as removing an item for the defendant's date of birth, making technical amendments to improve readability, and replacing gendered pronouns.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027, revise *Order for Dismissal (Military Personnel)* (form CR-184/MIL-184) by removing the item notifying the California Department of Justice of a sealing order, removing the item regarding the defendant's date of birth, and making technical amendments to improve readability and replace gendered pronouns.

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

Relevant Previous Council Action

Effective January 1, 2016, the Judicial Council approved *Order for Dismissal (Military Personnel)* (form CR-184/MIL-184) to implement relief under Penal Code section 1170.9(h).[1] Form CR-184/MIL-184 was last revised for technical changes effective January 1, 2019.

Analysis/Rationale

Section 1170.9(h) 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 grant early termination of probation, reduce eligible felonies to misdemeanors under section 17(b), and grant relief under section 1203.4.

In addition, a defendant granted a dismissal under section 1170.9(h) is generally released from all penalties and disabilities resulting from the conviction, 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, with specified exceptions; 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).

When form CR-184/MIL-184 circulated for public comment in 2015, the committee received a public comment raising concerns about veterans granted relief under section 1170.9(h) being denied jobs due to background checks showing prior arrests and convictions. In response, the committee included item 7 (ordering the sealing of records per Penal Code section

[1] All further references are to the Penal Code unless otherwise specified.

1170.9(h)(4)(D)) and item 8 (directing the California Department of Justice to be informed of this action).

The California Department of Justice (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 suggested removing item 8 from form CR-184/MIL-184.[2] 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 interpreted this notification as an order to seal the state summary criminal history information 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 remedy is granted.[3] 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 it is not.[4]

Because item 8 is not statutorily required, has led to confusion, and may cause a workload issue for courts, the committee recommends removing 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.[5]

The committee also recommends 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

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[2] 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 to access 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.

[3] 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").

[4] In contrast to item 8, item 7 of form CR-184/MIL-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.

[5] 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/MIL-184 was originally approved.

"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 recommends removing the defendant's date of birth item in the caption, as it is unnecessary and is not a standard item on criminal forms.

Finally, the committee proposes technical revisions to improve readability in the prelude to the order and in proposed items 8 and 9 and to replace gendered pronouns in those items.

Policy implications

The recommended revisions clarify legal requirements. Accordingly, the key policy implications are ensuring that council rules and forms correctly reflect the law. These revisions are therefore consistent with *The Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The proposal circulated for comment from April 13 to May 18, 2026. Three comments were received, all supporting the removal of item 8 and the defendant's date of birth item. The committee appreciates the time taken by commenters to respond to this proposal. All comments received, and the committee's responses, are provided in the attached chart of comments at pages 7–9.

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 necessary. However, the committee determined that removal provided the clearest and most beneficial approach for courts and court users.

Fiscal and Operational Impacts

Commenters indicated that any costs associated with updating the form, training staff, or adjusting internal procedures would be minimal. Courts noted that while the form is not used frequently, removing item 8 may reduce staff time spent responding to DOJ correspondence requesting corrections, resulting in some operational efficiencies. Implementation needs identified by the courts, such as brief staff training, docket code modifications, and procedure updates, were described as modest and achievable.

Attachments and Links

1. Form CR-184/MIL-184, at pages 5–6
2. Chart of comments, at pages 7–9
3. Link A: Pen. Code, § 1170.9

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:			

07/20/2026
DRAFT
Not approved by the Judicial Council

Order for Dismissal (Military Personnel) **(Pen. Code, §§ 17(b), 1170.9(h))**	Case Number:

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 the petitioner 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 the petitioner's 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 the petitioner was found guilty by a trier of fact, not guilty by reason of insanity, or pleaded no contest to a qualifying offense as defined in Penal Code section 296(a).

FOR COURT USE ONLY

Date:

_____

Judicial Officer

SPR26-16 Chart of Comments

Criminal Law: Revisions to the Order for Dismissal for Military Personnel (revise form CR-184/MIL-184)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Orange County Bar Association by Shirin Forootan, President	Position: Agree • Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the comment.
Orange County Bar Association (continued)	• Is the date of birth item on the current version of the form helpful for the petitioner? No	The committee agrees and recommends removing the date of birth item on the form.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-16 Criminal Law: Revisions to the Order for Dismissal for Military Personnel," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the comments.
Superior Court of Los Angeles County (continued)	The removal of the date of birth item on the form will not cause any impact to the petitioner. The date of birth item is not standard on criminal forms and is unnecessary on CR-184/MIL-184.	The committee agrees and recommends removing the date of birth item on the form.
Superior Court of Los Angeles County (continued)	This proposal would not provide significant cost savings to courts. The new forms would incur some cost, but the form is not used extensively. So, the costs should be minimal. Any benefit to the Court would be related to less correspondence, requesting correction, received from the DOJ, and therefore less staff time required to research and respond to this correspondence.	No response required.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	Implementation requirements for the courts would likely be related solely to staff training regarding the impact of removing line #8 and the explanation of what sealing benefits the petitioner is and is not entitled to related to the dismissal. This training would not be significant or impactful in the amount of time required (approximately one to two hours). Additionally, current procedures and processes related to military dismissals need to be amended, however, this is also not a significant impact to court operations and would entail two to four hours of revision and editing efforts.	No response required.
Superior Court of Los Angeles County (continued)	Two months from Judicial Council approval until effective date would provide sufficient time for courts to implement any required changes.	No response required.
Superior Court of Los Angeles County (continued)	The proposal would not have a different impact on courts of varying sizes.	No response required.
Superior Court of Orange County by Nevely Herrera, Operations Analyst I	Position: Agree • Does the proposal appropriately address the stated purpose? The proposal addresses the stated purpose by resolving confusion caused by Item 8 and seeking to align the form to statutory authority under Penal Code section 1170.9.	The committee appreciates the comments.
Superior Court of Orange County (continued)	• Is the date of birth item on the current version of the form helpful for the petitioner? Fields providing defendant information are helpful to ensure forms are accurately filed on a particular case. The OCSC agrees with the proposal to remove the date of birth field from the revised version as it aligns with the formatting of other Judicial Council forms.	The committee agrees and recommends removing the date of birth item on the form.
Superior Court of Orange County (continued)	• Would the proposal provide cost savings? If so, please quantify.	No response required.

Commenter	Comment	Committee Response
	The proposal may provide minimal cost savings particularly to criminal operations as it may eliminate returned CR-184/MIL-184 from the DOJ to the trial courts for processing/submittal for judicial review.	
Superior Court of Orange County (continued)	• 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 entail communicating the revisions to the judicial bench and court staff. Additionally, docket codes may need to be modified to include form CR-184/MIL-184 as an available selection.	No response required.
Superior Court of Orange County (continued)	• Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Two months from Judicial Council approval would provide sufficient time for implementation.	No response required.
Superior Court of Orange County (continued)	• How well would this proposal work in courts of different sizes? The proposal involves a form revision and may have a consistent impact across courts of all sizes. Minimal impact is expected for a larger court like OCSC.	No response required.

Rules Committee Action Request Form

Item number: 40

Rules Committee Meeting Date: September 9, 2026

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

Title of proposal: Criminal Law: Pretrial Release or Detention

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Revise form CR-104

Advisory 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: October 16, 2025
Project description from annual agenda: Pretrial release implementation through rules and forms: The committee will consider developing rule and form proposals on pretrial release implementation, such as the use of actuarial risk assessment tools, pretrial release or detention in light of In re Humphrey (2021) 11 Cal.5th 135 and related cases, the imposition of pretrial release conditions, and a defendant's ability to pay.

Implementation Date and Circulation Notes: (If requesting an effective date other than January 1 or a special invitation-to-comment cycle, please explain.) This proposal circulated on a special invitation to comment cycle, from June 3 - June 24. The committee began working on form revisions immediately after In re Kowalczyk was published on April 30, 2026, in order for a corrected form to be made available to courts as soon as practicable.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-043

For business meeting on October 15–16, 2026

Criminal Law: Pretrial Release or Detention (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Revise form CR-104

Recommended by
Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 6, 2026

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

Executive Summary

In its decision in *In re Kowalczyk* (2026) 19 Cal.5th 593, the California Supreme Court provided important guidance regarding the constitutional parameters for pretrial release or detention. These clarifications include confirming the framework in *In re Humphrey* (2021) 11 Cal.5th 135 for pretrial release based on public and victim safety, specifying the circumstances under which a court may order the detention of a defendant prior to trial, and setting reasonable and attainable monetary bail based on an individualized assessment of the totality of the circumstances. To assist courts with making the appropriate findings and orders for pretrial release or detention as articulated in the decision and in line with statutory and constitutional requirements, the Criminal Law Advisory Committee recommends revising *Findings and Orders for Pretrial Release or Detention* (form CR-104).

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027, revise *Findings and Orders for Pretrial Release or Detention* (form CR-104) to

implement recent case law on pretrial release or detention and to make additional clarifying changes.

The proposed revised form is attached at pages 9–12.

Relevant Previous Council Action

Effective January 1, 2026, the Judicial Council approved *Findings and Orders for Pretrial Release or Detention* (form CR-104) to assist courts with making the appropriate findings and orders for pretrial release or detention in line with *In re Humphrey*.

Analysis/Rationale

In re Humphrey and *In re Kowalczyk*

In *In re Humphrey*, the Supreme Court held that the common practice of detaining defendants based solely on their financial condition violated state and federal equal protection and due process principles[1] and articulated a framework for pretrial release based on public and victim safety. Specifically, the court outlined the following considerations for trial courts when determining pretrial release or detention:

- Whether nonfinancial conditions of release may reasonably protect the public and victim or reasonably assure the arrestee's presence at trial.[2]

- If nonfinancial conditions alone will be insufficient, whether a financial condition, such as cash bail, is "reasonably necessary" to protect the public or the victim and/or assure future court appearances. If so, the court must consider the defendant's ability to pay, and if there is no valid basis to detain it must set bail at an amount the defendant can reasonably afford.[3]

- The court may order pretrial detention if it concludes, by clear and convincing evidence, that no nonfinancial condition in conjunction with affordable money bail can reasonably protect public and victim safety and ensure arrestee appearance.[4]

In addition, the court's reasons for its decision on pretrial release or detention must be stated in the record and in the court's minutes.[5]

While *In re Humphrey* requires pretrial release or detention to conform to statutory and constitutional requirements, it did not address how article I, sections 12 and 28(f)(3) of the

[1] *In re Humphrey*, *supra*, 11 Cal.5th at pp. 143, 151.

[2] *Id*. at p. 154.

[3] *Ibid*.

[4] *Id*. at pp. 143, 153.

[5] Cal. Const., art. I, § 12(a); *In re Humphrey*, *supra*, 11 Cal.5th at pp. 155–156.

California Constitution can or should be reconciled, including whether pretrial detention of noncapital defendants can be authorized or prohibited outside of sections 12(b) and (c).[6]

The Supreme Court addressed these issues in *In re Kowalczyk*. (See Link A). First, the court held that the two sections can be reconciled. In noncapital cases, pretrial detention is only authorized for offenses specified in article I, section 12(b) and (c) of the California Constitution.[7] While section 28(f)(3) requires courts to prioritize public and victim safety when setting bail, it does not permit pretrial detention for offenses other than those specified in section 12(b) and (c).[8] Second, the court held that if a trial court finds that monetary bail is required, it must be set at an amount that is reasonably attainable, based on an individualized assessment of the totality of the circumstances,[9] including the defendant's financial situation.[10] The burden is on the defendant to demonstrate an inability to pay a certain bail amount with reliable evidence.[11] Finally, courts may not set artificially high or objectively unattainable bail to effectuate pretrial detention when a detention is not authorized under article I, section 12 of the California Constitution.[12]

The proposal

The committee recommends the following revisions to form CR-104 to reflect the court's holdings from *In re Kowalczyk* and in response to comments[13]:

- Add to form that the court orders detention without bail, in addition to finding risk of flight or public safety (see item 9a).
- Add to item 8a(1) a reference to article I, section 12 of the California Constitution, which allows the parties to present additional evidence to support a denial of bail.
- Revise proposed item 7c to state a court's order of monetary bail and add associated findings that the amount is reasonable under the totality of the circumstances, including the defendant's financial situation.

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[6] *In re Humphrey*, *supra*, 11 Cal.5th at p. 155, fn. 7.

[7] *In re Kowalczyk*, *supra*, 19 Cal.5th at p. 607.

[8] *Ibid*.

[9] "These circumstances include 'the protection of the public as well as the victim, the seriousness of the charged offense, the arrestee's previous criminal record and history of compliance with court orders, and the likelihood that the arrestee will appear at future court proceedings.' " (*Id*. at pp. 629–630, quoting *In re Humphrey*, *supra*, 11 Cal.5th at p. 152.)

[10] *Id*. at p. 630.

[11] *Ibid*.

[12] *Id*. at p. 625.

[13] The content of the form has been significantly reorganized and the references are to the items on the recommended form.

- Remove existing item 8d, which allowed a court to cite other legal authority outside of article I, section 12 of the California Constitution to detain a defendant prior to trial.[14]

The committee recommends the following revisions to form CR-104 to simplify, improve, and clarify existing items, and in response to comments:

- Add an indictment as an item reviewed and considered by the court in item 2a.
- Update item 3a(1) to distinguish whether the defendant has a history of failures to appear that is "significant."
- Rephrase item 3a(3) for greater clarity.
- Delete existing subitem (3) from item 3b (regarding whether the defendant presents a danger to public safety) and incorporate its content into items 3a(10) and renumbered item 3b(9).
- Update item 3b(10) to include an instruction to describe any mitigating factors that were present.
- Reorganize the content of existing item 4 so that item 4 applies only to findings and orders for release on own recognizance, and incorporate the content of existing items 4b through 4f in appropriate locations of the form addressing findings and orders for nonfinancial conditions of release (item 6), financial conditions of release (item 7), and detention (item 9).[15]
- Move existing item 4g on provisional bail to new item 8.
- Add checkboxes to the titles of items 4 through 9.
- Move the mandatory conditions for pretrial release in existing item 7 to item 5 and update the item's title to "Mandatory Conditions for All Pretrial Release Orders (Nonfinancial and Financial)."
- Revise the content of item 5 to accurately reflect Penal Code section 1318 by removing the requirement for immediate notification of a change in address, adding a requirement to obey all reasonable conditions imposed by the court, and correcting language on orders to appear by a court.

[14] Prior to the *Kowalczyk* decision, item 8d was included in form CR-104 for judges who found it necessary to set preventively high bail or deny bail under article I, section 28(f)(3).

[15] In reorganizing item 4, the committee also recommends replacing similar or duplicative items on court findings in items 6 and 9 with the language from existing item 4.

- Renumber existing items 5 and 6 to 6 and 7 and update the titles for greater accuracy.
- Update item 6b(1) on nonfinancial conditions to remove a reference to Pretrial Services and replace it with a fill-in item.
- Add immediate notification of a change in address to the options for nonfinancial conditions ordered by the court in item 6b(2).
- Delete text preceding lettered sub-items in item 7 and revise the content of item 7b(1) and (2) (addressing findings and orders for monetary bail) for clarity and to remove duplication.
- Remove checkboxes preceding "ensure a return to court" and "protect the public or victims" in item 7b.
- Clarify in items 7b and 9a that the court must make findings on the defendant's flight risk and/or public safety risk by clear and convincing evidence.
- Add new subitem (d) to item 7 to address nonfinancial conditions ordered by the court in addition to financial conditions.
- Update the title to item 9 to "Findings and Orders for Detention."
- Add clarifying language to item 9c(2).

Policy implications

The key policy implications are to ensure that the form correctly implements the law. This proposal is consistent with *The Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The proposal circulated for comment from April 13 to May 18, 2026. The committee received 11 comments and greatly appreciates the time and attention of the commenters. One commenter agreed with the proposal (Superior Court of Orange County), and three agreed with the proposal if modified (Judge Frank Birchak, Superior Court of Los Angeles County, and the Orange County Public Defender). Seven commenters did not indicate a position (California District Attorneys Association, California Public Defenders Association and Civil Rights Corps, Chief Probation Officers of California, Office of the State Public Defender, Vera Institute of Justice, and two individuals). The substantive comments and the committee's responses are summarized below. A chart with the full text of the comments received and the committee's responses is attached at pages 13–41.

Request for a rule of court
Prior to circulation, the committee discussed proposing a rule of court but decided to delay action until further case law clarifies additional issues relevant to setting monetary bail. The Office of the State Public Defender recommends developing a rule of court, which it believes would effectively ensure statewide uniform application of the law. The committee declines to develop a rule of court at this time, but will continue to monitor the issue and may propose a rule of court in the future as time and resources allow.

Reformatting item 4, "General Findings for Release or Detention"
As circulated, item 4, "General Findings for Release or Detention," would require the court to check the appropriate box indicating whether it finds the defendant appropriate for own recognizance release, release with nonfinancial conditions, release with financial conditions, or detention without bail, and then directs the court to complete a separate item corresponding with the release or detention finding.

The Superior Court of Los Angeles County recommends dividing up item 4 because by combining findings applicable to both release and detention, there is a risk that a judge may inadvertently select multiple boxes that are inconsistent with each other. Relatedly, Judge Birchak and the Office of the State Public Defender commented that item 4f could be misread as implying that courts may deny bail for non–article I, section 12 cases, and recommend including a reference to article I, section 12 in the item.

The committee agrees with the Superior Court of Los Angeles County and recommends reformatting and reorganizing the content of item 4 as follows:

- Revise the title to "Findings for Release on Own Recognizance" and keep current item 4a as the sole item.
- Move item 4b on denying release on own recognizance in misdemeanor cases to items 6a(1) and 7a.
- Move items 4c and 4d on findings supporting nonfinancial conditions of release to items 6a(2) and 6a(3).
- Move item 4e on findings supporting financial conditions of release to item 7b.
- Move item 4f on findings supporting pretrial detention to new item 9a.
- Move item 4g on provisional bail to new item 8.

Moving item 4f to new item 9a addresses the concerns raised by Judge Birchak and the Office of the State Public Defender by linking the findings to the requirements of article I, section 12.

Order setting monetary bail (item 7c)
The committee received several comments for additional information and guidance on setting monetary bail in item 7c, such as documenting the evidence presented and reviewed by the court

and requesting additional language from *In re Kowalczyk* that the bail amount is neither artificially high nor objectively unattainable and does not constitute a pretrial detention.[16]

While the committee declines to make the proposed changes at this time, it may develop a rule of court or a separate ability-to-pay form to guide courts in setting monetary bail in line with *In re Kowalczyk* in the future as time and resources allow. At this time, items 2c and 2d allow the court to identify what it has reviewed and considered in making the pretrial release or detention decision.

The committee also requested specific comment on whether to add to item 7c that the bail amount is designed to effectuate a defendant's general right to pretrial release.[17] Six commenters prefer the additional language, noting that it provides the appropriate context from *In re Kowalczyk* to a court setting monetary bail. One commenter, the Superior Court of Los Angeles County, prefers the circulated language. The committee considered the comments but concluded that the succinctness of the circulated language was better suited for a form designed for court findings and orders. The committee may consider the additional language as guidance for courts in a future rule of court proposal.

Provisional bail

As circulated, item 4g allows the setting of provisional bail in circumstances where the court finds risk but the parties wish to present additional evidence. The committee received two comments on this item. The California Public Defenders Association and the Civil Rights Corps jointly recommend removing the item or including a disclaimer that provisional bail must comply with *In re Humphrey* and *In re Kowalczyk*. Similarly, the Office of the State Public Defender recommends revising the item to clarify that to be constitutional, provisional bail must also be objectively attainable. In light of these comments and the comment from the Superior Court of Los Angeles County recommending separating out the release and detention findings in item 4, the committee recommends (1) a new item 8 on provisional bail, containing former item 4g, and (2) modifying the language to comply with *Kowalczyk* by stating that the provisional bail amount is reasonable under the totality of the circumstances, based on information the court received about the defendant at this time, including their financial situation.

Item 5, "Mandatory Conditions for All Pretrial Release Orders (Nonfinancial and Financial)"

The Orange County Public Defender commented that while item 5 requires the defendant to "comply with the terms and conditions of Penal Code section 1318," the subsequent requirements do not all align with section 1318. In response, the committee recommends revising item 5 to accurately reflect section 1318 by relocating the requirement to notify the court of an address change (to items 6(b)(2) and 7(d)(2)), add a requirement to "obey all reasonable

[16] *In re Kowalczyk, supra*, 19 Cal.5th 593, 625.

[17] See *id.* at p. 631 ("While the amount of bail need not be easily affordable or convenient to the defendant, the court must set bail in an amount that is consistent with, and designed to effectuate, a defendant's general right to pretrial release, subject only to the exceptions set forth in section 12").

conditions imposed by the court," and clarifying the requirement to appear as ordered by the court. The existing requirement to obey all laws is now included at the beginning of item 5.

Implementation

The Superior Court of Orange County commented that two months was sufficient for implementation, while the Superior Court of Los Angeles County commented that it may need additional time for case management system updates. While the committee appreciates the amount of work involved in implementing a revised form, it does not recommend delaying implementation of this optional form.

Alternatives considered

The committee discussed proposing a rule of court to provide trial courts with guidance on pretrial release, conditions of bail, and detention, considering *Humphrey*, *Kowalczyk*, and other recent cases addressing pretrial release or detention. However, the committee decided to delay action until further case law clarifies additional issues relevant to setting monetary bail.

Fiscal and Operational Impacts

Commenting courts anticipate training staff and judicial officers, revising procedures, and updating case management systems.

Attachments and Links

1. Form CR-104, at pages 9–12
2. Chart of comments, at pages 13–41
3. Link A: *In re Kowalczyk* (2026) 19 Cal.5th 593

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	*FOR COURT USE ONLY* DRAFT 08/04/2026 Not approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
FINDINGS AND ORDERS FOR PRETRIAL RELEASE OR DETENTION	CASE NUMBER: *FOR COURT USE ONLY* Date: Time: Department:

The court must make oral findings and include them in the court minutes. (*In re Humphrey* (2021) 11 Cal.5th 135.)

1. Procedural Posture

The court is addressing pretrial release at

a. ☐ arraignment on a ☐ misdemeanor and/or ☐ felony offense.

b. ☐ bail review per Penal Code section 1270.2. No changed circumstances required.

c. ☐ bail review per Penal Code section 1277. No changed circumstances required.

d. ☐ another hearing based on good cause due to change in circumstances per Penal Code section 1289.

2. The court has reviewed and considered the following items:

a. ☐ The complaint and/or ☐ information/indictment in this case.

b. ☐ The pretrial services report/risk assessment.

c. ☐ The People's argument, including

(1) ☐ attachments/exhibits:

(2) ☐ amount of bail the defendant can afford:

(3) ☐ statements/proffer of witnesses or evidence:

d. ☐ The defense argument, including

(1) ☐ attachments/exhibits:

(2) ☐ amount of bail the defendant can afford:

(3) ☐ statements/proffer of witnesses or evidence:

e. ☐ Criminal history.

f. ☐ History of appearance.

g. ☐ Police report/probable cause declaration.

h. ☐ Proposed conditions of release:

i. ☐ Other:

3. Risk of Nonappearance or to Public/Victim Safety

a. The court finds the following factors regarding flight risk:

(1) ☐ Does or ☐ does not have a significant prior history of failures to appear.

(a) ☐ Has always made prior court appearances.

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:

(b) ☐ Has a minimal history of failing to appear.

(c) ☐ Has a significant history of *(number)*: failures to appear.

(d) ☐ Previously absconded from the court process for:

(e) ☐ Previously cut off GPS device.

(f) ☐ Previously attempted to avoid court process by:

(g) ☐ Has demonstrated an intention to subvert the criminal process by:

(2) ☐ Has been released since *(date)*: and is here in court today.

(a) ☐ Has posted a bond and returned to court.

(b) ☐ Has posted bail with the court and returned to court.

(3) ☐ Has ties to the community that are:

☐ minimal.

☐ significant, including:

(4) ☐ Has stated a willingness to follow any conditions deemed reasonable by the court.

(5) ☐ Previously failed to comply with court orders including:

(6) ☐ Has *(enter number)*: outstanding felony/misdemeanor warrant(s).

(7) ☐ Was on probation/parole/postrelease community supervision/mandatory supervision at the time of the offense.

(8) ☐ Faces a potential penalty for the charged offense that is great.

(9) ☐ Has a history of untreated mental health or substance abuse issues.

(10) ☐ Other evidence that defendant ☐ does ☐ does not present a flight risk (*describe*):

b. The court finds the following factors regarding danger to the safety of the public or the victim:

(1) ☐ The alleged crime ☐ does ☐ does not involve a victim.

(a) ☐ The victim sustained injuries. ☐ The injuries are serious (*describe*):

(b) ☐ Defendant threatened witness(es) or victim(s) by:

(2) ☐ The alleged crime ☐ is ☐ is not a crime of violence ☐ including:

(a) ☐ A firearm was used in the commission of the crime.

(b) ☐ A deadly weapon *(describe)*: was used in the commission of the crime.

(3) ☐ Defendant ☐ does ☐ does not have a history of violence.

(4) ☐ Defendant's criminal record demonstrates a history of violence.

(5) ☐ Defendant is alleged to have violated a restraining order.

(6) ☐ Defendant has a history of violating restraining orders.

(7) ☐ Defendant has a history of untreated mental health or substance abuse issues.

(8) ☐ The crime involved a large quantity of a controlled substance *(describe)*:

(9) ☐ Other evidence that defendant ☐ does ☐ does not present a danger to public safety (*describe*):

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:

(10) ☐ Mitigating factors were present (*describe*):

4. ☐ **Findings for Release on Own Recognizance**

Based on the factors in item 3, the court finds that defendant does not pose a flight risk or a public safety risk, and will release the defendant on their own recognizance. (See item 5.)

5. ☐ **Mandatory Conditions for All Pretrial Release Orders (Nonfinancial and Financial)**

The defendant must obey all laws. The defendant must also comply with the terms and conditions of Penal Code section 1318. The defendant must appear at all times and places as ordered by this court and as ordered by any court in which the charge is pending, obey all reasonable conditions imposed by the court, not depart the state without leave of the court, and waive extradition if the defendant fails to appear and is apprehended outside the state of California.

6. ☐ **Findings and Orders for Nonfinancial Conditions of Release Only**

a. Based on the factors in item 3, the court finds

(1) ☐ Defendant is charged with a misdemeanor offense and the presumption for own recognizance release has been overcome (*describe*):

(2) ☐ Defendant presents ☐ a flight risk and/or ☐ a public safety risk, but that risk can be mitigated by nonfinancial conditions.

(3) ☐ Defendant has previously bailed out or was released on their own recognizance in this case, but presents a ☐ a flight risk and/or ☐ a public safety risk that can be mitigated by nonfinancial conditions.

b. ☐ The defendant must abide by the following orders that the court finds are the least restrictive nonfinancial conditions necessary to ensure a return to court and to protect the safety of the public or victim:

(1) ☐ Pretrial monitoring by (*agency name*):

(2) ☐ Must immediately notify the court of any change of physical or mailing address.

(3) ☐ Other conditions:

7. ☐ **Findings and Orders for Financial Condition of Release (Monetary Bail)**

a. ☐ Based on the factors in item 3, the court finds that the defendant is charged with a misdemeanor offense and the presumption for own recognizance release has been overcome (*describe*):

b. ☐ Based on the factors in item 3, the court finds by clear and convincing evidence that the defendant presents ☐ a flight risk and/or ☐ a public safety risk, and finds by clear and convincing evidence that nonfinancial conditions are not sufficient to ensure a return to court or protect the public or victims, and will impose a financial condition, coupled with the least restrictive nonfinancial conditions.

(1) ☐ The defendant previously bailed out or was released on their own recognizance in this case.

(2) ☐ In making the finding under item 7b, the court considered the following nonfinancial conditions:

(3) ☐ The court finds nonfinancial conditions are insufficient to protect the public or ensure return because:

c. ☐ The court orders monetary bail in the amount of $, which is an amount it finds reasonable under the totality of the circumstances, including the defendant's financial situation. The court considers bail in this amount to be reasonably attainable for the defendant.

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d. ☐ In addition to monetary bail, the defendant must abide by the following orders that the court finds are the least restrictive nonfinancial conditions necessary to ensure a return to court and to protect the safety of the public or victim:

(1) ☐ Pretrial monitoring by (*agency name*):

(2) ☐ Must immediately notify the court of any change of physical or mailing address.

(3) ☐ Other conditions:

8. ☐ **Provisional Bail**

a. ☐ Based on the findings in item 3, the court finds defendant presents a flight risk and/or public safety risk but that the parties wish to present additional evidence regarding:

(1) ☐ evidence to support a denial of bail under article I, section 12 of the California Constitution.

(2) ☐ evidence of alternative available conditions.

(3) ☐ evidence regarding ability to pay.

b. The court sets **provisional** bail in the amount of: $, which is an amount it finds reasonable under the totality of the circumstances, based upon the information provided to the court at this time, including the defendant's financial situation.

c. The court sets a further bail review hearing on *(date):*

9. ☐ **Findings and Orders for Detention**

a. ☐ Based on the factors in item 3, the court finds by clear and convincing evidence that the defendant presents ☐ a flight risk and/or ☐ a public safety risk and must be detained without bail, and finds by clear and convincing evidence there are no less restrictive conditions that will ensure a return to court or protect the public and victim(s).

b. The court has considered the following less restrictive nonfinancial and financial conditions and finds by clear and convincing evidence that they are insufficient to ensure a return to court and/or protect the public:

(1) ☐ Conditions considered by the court:

(2) ☐ Evidence supporting the court's findings, in addition to those listed in item 3:

c. ☐ Defendant is to be held without bail pursuant to article I, section 12 of the California Constitution because the court finds the facts are evident or the presumption is great that the defendant committed an offense that is a

(1) ☐ capital crime.

(2) ☐ felony involving an act of violence on another person or felony sexual assault offense on another person, and the court finds by clear and convincing evidence there is substantial likelihood release will result in great bodily harm to others.

(3) ☐ felony, and the court finds by clear and convincing evidence that the person has threatened another with great bodily harm and there is a substantial likelihood that the person will carry out the threat if released.

Date:

Judicial Officer

SP26-03 Chart of Comments

Criminal Law: Pretrial Release or Detention (Revise form CR-104)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Hon. Frank Birchak Judge, Superior Court of San Diego County	Position: Agree if modified Thank you all for all the effort and thought that has gone into the drafting of this form. Overall, it seems to be an excellent tool. There is one section that I find concerning.	The committee appreciates the comments.
Hon. Frank Birchak (continued)	Section 4f as written implies that judges can deny bail solely based on flight risk or public safety concerns. Perhaps the intent is to convey that the flight risk and public safety analysis must be done under Humphreys even when the case is one that falls under Article 1 section 12. But the proposed form does not read that way and instead implies that courts can deny bail based on flight risk or a generalized public safety risk. This is contrary to Kowalczyk which allows denial of bail only when Article 1, section 12 of the California Constitution applies. I believe judges using this form as currently drafted could lead to unconstitutional orders and reversals. 4f reads: "finds by clear and convincing evidence that the defendant presents a flight risk and/or a public safety risk and must be detained without bail, and finds by clear and convincing evidence there are no less restrictive conditions that will ensure a return to court or protect the public and victim(s). (Complete item 8.)" I believe language along the lines of "finds that the charges fall under Article 1, section 12 of the California Constitution, finds that there is clear and convincing evidence of a substantial risk of great bodily injury if the defendant is released, finds by clear and convincing evidence there are no less restrictive conditions that will ensure a return to court or protect the public and victim(s), and therefore finds the	The committee has modified item 4 in order to separate findings and orders related to release and detention. The content in item 4f has been moved to renumbered item 9 on findings and orders for detention.

Commenter	Comment	Committee Response
	defendant must be detained without bail. (Complete item 8.)" My view is that such language would avoid orders that violate Kowalcyzk.	
Hon. Frank Birchak (continued)	Recognizing that some judicial officers have a different interpretation of Kowalcyzk, it is important to consider the purpose of the form and the effect that the Judicial Council approving a form has. The point of a form such as this is to assist judicial officers in making a legally solid decision and creating a good record of that decision. Approval by the Judicial Council implies that the form is legally correct. If there is a significant dispute about the legality of an order, why would that option be included on a Judicial Council form? Shouldn't such forms be based on a consensus of what constitute lawful orders?	No response required.
Hon. Frank Birchak (continued)	There are several citations from the Kowalczyk majority opinion that I believe should be considered in evaluating the proposed language: "We conclude that section 12, subdivisions (b) and (c) and section 28(f)(3) can be reconciled in the following manner: In noncapital cases, a trial court has the authority to deny bail only as to offenses specified in section 12, subdivisions (b) and (c). Section 28(f)(3) refers to the possibility that a defendant "may" be released on bail and mandates that a trial court place primary importance on public and victim safety in making bail determinations. However, section 28(f)(3) does not expand the list of offenses for which release on bail may be denied beyond those delineated in section 12, subdivisions (b) and (c)." (In re Kowalczyk (2026) 19 Cal.5th 593 [343 Cal.Rptr.3d 680, 685, 587 P.3d 1205, 1209–1210].) "We are unable to disregard this framework merely because the People would prefer a more expansive authority to detain individuals charged with offenses beyond those set forth in section 12, subdivisions (b) and (c). As this court has noted specifically in this context, " 'If the constitutional guaranties	See response above.

Commenter	Comment	Committee Response
	are wrong, let the people change them — not judges or legislators.' " (Underwood, supra, 9 Cal.3d at p. 350, 107 Cal.Rptr. 401, 508 P.2d 721.)" (In re Kowalczyk (2026) 19 Cal.5th 593 [343 Cal.Rptr.3d 680, 699, 587 P.3d 1205, 1221].) "First, ordering unattainable bail in noncapital cases outside of the circumstances authorized by section 12, subdivisions (b) and (c), is generally contrary to section 12's guarantee of the right to be "released on bail by sufficient sureties." Such pretextual detentions run afoul of the plain language of section 12 read as a whole. As noted, section 12 first provides that a person "shall be released on bail by sufficient sureties" and then specifies, in subdivisions (a), (b), and (c), the exceptions to this general mandate of release, i.e., the specific circumstances in which a court may order a defendant detained. To interpret the phrase "by sufficient sureties" as a broad grant of authority to deny release to defendants outside of these specified circumstances would render meaningless the limited list of circumstances under which detention is authorized." (In re Kowalczyk (2026) 19 Cal.5th 593, 626.) "In determining what constitutes a reasonable amount of bail under the circumstances, however, a court must effectuate a criminal defendant's general right to release on bail, subject only to the exceptions set forth in section 12." (In re Kowalczyk (2026) 19 Cal.5th 593, 630.) "While the amount of bail need not be easily affordable or convenient to the defendant, the court must set bail in an amount that is consistent with, and designed to effectuate, a defendant's general right to pretrial release, subject only to the exceptions set forth in section 12." (In re Kowalczyk (2026) 19 Cal.5th 593, 631.)	
California District Attorneys Association by Greg Totten, Chief Executive Officer Sacramento	Position: Not indicated On behalf of the California District Attorneys Association (CDAA), I write to comment on this Committee's proposed	The committee appreciates the comments.

Commenter	Comment	Committee Response
	amendments to CR-104 following our High Court's ruling in *In re Kowalczyk* (2026) 19 Cal.5th 593. This Committee directed comments address two questions: • Does the proposal appropriately address the stated purpose? • Does the alternate option for item 7c, requiring bail to be set in an amount that is reasonably attainable for the defendant and designed to effectuate a defendant's general right to pretrial release, provide helpful guidance to courts using the form? If so, is it preferred to the option proposed by the committee?	
CDAA (continued)	While yes, the proposal appropriately addresses the stated purpose, item 7c should be further amended to reflect *what* the totality of the circumstances are to justify how the amount of monetary bail is reasonably attainable. Our High Court held in *In re Kowalczyk* that "a court may not condition release on the posting of bail unless the court has assessed the defendant's financial situation and determined by 'clear and convincing evidence' that no nonfinancial conditions of release will 'reasonably vindicate [the state's] interests' in ensuring public safety and the defendant's appearance; and state its findings to that effect in the record." (*In re Kowalczyk*, *supra*, 19 Cal.5th at pp. 630–631, quoting *In re Humphrey* (2021) 11 Cal.5th 135, 156, brackets in original.) "If the court finds it necessary to condition release on monetary bail, the court must set an amount that is reasonable, considering the purposes of bail and based on an individualized assessment of the totality of the circumstances in a case, including the defendant's financial situation." (*Id*. at p. 631.) In speaking of the analysis that a trial court must undertake *after* the trial court determines, as a threshold matter, that monetary bail is necessary, it does not mean that the trial court "must set bail in an amount that is easily affordable or	While the committee declines to make the proposed changes at this time, the committee may develop a rule of court or a separate ability to pay form to guide courts in setting monetary bail in line with *In re Kowalczyk* in the future as time and resources allow.

Commenter	Comment	Committee Response
	convenient to the defendant, or *that a court should accept a defendant's conclusory allegations regarding indigency, excessiveness, or an inability to pay*." (*In re Kowalczyk*, *supra*, 19 Cal.5th at p. 630, italics added.) "That is, if a defendant alleges the inability to pay a certain bail amount, the burden is on the defendant to support that allegation with reliable evidence." (*Ibid*.)	
CDAA (continued)	Item 7c should be expanded to afford trial courts the opportunity to note *what* reliable evidence was offered, if any. That is especially important in instances where a criminal defendant claims indigency—that no amount of money bail is attainable to them. Indeed, a court must be presented with sufficient information documenting such. A court may rightfully probe how that defendant addresses their daily needs (such as food, water, and shelter) and whether they have familial ties and/or community ties offering access to assets to put forward to satisfy a bail amount determined necessary to secure public safety. And information that the court learns in response to those questions should be documented alongside why nonfinancial conditions of release are insufficient to address victim safety, public safety, and flight concerns. CDAA appreciates the opportunity to comment on this proposal and the Committee's consideration of this comment. Please feel free to contact me if I can be of any assistance.	See response above. The committee notes that, at this time, items 2c and 2d allow the court to identify the evidence regarding the defendant's ability to pay bail that the court has reviewed and considered in making the pretrial release or detention decision.
California Public Defenders Association (CPDA) and Civil Rights Corps by Lisa M. Maguire, Co-Chair, California Public Defenders Association Amicus Committee; Chief Defender, San Mateo County Private Defender Program; Carson White, Civil Rights Corps; Salil Dudani, Civil Rights Corps Sacramento and Washington, District of Columbia	Position: Not indicated To the Criminal Law Advisory Committee, We are writing with great concern over elements in the Judicial Council's proposed revised "Findings and Orders for Pretrial Release or Detention" form. We agree that a standardized tool promulgated by the Judicial Council would help ensure *Kowalczyk* compliance. But we cannot agree that a detention checklist is the appropriate tool. It is evident that an enormous amount of work and care went into the creation	The committee appreciates the comments. The committee concluded that the form is appropriately designed to guide judges in considering pretrial release or detention as required by case law and ensuring that the findings are transparent, substantiated, and included in the record and in the minutes.

Commenter	Comment	Committee Response
	of this form. But, as we raised when the initial tool was adopted we are concerned that—rather than encouraging the careful, robust and transparent analysis the form was designed to elicit—a *checklist* flattens the nuanced case law governing pretrial release and will encourage rote decision making.[1] Indeed, since the initial checklist's adoption, we have seen many cases of courts using it this way. If the Judicial Council still feels that a checklist is an appropriate tool, we urge the following amendments: [1] Some justice partners have instead provided their courts with a flow chart that guides judges through the analysis required by *Humphrey* and section 12. A similar tool could capture virtually all of the information contained in this proposed form without inadvertently communicating to courts that they are free to deprive a constitutionally innocent person of their liberty pretrial by simply checking a box.	
CPDA and Civil Rights Corps (continued)	**On Attainable Money Bail.** We strongly prefer the alternative language for 7c, directing courts to set bail at an amount that "is reasonably attainable for the defendant *and designed to effectuate a defendant's general right to pretrial release*." We are already hearing of widespread confusion in the trial courts where judges are knowingly setting unattainable money bail under the misapprehension that affordability is just one factor of many to consider rather than a controlling principle for all bail amounts. The current language risks exacerbating this confusion.	The committee discussed the alternative language but concluded that the succinctness of the circulated language was better suited for a form designed for court findings and orders. The committee may consider the additional language as guidance for courts in a future rule of court proposal.
CPDA and Civil Rights Corps (continued)	We also encourage the Committee to add a section below 7c where courts can explain their basis for concluding the amount of bail is attainable and we suggest including, as section 7c(1)-(2): "defense counsel's proffer" and "other evidence:"	While the committee declines to make the proposed changes, the committee may develop a rule of court or a separate ability to pay form to guide courts in setting monetary bail in line with *In re Kowalczyk* in the future as time and resources allow. At this time, items 2c and 2d allow the court to identify the evidence regarding the defendant's ability to pay

Commenter	Comment	Committee Response
		bail that the court has reviewed and considered in making the pretrial release or detention decision.
CPDA and Civil Rights Corps (continued)	**On Provisional Bail.** We are also concerned that the form endorses the setting of "provisional money bail" without any disclaimer that the court must still comply with the constitutional mandates of *Humphrey* and *Kowalczyk* based on the information that is before it—including that any and all money bail must be reasonably attainable.[2] Currently, some trial courts are still using "provisional bail" as shorthand for "schedule bail," while others are imposing other unattainable money bail amounts under this label at arraignment. Such orders incarcerate the defendant on unattainable money bail until a future hearing in violation of *Kowalczyk*. Judge Couzens' most recent memo addresses this practice and explains its unconstitutionality.[3] We would encourage the Committee to remove this section or include a disclaimer to that effect. [2] Section 4g. [3] Judge Richard Couzens, *Determining Custody and Bail Status Under In re Humphrey, In re Kowalczyk, and Penal Code,* § 1203.25 (May 2026), at 20 ("Nothing in *Humphrey* or *Kowalczyk* suggests that a court may initially decide on pretrial release using more relaxed or different standards than any other bail setting.").	The committee agrees with the suggestion and has modified the item to state that provisional bail must be an amount the court finds reasonable under the totality of the circumstances, based upon the information provided to the court at this time, including the defendant's financial situation.
Chief Probation Officers of California by Karen A. Pank Sacramento	Position: Not indicated The Chief Probation Officers of California (CPOC) write to offer our public comment on the proposed revisions to form CR-104 to incorporate the holdings in Kowalczyk.	The committee appreciates the comment.
CPOC (continued)	**Consider Information Already Listed in Pretrial Report** Pretrial service agencies are anticipating an increase in workload due to the recent California Supreme Court decision, In re Kowalczyk. Therefore, you may wish to	The committee prefers to keep the pretrial services report as one of multiple sources of information reviewed and considered by a court.

Commenter	Comment	Committee Response
	consider that some of the information listed in the form is already included in the pretrial services report and need not to be further enumerated. Including reiterative information can lead to the request for information that is already included in the report. This can potentially create duplicative work, delay the decision of pretrial release or detention, and further strain already limited resources. Additionally, you may wish to consider the time involved in relation to the information listed in the form and how this might affect the timeline for making a decision of pretrial release or detention. We respectfully submit these comments to the Judicial Council.	
Norman Howard	Position: Not indicated The problem with using something like the public defender eligibility declaration, based on my 30 year experience as a PD is there was zero verification of the provided information. The thousands of declarations I saw stated "few or no assets" of any kind, about 95 % of the time. No verification was ever required, even when signed under penalty of perjury. So with the proposed bail form. Most likely, most in custody defendants will quickly sign them as indigent, perhaps hearing that could expedite release, and with no verification, they are not that probative. Verification of some sort is needed.	The committee appreciates the comment. The committee may develop a rule of court or a separate ability to pay form to guide courts in setting monetary bail in line with *In re Kowalczyk* in the future as time and resources allow.
Office of the State Public Defender by Galit Lipa, State Public Defender; Caneel C. Fraser, Director, Indigent Defense Improvement Division; Teresa DeAmicis, Deputy State Public Defender; Jason Gundel, Deputy State Public Defender; Ray Ibarra, Deputy	Position: Not indicated To the Criminal Law Advisory Committee: The Office of the State Public Defender (OSPD) submits these comments in response to the Invitation to Comment SP26-03. This letter addresses several of the Advisory Committee's requests for input and makes additional	The committee appreciates the comments.

Commenter	Comment	Committee Response
State Public Defender; Alex McDonald, Deputy State Public Defender	recommendations to update form CR-104 in light of *In re Kowalczyk* (2026) 19 Cal.5th 593 (*Kowalczyk*). OSPD's mandate includes providing training and technical assistance to public defenders statewide and engaging in other efforts "for the purpose of improving the quality of indigent defense."[1] In that capacity, OSPD regularly engages with defenders across California on issues of pretrial detention and bail via our numerous trainings, resources, and consultations. Because of this statewide perspective, OSPD filed an amicus brief in *Kowalczyk*. [1] Government Code § 15420. In the weeks since the *Kowalczyk* opinion was issued, based on our interactions with defenders across the state, we understand that hundreds — if not thousands — of indigent individuals remain subject to unconstitutional pretrial detention through unaffordable and unattainable bail. Ensuring effective and uniform implementation of this important holding is critical to protecting the rights of all Californians accused of breaking the law. It is unlikely this precarious situation will resolve itself. Following *In re Humphrey* (2021) 11 Cal.5th 135 (*Humphrey*), the initial California Supreme Court decision that held unaffordable bail to be unconstitutional in most prosecutions, statewide implementation was uneven and often delayed. Trial courts were slow to modify their pretrial detention and release decision making, resulting in little meaningful change in the number of individuals detained or the type of charges for which individuals were detained pretrial on unaffordable and unattainable cash bail.[2] [2] Virani, Campos-Bui, Wallace, Bennett and Chandrayya, *Coming up Short: The Unrealized Promise of In re*	

Commenter	Comment	Committee Response
	Humphrey, Univ. of Cal. Los Angeles School of Law Bail Practicum, Univ. of Cal. Berkeley Law Policy Advocacy Clinic (Oct. 2022); Campos-Bui, Wallace and Virani, *Largely Unchanged: The Limits of In re Humphrey's Impact on Pretrial Incarceration in California*, Univ. of Cal. Los Angeles School of Law Bail Practicum, Univ. of Cal. Berkeley Law Policy Advocacy Clinic (Jun. 2024). That experience demonstrates the need for clear guidance to the trial courts to ensure consistent statewide application of the holdings of *Kowalczyk*. It is essential that courts modify their pretrial detention decision making process to safeguard the general constitutional right to pretrial release when article 1, section 12 of the California Constitution is not implicated. The following comments seek to ensure that trial courts are consistently following the requirements of *Kowalczyk,* and that when bail is set outside of the circumstances identified in article 1, section 12 of the California Constitution it is not "artificially high or objectively unattainable … as an end run to effectuate pretrial detention where such detention is not authorized under section 12."[3] [3]*In re Kowalczyk* (2026) 19 Cal.5th 593 (343 Cal.Rptr.3d 680, 700).	
OSPD (continued)	**A proposed rule of court would more effectively assist implementation of *Kowalczyk's* holdings.** The Criminal Law Advisory Committee (the Committee) asks whether the current proposal appropriately addresses the stated purpose of "assist[ing] courts with making the appropriate findings and orders or pretrial release or detention as articulated in [*Kowalczyk* and *Humphrey*] and in line with statutory and constitutional requirements." (Invitation to Comment, at pp.1, 5.) OSPD believes the proposal must go further to adequately address this important purpose.	The committee appreciates the comment and may propose a rule of court in the future as time and resources allow.

Commenter	Comment	Committee Response
	Changes should emphasize an individual's general right to pretrial release when article 1, section 12 of the California Constitution (section 12) is not implicated. This is the main holding of both *Humphrey* and *Kowalczyk*. However, because this represents a significant paradigm shift in how pretrial detention and release decisions have been made in all California counties, more directive guidance to trial courts is needed to ensure actual implementation. The Committee considered proposing a rule of court with guidance on pretrial release, conditions of bail, and detention in consideration of *Humphrey* and *Kowalczyk* but declined to do so at this time. (Invitation to Comment, at p. 5.) OSPD encourages the Committee to reconsider. A rule that must be followed by the trial courts and can be cited by advocates and judicial officers alike would send a stronger signal that pretrial release and detention considerations and decisions must comply with the holdings of *Humphrey* and *Kowalczyk.* After *Humphrey*, there was a significant delay in effectuating the new ruling in pretrial release and detention considerations, and different jurisdictions complied with Humphrey at different times and to different degrees.[4] To ensure statewide uniform application of the law, the Judicial Council should adopt a rule of court. [4] Virani, et. al., C*oming up Short: The Unrealized Promise of In re Humphrey*, Univ. of Cal. Los Angeles School of Law Bail Practicum, Univ. of Cal. Berkeley Law Policy Advocacy Clinic (Oct. 2022); Campos-Bui, et. al., *Largely Unchanged: The Limits of In re Humphrey's Impact on Pretrial Incarceration in California*, Univ. of Cal. Los Angeles School of Law Bail Practicum, Univ. of Cal.Berkeley Law Policy Advocacy Clinic (Jun. 2024). While the Committee rightly identifies that both cases leave several questions unanswered, these questions are secondary or tertiary to the main holdings. The immediate need for guidance to ensure *Humphrey* and *Kowalczyk* are consistently implemented by trial courts statewide outweighs any benefit in	

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	postponing a rule of court, and future amendments to such a rule could address additional caselaw clarifications as they develop. Converting from a formula driven bail schedule system of pretrial detention to a system that wholly rejects bail schedules and instead focuses on individualized determinations and nonfinancial conditions of release that mandates release and attainable bail in the majority of cases represents a fundamental paradigm shift that has been a source of confusion and frustration for all criminal legal system actors for years.[5] With two recent seminal cases from the California Supreme Court, now is the time to create a rule of court. We strongly encourage the Committee to reconsider its decision to delay taking this necessary action. [5] For example, the following counties have continued to publish uniform bail schedules for felony and misdemeanor offenses after the decision in *Humphrey* in 2021, many of which make no mention of the caselaw: Los Angeles, Orange, San Bernardino, San Diego, Fresno, Santa Clara, Kern, Contra Costa, Ventura, Mariposa, San Luis Obispo, Alameda, Imperial, Riverside, Butte, Siskiyou, Humboldt, Trinity, Shasta, Tehama, Plumas, Sierra, Nevada, Sutter, Placer, Lake, Somona, Marin, Mendocino, Napa, Sacramento, El Dorado, Alpine, Amador, Solano, San Francisco, San Joaquin, Calaveras, Stanislaus, San Mateo, Santa Cruz, Merced, Mariposa, Mono, Madera, San Benito, Monterey, Tulare, Kings, and Ventura. Several counties also rely on the Uniform Bail and Penalty Schedules published by the Judicial Council of California pursuant to Cal. Rules of Court, rule 4.102. The latest version was published in 2026 and makes no mention of *Humphrey*.	
OSPD (continued)	**Alternative option for Item 7c is preferred.** In its request for specific comments, the Committee asks whether "the alternate option for item 7c, requiring bail to be set in an amount that is reasonably attainable for the defendant and designed to effectuate a defendant's general right to	See response below.

Commenter	Comment	Committee Response
	pretrial release, [provides] helpful guidance to courts using the form?" (Invitation to Comment, at pp. 5-6.) The Committee further asks whether the alternate option for item 7c is the preferred option. (Invitation to Comment, at p. 6.)	
OSPD (continued)	OSPD urges the use of the alternate option for item 7c because it is language directly from the *Kowalczyk* opinion and reminds trial courts that the setting of monetary bail, outside the circumstances of section 12, must be designed to effectuate an individual's general right to pretrial release. It is equally important to remind courts of this holding of *Kowalczyk* as it is to remind them that the bail must be reasonably attainable, which the Committee has included in both versions of Item 7c.	The committee discussed the alternative language but concluded that the succinctness of the circulated language was better suited for a form designed for court findings and orders. The committee may consider the additional language as guidance for courts in a future rule of court proposal.
OSPD (continued)	OSPD also suggests adopting language that reminds trial courts that unattainable bail is necessarily a pretrial detention order. "[C]ourts cannot use artificially high or objectively unattainable bail as an end run to effectuate pretrial detention where such detention is not authorized under section 12."[6] OSPD suggests alternative Item 7c include the following additional language: *"that the bail amount is neither artificially high nor objectively unattainable and does not constitute a pretrial detention."* [6]*Kowalczyk, supra*, 19 Cal.5th 593 (343 Cal.Rptr.3d 680, 700.)	While the committee declines to make the proposed changes, the committee may develop a rule of court or a separate ability to pay form to guide courts in setting monetary bail in line with *In re Kowalczyk* in the future as time and resources allow.
OSPD (continued)	**Comments on the proposal as a whole.** In response to the Committee's request for comments on the proposal as a whole (Invitation to Comment, at p. 5.), OSPD offers the following:	See responses below on the specific issues addressed in the comment.
OSPD (continued)	**Newly added Item 4f, detention without bail.** After the language "must be detained without bail", we suggest adding *"pursuant to article 1, section 12 of the*	The committee has modified item 4 in order to separate findings and orders related to release and

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	California Constitution." While Item 4f directs a trial court to fill out Item 8 if this box is checked, and Item 8b deals with section 12, adding this language upfront would assist the courts. *Kowalczyk* is clear that pretrial detention through unattainable and/or no bail violates the constitution unless the offense(s) fall within section 12.	detention. The content in item 4f has been moved to renumbered item 9.
OSPD (continued)	**Newly renumbered Item 6, Additional Findings and Orders for Nonfinancial Conditions of Release.** The first box (no sub letter) under Item 6 currently states: "The defendant must abide by the following orders that the courts finds are the least restrictive conditions necessary to ensure a return to the court and to protect the safety of the public victim." First, "public victim" appears to be a typo, and should either be separated by a forward slash ("/"), or should be rewritten as *"public or the victim."* Second, we suggest adding *"nonfinancial"* between "restrictive" and "conditions." This is in the title of this section, but for clarity, it is suggested to reiterate that this section deals only with nonfinancial conditions of release.	The committee appreciates the comment and corrected the item to refer to "the public or victim." The committee agrees with the suggestion to clarify that the section addresses nonfinancial conditions of release only.
OSPD (continued)	OSPD also offers the following comments and suggestions to form CR-104 generally, in light of the *Humphrey* and *Kowalczyk* decisions. Though the Committee has not suggested these changes in their proposal, we believe they will assist courts with making the appropriate findings and orders for pretrial release or detention as articulated in recent caselaw and in line with statutory and constitutional requirements.	See responses below.
OSPD (continued)	**Item 2a, review of the charging document.** Currently, whether the charged offense falls under section 12 is not referenced until the final step, Item 8. It would be useful to have courts initially determine whether any of the pending charges may qualify for constitutional no bail pretrial detention at the very beginning of the bail inquiry. We recommend including the following language to Item 2a(1): *"At least one of the charged offenses may qualify for detention*	The committee declines the suggestion as unnecessary.

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	without bail pursuant to article 1, section 12 of the California Constitution."	
OSPD (continued)	We further recommend a fill-in-the-blank line for the judicial officer to identify the count(s) that could come under section 12.	The committee declines to add a line for the judicial officer to identify the relevant charges.
OSPD (continued)	In addition, this subitem omits reference to cases that proceed by way of grand jury indictment. We suggest adding the language *"Information / Indictment in this case"* to the second check box.	The committee agrees with the suggestion and has updated the form accordingly.
OSPD (continued)	**Item 2c(2), consideration of the People's arguments and materials.** Currently, this box indicates the court reviewed and considered the People's argument and amount of bail the defendant can afford, with a blank to fill in the amount. The reference to bail the defendant can afford is duplicative of 2d(2), which indicates the court reviewed and considered the defense argument and amount of bail the defendant can afford, with a blank to fill in the amount. Because *Kowalczyk* places the burden of proving inability to pay on the defense, it is not clear why this criterion would be considered under the prosecutor's argument. A prosecutor's statement on "amount of bail the defendant can afford" would also be embraced by 2c(3), the prosecutor's statements/proffer of witnesses or evidence. We suggest deleting 2c(2) to the extent it directs courts to consider the prosecutor's estimate of the amount of bail the defendant can afford and to delete the option to write in a bail amount offered by the prosecutor.	The committee declines the suggestion, as the prosecution may present evidence on the amount of bail a defendant can afford.
OSPD (continued)	**Item 2h, proposed conditions of release.** Item 2h includes a single fillable line related to proposed conditions of release. Both *Humphrey* and *Kowalczyk* require the court to consider all nonfinancial conditions of release and only if they all are found to be inadequate to protect safety or compel future appearance at court dates can the court then	The committee agrees with the suggestion and has updated the form accordingly.

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	consider financial conditions of release. This single line should be converted into a text box, assuming that for bail arguments envisioned by *Humphrey* and *Kowalczyk*, the court will be required to consider numerous nonfinancial conditions of release.	
OSPD (continued)	**Item 3a, factors regarding flight risk.** Item 3a(8) permits a trial court to consider whether the potential penalty for the charged offense is great for purposes of determining if an individual poses a flight risk. The "seriousness of the charged offense" factor is captured in Item 3b, considerations related to the safety of the public or the victim, and it is a more appropriate consideration therein. In any jurisdiction that previously used or is currently using a bail schedule to determine bail amounts, the seriousness of the charged offenses was (or is) used to set bail pursuant to schedule and, for serious charges, usually resulted in pretrial detention of indigent defendants due to an inability to pay. This sort of pretrial detention is rendered unconstitutional by both *Humphrey* and *Kowalczyk*. In line with these decisions, we suggest Item 3a(8) be deleted in its entirety as duplicative of considerations in 3b and potentially violative of recent caselaw.	The committee declines the suggestion, as these are two distinct inquiries that are not entirely duplicative.
OSPD (continued)	**Item 4, "General Findings for Release or Detention."** The current language of Item 4 requires modification in light of *Humphrey* and *Kowalczyk*.	See responses below to specific suggestions. Based on other comments, the committee is recommending reorganizing item 4 and distributing the sub-items on nonfinancial conditions of release, financial conditions of release, and detention to other items on the form.
OSPD (continued)	First, Item 4b indicates the court shall check this box in instances where a defendant is charged with a misdemeanor offense, but the presumption for own recognizance release has been overcome. This item is based on Penal Code section 1270, which generally declares a statutory *right* to pretrial	The committee agrees with the suggestion and has updated the form accordingly (see items 6(a)(1) and 7(a) on recommended form).

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	release for individuals charged with misdemeanor offenses unless the trial court makes specific findings upon the record.[7] We suggest adding the directive *"describe"* and a fill-in-the-blank section for clarity on how the trial court determined the presumption was overcome. [7]*Dant v. Superior Court* (1998) 61 Cal.App.4th 380, 387, citing *In re York* (1995) Cal.4th 1133, 1138.	
OSPD (continued)	We also suggest adding the following clarifying language: *"the court makes a finding on the record, in accordance with Section 1275, that an own recognizance release will compromise public safety or will not reasonably assure the appearance of the defendant as required."*	The committee declines the suggestion as unnecessary.
OSPD (continued)	Item 4e as currently written permits the court to find that a financial condition may address a public safety risk, but provides no guidance to the courts in assessing how a financial condition can constitutionally be used to promote public safety outside of effectuating pretrial detention. After *Kowalczyk,* any bail must be set at an objectively attainable amount unless an offense falls under section 12. Outside of section 12, unattainable bail is no longer a permissible mechanism to detain a defendant pretrial.	While the committee declines to make any changes to the form at this time, the committee may develop a rule of court or a separate ability to pay form to guide courts in setting monetary bail in line with *In re Kowalczyk* in the future as time and resources allow.
OSPD (continued)	We suggest adding a fill-in-the-blank box to 4e with a directive that the trial court must *describe the concern for public or victim safety and identify how the imposed financial condition addresses that concern*.	The committee declines the suggestion. The relevant court findings about public or victim safety are documented in item 3.
OSPD (continued)	Finally, for Item 4g, *Kowalczyk* did not address whether a court may set "provisional bail" or whether that form of bail may be set at an amount that results in pretrial detention because it is unattainable. However, in light of *Kowalczyk's* holdings, it is unlikely such an order would be constitutional. We suggest clarifying what sort of provisional bail is permissible - e.g. *to be constitutional, provisional bail must also be objectively attainable bail.*	The committee agrees with the suggestion and has modified the form to state that provisional bail must be an amount the court finds reasonable under the totality of the circumstances, based upon the information provided to the court at this time, including the defendant's financial situation (see item 8(b) on recommended form).

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OSPD (continued)	**Item 8b, section 12 pretrial detention.** We suggest the form explicitly require the court to identify the charged count or counts that qualify for pretrial detention under section 12. Requiring the court to make this identification will ensure that any detention order has a constitutional basis.	The committee declines this suggestion as unnecessary.
OSPD (continued)	Additionally, the court should be directed to identify and describe the "facts that are evident or the presumption that is great" as required for detention under section 12. We suggest adding a subitem (4) with language similar to that found in Item 8a(2), modified to reflect the required standard – e.g. *"Facts or presumptions supporting the court's finding:"* with a fill-in-the-blank box.	The committee declines this suggestion as unnecessary.
OSPD (continued)	We further suggest that subitem (3) should require the court to specify the threat as well as what clear and convincing evidence the court relied on in determining that the person would carry out the threat if released, as is required by section 12. OSPD thanks the Committee for its work on this important topic and for its consideration of our comments. Please do not hesitate to contact us if there are any questions.	The committee declines this suggestion as unnecessary.
Orange County Public Defender by Adam Vining, Assistant Public Defender	Position: Agree if modified	The committee appreciates the comments.
Orange County Public Defender (continued)	Re item 7c: The alternative version is preferable. Directing the court to set monetary bail at "an amount it finds reasonable" places the emphasis on "reasonable" and encourages a status quo pre-Kowalczyk analysis. Directing the court to set monetary bail that "is reasonably attainable for the defendant and designed to effectuate a defendant's general right to pretrial release" places the emphasis on the right to pre-trial release and encourages courts to conduct a contemporary	The committee discussed the alternative language but concluded that the succinctness of the circulated language was better suited for a form designed for court findings and orders. The committee may consider the additional language as guidance for courts in a future rule of court proposal.

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	analysis, in line with the mandate of Kowalczyk. The alternative will better implement the Court's holding in Kowalczyk and result in less litigation in the appellate courts going forward. In re Kowalczyk (2026) clarifies that monetary bail must be "consistent with a constitutional framework regarding bail determinations and our prior precedent" and that "bail must generally be set in an amount that is reasonably attainable, in order to effectuate the defendant's constitutional right to pretrial release on bail" In re Kowalczyk, 19 Cal. 5th 593, 607–08, (2026).	
Orange County Public Defender (continued)	Re item 5: Item 5 should address Penal Code 977.	See response below addressing Penal Code section 977.
Orange County Public Defender (continued)	The order to "immediately notify the court of any changes of physical or mailing address" is not authorized by Penal Code 1318 and will lead to unnecessary violation of pre-trial release, as there is no guidance on how a defendant would "immediately notify the court".	The committee agrees with the suggestion and modified item 5 to align with Penal Code section 1318. The requirement to notify the court of any address change has been moved to items 6(b)(2) and 7(d)(2).
Orange County Public Defender (continued)	Item 5 also seems to have a typo in the second sentence ("places by this court").	See response below.
Orange County Public Defender (continued)	The second sentence should be amended to state "The defendant is ordered to personally appear at all times and places as ordered by the court and as ordered by any court in which the charge is pending, unless appearing through an attorney as authorized by Penal Code section 977, obey all laws, not depart the state without leave of the court, and waive extradition if the defendant fails to appear as required and is apprehended outside the State of California."	The committee agrees to modify the second sentence to clarify that the defendant "must appear at all times and places as ordered by this court…" The suggestion to add a reference to appearing through an attorney as authorized by Penal Code section 977 is outside the scope of the current proposal, but the committee may consider it in the future as time and resources allow.
Orange County Public Defender (continued)	Failure to reference section 977 in this item is likely to cause courts to read the order as always requiring personal presence	See response above.

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	of the defendant, even when 977 appearance is authorized, which would be contrary to law.	
Steven Rease Attorney, Law Office of Steven J. Rease Salinas	Position: Not indicated Thank you for seeking out comments regarding a new form for Findings and Orders for Pretrial Release or Detention of defendants in light of the latest Supreme Court decision in *In re Kowalczyk.*	The committee appreciates the comment.
Steven Rease (continued)	I believe the alternate option referring to a bail amount that is designed to effectuate pretrial release provides helpful guidance to trial courts and should be preferred over the one currently proposed by the committee. This would apply to item 7c as identified in the proposed form CR-104. I support this language because it tracks more precisely with what the *Kowalczyk* court stated in its opinion at page 42; "While the amount of bail need not be easily affordable or convenient to the defendant, the court must set bail in an amount that is consistent with, and designed to effectuate, a defendant's general right to pretrial release…." Item 7c should also include the following language: "The court orders monetary bail in the amount of $……which is an amount that is reasonably attainable for the defendant. Only a bail amount that is reasonably attainable for the defendant may meet the requirement that the amount must be consistent with, and designed to effectuate, a defendant's general right to pretrial release."	The committee discussed the alternative language but concluded that the succinctness of the circulated language was better suited for a form designed for court findings and orders. The committee may consider the additional language as guidance for courts in a future rule of court proposal.
Steven Rease (continued)	I also would eliminate proposed finding 4f and keep proposed finding 8a instead.	The committee discussed but declines this suggestion, as recommended item 4f takes the court through the analysis required by *In re Humphrey*. In response to other comments, the committee has moved item 4f to item 9a, and has removed item 8a.
Steven Rease (continued)	I have practiced criminal defense law since May 1979 as both a deputy public defender for over 30 years and currently as a private practitioner. I am a past president of California	No response required.

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	Attorneys for Criminal Justice. In my judgment, based on my experience, there is no single factor more important in the outcome of a criminal case than whether the accused is able to obtain release pending trial or must fight her/his case from jail. Thus, changes to the law regarding whether an accused individual is fighting the charges from inside the jail vs. outside the jail, are of the utmost significance. The Judicial Council should use the words from both *In re Humphrey* and *In re Kowalczyk* as its guiding light in the process of establishing the language for the Findings and Orders for Pretrial Release or Detention; "Liberty is the Norm." My best wishes to the Judicial Council as you strive to develop a system that will benefit all Californians going forward.	
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree if modified The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California's "ITC SP26-03 Criminal Law: Pretrial Release or Detention," the Court agrees the proposal appropriately addresses the stated purpose. The proposed revisions to form CR-104 appropriately incorporate the California Supreme Court's holdings in In re Kowalczyk and In re Humphrey by integrating the required findings and orders for pretrial release. The updates are thorough, well-reasoned, and consistent with the guidance outlined in the decision.	The committee appreciates the comments.
Superior Court of Los Angeles County (continued)	Regarding the alternate option for item 7c requiring bail to be set at an amount "reasonably attainable for the defendant and designed to effectuate a defendant's general right to pretrial release," the Court finds that the additional phrase is not necessary. Judicial officers are aware of the intent to effectuate the defendant's right to release, and this specific	The committee agrees with the comment.

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	language is not helpful in assisting in the judicial officer's determination or assessment. Both versions of item 7c accurately reflect the law. However, the Court agrees that the language proposed and preferred by the Criminal Law Advisory Committee adequately addresses the considerations and reason for the judicial decision. This version better incorporates the individualized assessment required by Humphrey and Kowalczyk, specifically the requirement that the court consider the totality of circumstances and the defendant's financial situation.	
Superior Court of Los Angeles County (continued)	The Court does not recommend combining the two options by adding the phrase "and designed to effectuate a defendant's general right to pretrial release" to the first statement because this additional language applies equally to the other sections that address orders for release based on nonfinancial conditions (Sections 5 and 6) or on own recognizance (Section 4a). This phrase reflects a governing principle of the criminal justice system as a whole, not one limited to monetary bail. Adding it only to the monetary bail section (Section 7c) would raise the question of why it does not also appear in the other release-related sections.	The committee appreciates the comment and does not recommend adding the language.
Superior Court of Los Angeles County (continued)	The Court also recommends dividing Section 4, "General Findings for Release or Detention," into Sections 5–8 as appropriate. As currently structured, Section 4 includes findings applicable to both release and detention, creating a risk that a judge may inadvertently select multiple boxes that are inconsistent with one another. For detention, a judge may check Section 4f to find that the defendant should be detained without bail, even though Section 8b requires that the offense be one listed under Article I, section 12—an eligibility requirement clarified in Kowalczyk that is not reflected as a limiting condition in Section 4f. To avoid these issues, the Court recommends restructuring Sections 4–8 into distinct Release and Detention sections.	The committee agrees with the suggestion and has restructured the form accordingly.

Commenter	Comment	Committee Response
	Under the Release section, subsections should be used for the specific findings and orders associated with each type of release (own recognizance, nonfinancial conditions, or financial conditions). The Detention section should be separate, containing only the findings and orders relevant to detention.	
Superior Court of Los Angeles County (continued)	The proposal would not provide cost savings. However, the proposal should not result in significant costs either.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train staff and judicial officers, revise its processes and procedures, and update its case management system to reflect the revised CR-104 form. The Court should be able to provide training and update its processes and procedures within two months. However, it may need additional time to make the required changes in its case management system.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	The Court also believes the proposal would work similarly in courts of different sizes.	The committee appreciates the information.
Superior Court of Orange County by Nevely Herrera, Operations Analyst I	Position: Agree In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:	The committee appreciates the comments.
Superior Court of Orange County (continued)	• Does the proposal appropriately address the stated purpose? The proposal appropriately addresses its stated purpose of revising optional form CR-104 to reflect recent California Supreme Court guidance regarding pretrial release and detention from the recent Kowalczyk decision. The proposed revisions may provide judicial officers with a clearer framework for documenting findings related to release, detention, and bail considerations and determinations.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	• Does the alternate option for item 7c, requiring bail to be set in an amount that is reasonably attainable for the defendant and designed to effectuate a defendant's general right to pretrial release, provide helpful guidance to courts using the form? If so, is it preferred to the option proposed by the committee? The alternate option for item 7c requiring bail to be set in an amount that is reasonably attainable for the defendant and designed to effectuate the defendant's general right to pretrial release is language that may be assist judicial officers in connecting bail determinations to the requirement that pretrial detention not result only on a defendant's ability to pay. The alternate option is preferred as it offers more direct guidance while promoting consistency.	The committee discussed the alternative language but concluded that the succinctness of the circulated language was better suited for a form designed for court findings and orders. The committee may consider the additional language as guidance for courts in a future rule of court proposal.
Superior Court of Orange County (continued)	The advisory committee also seeks comments from courts on the following cost and implementation matters:	See responses to individual issues below.
Superior Court of Orange County (continued)	• Would the proposal provide cost savings? If so, please quantify. The proposal will primarily update a Judicial Council form and not expected to generate direct cost savings. Any cost savings will be minimal as the primary purpose of the proposal is improved documentation and compliance with recent California Supreme Court decisions.	The committee appreciates the information.
Superior Court of Orange County (continued)	• 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 requirements for courts will consist of procedure and process reviews to ensure compliance that a judicial officer's findings regarding pretrial release or	The committee appreciates the information.

Commenter	Comment	Committee Response
	detention are indicated in the open court and captured in the court minutes. The proposed updated optional form may have to be shared with judicial officers and incorporated as an internal resource available for use.	
Superior Court of Orange County (continued)	• Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months from approval of this proposal will be sufficient time for implementation. The proposal involves revisions to an existing form and training requirements are minimal as decisions guided by Humphreys and Kowalczyk are currently occurring in courtrooms.	The committee appreciates the information.
Superior Court of Orange County (continued)	• How well would this proposal work in courts of different sizes? The proposal will modify an existing Judicial Council form. As such, implementation challenges will be minimal regardless of the size of the court.	The committee appreciates the information.
Vera Institute of Justice by Michelle Parris, Director, Vera California;; Madeline Bailey, Advocacy Manager, Beyond Jails, Brooklyn, New York	Position: Not indicated Thank you for the opportunity to submit comment on revised form CR-104. I write on behalf of the Vera Institute of Justice (Vera), a national criminal justice research and policy organization that has worked to reform pretrial systems across the country—from New Jersey to Michigan to California—for 65 years. Our Los Angeles-based initiative, Vera California, partners with advocates and stakeholders across the state to improve bail and pretrial practices through research and advocacy. Throughout our work across the country, our experience has been that well-crafted bail policies make communities safer, improve case outcomes, and conserve state resources all at the same time. We appreciate the Judicial Council's efforts to pursue compliance with *Kowalczyk* and *Humphrey* in courtrooms	The committee appreciates the comments.

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	across the state. As the Judicial Council is aware, inconsistent implementation of *Humphrey* across counties has meant that thousands of people remain in pretrial detention due to high, unaffordable bail amounts.[1] In 2024, Vera researchers found that for the six California counties where data was available (Kern, Monterey, Placer, Riverside, Solano, and Tulare counties), among cases that had bail set with only a single charge, median bail in 2024 was $10,000.[2] Even people charged with a single count of a single misdemeanor had a median bail amount of $5,000.[3] Further, in the five counties where data is available (Kern, Monterey, Placer, Solano, and Tulare counties), since the *Humphrey* decision was announced, among cases with only a single charge, judges have set bail over the bail schedule recommendation in 45 percent of cases.[4] [1] See Alicia Virani, Stephanie Campos-Bui, and Rachel Wallace, et al., *Coming Up Short: The Unrealized Promise of In re Humphrey* (Los Angeles and Berkeley, CA: UCLA School of Law and Berkeley Law, 2022), http://perma.cc/HL3R-W745; Stephanie Campos-Bui, Rachel Wallace, Alicia Virani, et al., *Largely Unchanged: The Limits of In re Humphrey's Impact on Pretrial Incarceration in California* (Los Angeles, CA, and Berkeley, CA: UCLA School of Law and Berkeley Law, 2024), https://www.law.berkeley.edu/wp-content/uploads/2024/06/UCLAxUCB-2024-Largely-Unchanged_WEB_Pages.pdf; and Stephanie Campos-Bui, Rachel Wallace, Alicia Virani, *Largely Unchanged: The Limits of In re Humphrey's Impact on Pretrial Incarceration in California* (Los Angeles, CA, and Berkeley, CA: UCLA School of Law and Berkeley Law, 2024), https://www.law.berkeley.edu/wp-content/uploads/2024/06/UCLAxUCB-2024-Largely-Unchanged_WEB_Pages.pdf at 13. [2] Unpublished internal analysis. For more information, please contact Michelle Parris at mparris@vera.org. [3] Ibid. [4] Ibid.	

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	With the *Kowalczyk* ruling, there is renewed opportunity to establish consistent processes across courts that will enable meaningful application of the law. We are concerned that the revised form misses several opportunities to help reach this goal.	
Vera Institute of Justice (continued)	**1) The revised form should provide additional guidance to courts on how to meaningfully assess what amount of bail is "reasonably attainable."** *Humphrey* requires that courts consider a defendant's financial circumstances when setting bail, establishing this as a core constitutional requirement.[5] *Kowalczyk* went even further, clarifying that courts may only set money bail in amounts that are "reasonably attainable in order to effectuate the defendant's constitutional right to pretrial release on bail" based on "the defendant's financial situation and the totality of the circumstances."[6] However, the proposed form does not offer any guidance as to how courts should conduct, document, or apply this analysis in practice. [5] *In re Humphrey*, 482 P.3d 1008, 1012 (Cal. 2021). [6] *In re Kowalczyk*, S277910, 2026 WL 1902263 (Cal. Apr. 30, 2026).	While the committee declines to make any changes to the form at this time, the committee may develop a rule of court or a separate ability to pay form to guide courts in setting monetary bail in line with *In re Kowalczyk* in the future as time and resources allow.
Vera Institute of Justice (continued)	The attainability standard established by the *Kowalczyk* court is novel and will certainly be further interpreted by the courts and the state legislature. In the meantime, the Judicial Council should use its influence to ensure that the required attainability determinations are accurate, meaningful, and consistent across the state. As a starting point, the revised form should include fields for documenting what information the court considered regarding the defendant's financial situation, including their income, assets, existing financial obligations, and other sources of potential financial support. The form should also require the court to affirm that the amount of bail it deems "attainable" is not "objectively impossible" for a person to pay, given their financial situation.[7]	The committee notes that, at this time, items 2c and 2d allow the court to identify the evidence regarding the defendant's ability to pay bail that the court has reviewed and considered in making the pretrial release or detention decision.

Commenter	Comment	Committee Response
	[7] Ibid., 32.	
Vera Institute of Justice (continued)	**2) The revised form sidelines the constitutional right to pretrial release underscored by *Kowalczyk.*** The revised form continues to focus on factors that would weigh towards setting money bail or ordering detention, as opposed to guiding courts to inquire into specific mitigating factors that would weigh towards pretrial release. The revised form should further enumerate specific mitigating considerations for the court to make, including whether the person has caregiving responsibilities, stable employment, health conditions that require medical management, or specific supports to help ensure their return to court.	The committee notes that item 3 allows the court to identify whether the defendant is a flight risk or a danger to public or victim safety based on a number of relevant factors. For the factors identified by the commenter, item 3a(3) allows the court to identify whether the defendant has significant community ties and item 3a(10) allows the court to state other evidence it has considered for why the defendant does not present a flight risk.
Vera Institute of Justice (continued)	In its invitation to comment, the Judicial Council also solicits specific feedback on item 7c, which provides a statement for the court to complete regarding its reasoning for applying a specific amount of money bail. The existing language acknowledges the "reasonably attainable" standard set forth by *Kowalczyk*, but it leaves out what we consider to be the most powerful aspect of the court's reasoning: the requirement that the amount of bail be expressly "designed to effectuate a defendant's general right to pretrial release."[8] The revised form should adopt the alternate language provided in the Judicial Council's proposal that includes that critical language. [8] Ibid., 42.	The committee discussed the alternative language but concluded that the succinctness of the circulated language was better suited for a form designed for court findings and orders. The committee may consider the additional language as guidance for courts in a future rule of court proposal.
Vera Institute of Justice (continued)	**3) If the Judicial Council implements the revised form, with the changes suggested above, it should promote consistent use and be transparent about the form's impact on pretrial determinations.** While we understand the value of providing flexibility to courts, continuing to offer this form as optional will likely only perpetuate the problem of varying applications of *Humphrey*—and now, *Kowalczyk*—across jurisdictions,	The committee intends for the form to help guide pretrial release or detention decisions, but does not believe it is necessary to make the form mandatory.

Commenter	Comment	Committee Response
	including the continued use of bail schedules in courts that choose not to adopt the form.	
Vera Institute of Justice (continued)	Instead, the Judicial Council might consider piloting the form as mandatory in a set of jurisdictions—once critical issues are resolved—and publicly releasing data from the underlying forms on charges, bail amounts, and release and detention determinations. Doing so will protect against unintended consequences and ensure that the form is adequately protecting the constitutional rights that *Humphrey* and *Kowalczyk* underscore. Thank you again for the opportunity to provide comment.	The suggestion for a limited pilot of the form as mandatory is beyond the scope of the proposal.

Rules Committee Action Request Form

Item number: 17

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory 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: October 16, 2025; Amended January 7, 2026
Project description from annual agenda: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.:26-148

For business meeting on October 16, 2026

Family Law: Financial Disclosure Forms (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
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

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 17, 2026

Contact
Sarah Jacobvitz, Attorney, 415-865-4533
sarah.jacobvitz@jud.ca.gov

Executive Summary

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 and address concerns identified during prior rule cycles and the public comment process, the Family and Juvenile Law Advisory Committee recommends revising three family law forms used by parties to provide financial disclosures and request information from an adverse party's employer. The committee also recommends adopting four mandatory attachment forms, approving two optional attachment forms, and revoking an optional information sheet to facilitate more comprehensive and accurate financial disclosure.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Adopt the following forms:
   - *Variable Income Attachment* (form FL-150(A));
   - *Disability, Worker's Compensation, and Unemployment Benefits Attachment* (form FL-150(C));
   - *Miscellaneous Income Attachment* (form FL-150(D)); and
   - *Lawyer's Fees Attachment* (form FL-150(F)).
2. Approve the following forms:
   - *Profit and Loss Statement Attachment* (form FL-150(B)); and
   - *Additional Expenses* (form FL-150(E)).
3. Revise the following forms:
   - *Income and Expense Declaration* (form FL-150);
   - *Financial Declaration (Simplified)* (form FL-155); and
   - *Request for Income and Benefit Information From Employer* (form FL-397).
4. Revoke *Which Financial Form—FL-155 or FL-150?* (form DV-570).

These recommendations incorporate numerous revisions made in response to public comments received during the invitation-to-comment process both for this cycle and a previous cycle. The proposed new and revised forms are attached at pages 15–38.

Relevant Previous Council Action

Income and Expense Declaration (form FL-150)

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; *Income and Expense Declaration* was one of the first such forms.[1] 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. [2]

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

[1] Judicial Council of Cal., Staff Rep., *Judicial Council Approved Legal Forms* (Apr. 30, 1969).

[2] Minor revisions and technical changes to the form throughout the years are not enumerated herein.

[3] Judicial Council of Cal., Advisory Com. Rep., *Family Law Forms and Rules* (May 9, 1985), pp. 5–8.

council adopted a third attachment form for use only in child support cases.[4] These four forms—*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 stand-alone 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]

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, including space for other types of income, and adding attached schedules for specialized income types.[9] Multiple commenters provided feedback that current form FL-150 is difficult for self-represented litigants to complete and requested a substantial revision to the form.

Financial Statement (Simplified) **(form FL-155)**

In 1992, the Legislature mandated that the council develop (1) a simplified income and expense form for determining child support under the guideline formula, and (2) factors to use to

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[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.*, 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.

[8] Judicial Council of Cal., Advisory Com. Rep., *Family Law: Income and Expense Declaration* (Aug. 8, 2018).

[9] *Id.*, pp. 4–5.

determine when the simplified income and expense form may be used instead of the standard form.[10]

To implement this legislation, effective July 1, 1995, the council approved *Financial Declaration (Simplified)*.[11] This form was substantively revised once, effective January 1, 2004.[12] During the public comment period for that revision, a commenter suggested eliminating the form, noting that many courts require litigants to complete form FL-150 even when they are eligible to use form FL-155.[13] However, the committee decided not to eliminate the form because it determined that it was required under Family Code section 4068(b).[14]

Request for Income and Benefit Information From Employer **(form FL-397)**

Effective January 1, 2001, the council adopted *Request for Income and Benefit Information From Employer* to implement Family Code section 3664, which allows parties to request income and benefit information directly from an adverse party's employer when that party fails to comply with a request for a postjudgment income and expense declaration.[15] This form was renumbered to FL-397 effective January 1, 2003, without substantive change.[16] It has not been revised since.

Analysis/Rationale

Implementation of H.R. 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.

To determine both the income available for spousal support and the appropriate amount of child support following the uniform guideline formula under Family Code section 4055, it is important for the court and parties to understand the tax treatment of all income listed on *Income and*

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[10] Fam. Code, § 4068(b).

[11] *Financial Declaration (Simplified)* was originally approved as form 1285.52 but was renumbered to 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.

[12] Judicial Council of Cal., Advisory Com. Rep., *Family Law: Financial Declarations (revise forms FL-150 and FL-155)* (Sept. 10, 2003).

[13] *Id.*, p. 30.

[14] *Id.*, p. 3.

[15] 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.

[16] 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.

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 now receive different federal tax treatment under H.R. No. 1, the committee recommends including separate line items for tips and overtime on both forms. The recommended revisions to form FL-150 also incorporate instructions not to include tips and overtime income in the section where the party lists income from salary or wages.

Specifically, revised form FL-150 will change 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.

Revised form FL-397 will similarly change 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.

Form FL-155 will require similar revisions to implement H.R. No. 1 if the council were to retain the current eligibility requirements, which permit some parties who receive salary or wage income to use the form. However, as described above, a commenter in a previous cycle noted that many courts still require litigants to complete form FL-150 even when they are eligible to use form FL-155. To improve the process of using form FL-155, the committee recommends changing the eligibility requirements on form FL-155 to more limited situations. This change is intended to increase the likelihood that courts will accept optional form FL-155 instead of requiring qualified litigants to use form FL-150. The recommended change will not allow parties with income from salary or wages to use form FL-155 and will therefore not require any specific changes to implement H.R. No. 1.

Form improvements to respond to identified concerns

In addition to implementing H.R. No. 1, the recommendation includes many revisions to forms to address concerns identified during prior rule cycles and raised during the public comment process regarding accessibility of the form and completeness of the required financial disclosures. Many of the recommended revisions were made in response to stakeholder comments regarding how litigants use the forms in practice.

The recommended 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 will 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.

Revisions to* Income and Expense Declaration *(form FL-150)

General improvements throughout the recommended revised form include:

- Changing the form from a standard to a plain-language format. This will eliminate the need for self-represented litigants to complete a standard caption on form FL-150, which may cause confusion. The plain-language format also includes larger font and additional white space on each page, which improves readability.[17]

- Updating the form to a typical stand-alone 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 into more logically related groups, such as putting a party's education and training before their current employment.

- Adding instructions to use recommended new attachment forms when they apply. This will allow courts to receive more of the information they need from parties before the hearing while also reducing information that is unlikely to be relevant to many parties.

- Removing information that can be found elsewhere in the court record. For example, recommended form FL-150 eliminates a section for parties to write in a description of their parenting schedule.

- Removing, to the extent feasible, duplicative information on the form. For example, recommended 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 about recent changes in income; parties may provide that information in the "Other" item on the form.

- In item 3 ("Your Education"), revising the information requested consistent with *Earning Capacity Factors Attachment* (form FL-302).

- Revising item 5 ("Your Current Income") to include additional types of income, such as seasonal income.

- Creating new item 6 ("Other Money You Receive or Have Applied For") to separate out other money received that is not income, including public assistance and child support.

[17] Revisions to forms FL-150 and FL-155 are not shown in green in the attached versions because the forms were changed from the standard format to the new plain-language format.

- In item 7 ("Your Current Deductions"), including more information regarding the tax-deductible status of certain deductions such as health insurance premiums and retirement payments to improve the accuracy of support calculations.

- In item 9 ("Your Basic Expenses"), requiring that parties only list their basic expenses instead of every monthly expense as on current form FL-150 and eliminating the option for parties to provide "proposed needs," which are not relevant to the court in determining a party's current financial situation. In addition, the proposed form modernizes terminology in item 9, such as referring to costs for "internet" instead of "e-mail" (as on the current form), including a line for homeowners association dues as part of housing expenses, and including "solar lease" as an example of a utility expense.

- In item 15 ("Other Party's Income"), including more information about the other party's income, including the type of income, name of employer or business, and whether the other party is currently receiving the income.

- Adding item 17 ("Proof of Income and Expenses"), which contains instructions for attaching proof of income and requires parties to indicate the type of proof they are attaching. This will improve court efficiencies by increasing the likelihood that parties submit the proper documentation with the form.

The committee also made additional revisions to recommended form FL-150, including adding a field for employment start date, expanding education and employment response options, revising retirement deduction questions, clarifying instructions regarding food assistance and expenses, expanding the debt payment section, revising attorney fee instructions, and moving multiple commonly reported expenses from proposed attachment form FL-150(E) onto the base form. These revisions improve clarity while preserving the committee's overall recommendation regarding the structure of the forms.

Three mandatory attachment forms regarding income

The committee recommends adopting three new mandatory attachment forms regarding a party's income to be attached to form FL-150, when applicable. They are as follows:

- *Variable Income Attachment* (form FL-150(A)) requires 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)) requires 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 date the benefit started.

- *Miscellaneous Income Attachment* (form FL-150(D)) provides a list of miscellaneous income sources, including investment dividends, interest, trust distributions, recurring gifts, royalties, gambling or lottery winnings, or other recurring financial support. For each source of income, the declarant will be required to identify the payor, frequency, gross amount, and time period received within the 12 months preceding the date that the form is filed.

These recommended attachment forms will be mandatory to provide courts with more information regarding these types of income prior to hearings on child and spousal support. Parties are only required to complete attachments relevant to their circumstances (i.e., if they receive the type of income specified). This is expected to improve court efficiency 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.

Mandatory attachment form regarding attorney's fees

The committee recommends adopting *Lawyer's Fees Attachment* (form FL-150(F)) regarding attorney's fees, which will be attached to form FL-150 when applicable. This form will be completed by any party who pays attorney's fees in the case. The recommended form differs from the item 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 recommended form will require completion for all parties who currently have or previously had a paid attorney in their case. The committee is recommending 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, recommended form FL-150(F) also provides additional information beyond what is on current form FL-150 by soliciting information regarding fees paid to a former attorney. This will 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's fees will not be required to complete this form.

Two optional attachment forms

The committee recommends approving two optional forms that may be attached to form FL-150:

- *Profit and Loss Statement Attachment* (form FL-150(B)) provides 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 form is optional to allow parties to use their federal tax form or their own profit and loss statement instead.

- *Additional Expenses* (form FL-150(E)) provides a standard format for parties to itemize lifestyle-related or discretionary expenses not included in the basic expense section (item 9) on recommended form FL-150. These include 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.[18] Courts may also order parties to complete this attachment if they would like additional information about a party's expenses. This attachment is optional because this information is not relevant in many cases. Following public comment, the committee revised the allocation of certain expenses between the base form and the attachment by moving multiple commonly incurred expenses onto recommended form FL-150 while retaining discretionary or lifestyle expenses on attachment form FL-150(E).

Revisions to* Financial Declaration (Simplified) *(form FL-155)

Current form FL-155 permits parties to use the form if both of the following conditions are met:

- Neither party is requesting any of the following: spousal support, domestic partner support, family support, or attorney's fees; and
- 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 to use the form. Among other things, the form does not require information regarding a party's education and earning capacity, financial hardship, or a mandatory disclosure of monthly expenses. As a result, many courts require the completion of form FL-150 even when a party is eligible to use form FL-155. 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.

Therefore, the committee recommends narrowing the eligibility for form FL-155 to the following:

- Neither party is requesting any of the following: spousal support, domestic partner support, family support, or attorney's fees; and
- The party completing the form has:
    - No income other than a means-tested public benefit;[19]
    - No income and has applied for a means-tested public benefit; or

[18] Fam. Code, §§ 3600, 4057, 4320.

[19] 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. Department of Justice, Office of Legal Counsel (Dec. 16, 2025)).

- No income and is currently in jail, prison, or detention.

Limiting eligibility to these situations will 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 recommended revision will 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 recommending narrowing the eligibility requirements, it proposes removing sections of the form that would no longer be relevant, leaving only the following items: 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 recommends changing the form from a standard to a plain-language format. The committee considered comments recommending elimination of form FL-155 but concluded that a simplified form remains appropriate for the limited categories of litigants who qualify to use it.

Revocation of* Which Financial Form—FL-155 or FL-150*? (form DV-570)

Form DV-570 is an information sheet that lists the eligibility criteria for using form FL-155. The committee recommends revoking this form because recommended form FL-155 already lists the eligibility criteria for using it. Eliminating form DV-570 will reduce redundancy and minimize the risk of inconsistent guidance between the information sheet and the form itself.

Policy implications

The committee is making these recommendations to comply with a recent legislative mandate. In addition to implementing legislative changes, this recommendation is consistent with Goal I, Access, Fairness, Diversity, and Inclusion, of the *Strategic Plan for California's Judicial Branch* by creating a simple and uniform process. The new and revised forms are designed to be user-friendly for all court users, including self-represented litigants.

Comments

This proposal circulated for comment from April 13 through May 18, 2026, as part of the Judicial Council's spring 2026 invitation-to-comment cycle. The committee received 16 comments from a range of stakeholders including superior courts, other governmental organizations, nongovernmental organizations, and individuals. Three commenters agreed with the proposal, six commenters agreed if modified, and seven commenters did not indicate a position. No commenters disagreed with the proposal. Multiple commenters wrote in support of the extensive redesign, stating that the new form FL-150 should be easier to complete and lead to more accurate financial disclosures in family law cases. Following the invitation-to-comment cycle, the committee revised the proposal in numerous respects, including retaining asset questions; adding employment start date; revising food assistance instructions; revising credit card instructions; expanding debt payment fields; revising attorney fee attachment instructions;

moving laundry, cleaning, and clothing expenses onto the base form; revising hardship language; and distinguishing pre- and post-tax retirement deductions. A chart with the full text of the comments received and the committee's responses is attached at pages 39–95.

Retaining questions regarding assets on form FL-150

The committee sought specific comments on the following question: "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)?"

Eleven commenters responded to this request for specific comment. Eight of those commenters supported keeping questions regarding assets on form FL-150. Many explained that information about assets such as funds in bank accounts, stocks, bonds, and equity in real property help the court assess a party's financial circumstances. Two commenters supported removing these questions from form FL-150 but including the information elsewhere. One suggested putting the information on *Lawyer's Fees Attachment* (form FL-150(F)) or *Request for Attorney's Fees and Costs Attachment* (form FL-319), as it is often relevant to attorney's fees cases. The other suggested instructing parties to attach a *Property Declaration* (form FL-160) or *Schedule of Assets and Debts* (form FL-142) to form FL-150. One commenter supported removing the information completely from form FL-150 and not listing it elsewhere.

Based on these comments, the committee recommends retaining the content of the questions in item 11(a) (cash and bank accounts), 11(b) (stocks, bonds, and investment accounts), and some content of 11(c) (real and personal property) on current form FL-150 and has made some revisions to the phrasing of the questions so they will be easier for parties to understand and respond to.

Increasing the length of form FL-150

Many commenters expressed concern that the committee is recommending changes that increase the length of form FL-150. The committee appreciates this concern but notes the added length is largely due to formatting revisions to use larger font and add white space. The committee believes that these changes will (1) assist self-represented litigants in accurately completing the form, and (2) improve the experience of the form for users with disabilities and those who use assistive technology. The committee believes that the recommended revisions to the form will lead to more accurate disclosures and may therefore improve judicial efficiencies.

Removing discretionary expenses from form FL-150

The committee proposed removing discretionary expenses such as memberships, pet care, and travel to simplify the item regarding a party's expenses (item 9 on recommended form FL-150), making it easier for parties to complete. Several commenters specifically commented on this change. Some supported it, and one wrote, "[r]emoving lifestyle or discretionary expenses to an optional form is a beneficial change. Parties who need to demonstrate marital standard of living or lifestyle expenses for spousal support purposes will be able to use new form FL-150(E)."

Others did not support it and expressed concern that parties would not use optional form FL-150(E) and as a result the court would not have enough expense information to determine whether a party's income disclosure was accurate. One commenter suggested keeping the format of proposed form FL-150 but adding expenses for laundry, cleaning, clothes, and shoes. The committee recommends implementing this suggestion but does not recommend including all discretionary expenses on form FL-150.

The committee notes that expenses are not used as a factor in guideline child support calculations and information about basic expenses such as housing, utilities, food, medical, childcare, and debt payments should be sufficient in many cases for the court to make a determination regarding the lifestyle of the parties and the income available for support or attorney's fees.[20] The committee believes that eliminating the need for parties to provide information about every monthly expense will make the form shorter and easier to complete.

Including an instruction regarding how to calculate average monthly income

Multiple commenters requested that the committee include an instruction regarding how to calculate average monthly income in item 5 of recommended form FL-150. Some commenters suggested that the instruction track the language on the current form, which states, "[f]or average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12." The committee decided against including an instruction regarding how to calculate average income, as how the average should be calculated will vary based on the facts of the individual case (e.g., someone who is self-employed may average over the period of the last year, whereas an employee who recently received a raise or changed employment may list their new income going forward). The committee notes that Family Code section 4060 permits courts to make support orders based on prospective income.

Separating public benefits from income

One commenter requested that the committee remove public benefits from item 5 regarding income on recommended form FL-150. Another commenter requested this same change in the spring 2018 invitation-to-comment cycle. The committee agrees and recommends creating new item 6 ("Other Money You Receive or Have Applied For") on recommended form FL-150 to capture public benefits and child support received.

Additional revisions to form FL-150 to implement H.R. No. 1

Two commenters requested that the committee revise form FL-150 to capture other changes to the tax treatment of certain income made by H.R. No. 1, such as deductions for interest paid on certain auto loans, above-the-line deductions for charitable contributions, and changes to the tax treatment of spousal support paid by a new spouse. To understand whether someone could claim these deductions, the form would require litigants to fill out multiple lines of information. Given that many commenters expressed concern about the length of proposed form FL-150 and relatively few people may qualify for the deductions, the committee decided not to recommend

[20] Fam. Code, §§ 271, 2030, 3600, 4055, 4320.

including information about these deductions on recommended form FL-150. The committee notes that some long-standing deductions (e.g., student loan interest) are also not included and form FL-150 contains limited information about new spouse income. The committee also notes that recommended form FL-150 does include an instruction for parties to bring their most recent tax return to their hearing, which would show all deductions.

Revisions to form FL-155

Most commenters supported the proposed revisions to form FL-155. One commenter recommended revoking the form, as it "is little used and people often struggle to understand whether they are eligible to use it." The committee agrees that current form FL-155 may be underused. The committee believes that the recommended changes will make it more likely that the form will be used by those who qualify and will continue to assess its utility.

Deferring the proposal

One commenter requested that the committee defer the proposal to allow more time for public comment. The committee does not recommend deferring the proposal as it received a large number of detailed comments from a wide range of stakeholders. No commenters disagreed with the proposal, and no other commenter requested more time to provide comment. The committee has incorporated many recommended revisions in response to public comment received. The committee notes that family law forms are often revised due to legislative mandates and other reasons, including improvements identified by stakeholders. The committee will continue to work with courts, service providers, and other stakeholders to improve these important forms.

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. The committee considered limiting the proposal to changes necessary to implement H.R. No. 1 but determined that broader revisions to forms FL-150 and FL-155 were warranted because the forms have not undergone a comprehensive review in more than 20 years. In developing and refining the proposal, the committee considered the history and evolution of the forms (including form FL-150's origin as four separate forms combined into one), the length of time since their last substantive redesign, and the public comments received during the invitation-to-comment process.

The committee also considered comments recommending retention of the existing version of form FL-150 or the availability of both a traditional and a plain-language version. The committee rejected those suggestions because maintaining multiple mandatory versions of the same form could create confusion for litigants, practitioners, and courts and result in inconsistent financial disclosures.

The committee also considered comments recommending that information applicable only in certain circumstances—including discretionary expenses, attorney's fee information, and detailed income information—remain on the base form rather than attachment forms. The committee concluded that collecting specialized information through attachment forms while

retaining core financial information on the base form better balances accessibility for most litigants with the court's need for more detailed information in appropriate cases.

The committee also considered comments recommending retention of the existing Judicial Council form format. The committee concluded that the plain-language format will better serve self-represented litigants and improve accessibility through increased white space, larger type, clearer organization, and more intuitive instructions, notwithstanding the resulting increase in number of pages.

Fiscal and Operational Impacts

Courts will incur costs to train 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 will likely benefit from having more modern and user-friendly forms that are easier to use and provide the opportunity for a more complete financial disclosure, accounting for 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.

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 15–38
2. Chart of comments at pages 39–95
3. Link A: H.R. No. 1, One Big Beautiful Bill Act, 119th Cong., 1st Sess. (2025)

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.

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: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Information About the Other Party

Name: _____ Age: _____

3 Your Education

You have *(check all that apply)*:

a. ☐ Completed some grade school but not high school. Highest grade completed: _____

b. ☐ Completed high school or the equivalent.

c. ☐ Attended college.

(1) Number of years completed: _____

(2) Date completed *(month and year):* _____

(3) Degree earned, if any *(type and major):* _____

d. ☐ Attended graduate school.

(1) Number of years completed: _____

(2) Date completed *(month and year):* _____

(3) Degree or degrees earned, if any *(type and major):* _____

e. ☐ A professional or occupational license or licenses *(include a description of the license and the month and year you obtained it):*

_____

f. ☐ Other education or training, including trade school programs *(Include a description of the program and the month and year you completed it):*

_____

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. Start date *(month/year):* _____. If applicable, date job ended *(month/year):* _____

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.)*

h. ☐ No work history *(Check here if you have never been employed.)*

5 Your Current Income

*(Check all that apply and list **gross** (before taxes and deductions) amounts for each source of income. You must report all income, including income held or received in digital assets like cryptocurrency.)*

a. ☐ Salary or wages *(Do not include tips, overtime, or seasonal employment. **You must attach your last three months of pay stubs**. Black out your Social Security number and bank account number.)*

(1) ☐ Every week: _____ $ _____

(2) ☐ Every two weeks: _____ $ _____

(3) ☐ Semimonthly: _____ $ _____

(4) ☐ Once per month: _____ $ _____

Average Monthly Total: $ _____

Average Monthly

b. ☐ Tips: _____ $ _____

c. ☐ Overtime: _____ $ _____

d. ☐ Seasonal employment *(List your total yearly income divided by 12.):* _____ $ _____

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. ☐ Court-ordered spousal support or domestic partner support received *(Do not include child support. Check all that apply.):* $

(1) ☐ From this relationship.

(2) ☐ Is federally taxable.

(3) ☐ Is taxable by California.

(For more information on when support is taxable, see selfhelp.courts.ca.gov/divorce/spousal-support/taxes*.)*

j. ☐ Retirement income *(check all that apply)*

(1) ☐ Social Security retirement (not SSI): $

(2) ☐ Taxable retirement payment *(example: pension, traditional 401(k)):* $

(3) ☐ Nontaxable retirement payment *(example: Roth 401(k)):* $

k. ☐ Other income, including 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):* **$**

6 **Other Money You Receive or Have Applied For** *(check all that apply):*

a. ☐ Public assistance (CalWORKs, GA/GR, Tribal TANF, SSI) *(name of program or programs):* $

☐ Check here if you have applied for public assistance but are not receiving benefits yet.

b. ☐ Food assistance such as CalFresh (SNAP) or WIC: $

☐ Check here if you have applied for food assistance but are not receiving benefits yet.

c. ☐ Child support you receive for children of other relationships: $

d. ☐ Child support you receive for children of this relationship: $

Case Number:

7 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):* $

☐ These premiums are tax deductible.

b. ☐ Required union dues: $

c. ☐ Required retirement payments *(not Social Security, FICA, 401(k), or IRA):* $

☐ This payment is tax deductible.

d. ☐ Voluntary tax-deductible retirement payments *(not Social Security, FICA, or Roth):* $

e. ☐ Court-ordered child support that you pay for children of other relationships: $

f. ☐ Court-ordered spousal or domestic partner support that you pay *(Do not include child support.):* $

(Check all that apply):

(1) ☐ For this relationship.

(2) ☐ That is federally tax deductible.

(3) ☐ That 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: $

8 Tax Information

a. Most recent tax year you filed a return for:

b. Your tax filing status *(Check one):* ☐ Single ☐ Head of household ☐ Married, filing separately

☐ Married, filing jointly with *(name):*

c. The state where you file taxes: ☐ California ☐ Another state:

d. Number of exemptions, including yourself, that you claim on your taxes:

(You must bring your most recently filed tax returns to your hearing. Black out any Social Security numbers and bank account numbers.)

Case Number:

9 Your Basic Expenses

Your average monthly expenses *(Do not repeat the same expense in different categories.):*

Average Monthly

a. Home:

(1) ☐ Rent or ☐ mortgage: _____ $_____
If mortgage: Principal: $_____ Interest: $_____

(2) Real property taxes: _____ $_____

(3) Homeowner's or renter's insurance: _____ $_____

(4) Maintenance and repair: _____ $_____

(5) HOA dues: _____ $_____

b. Health-care costs not paid by insurance: _____ $_____

c. Childcare: _____ $_____

d. Food *(groceries, eating out; include expenses paid with food assistance such as CalFresh):* _____ $_____

e. Household supplies: _____ $_____

f. Laundry and cleaning: _____ $_____

g. Clothing and shoes: _____ $_____

h. Utilities *(examples: gas, electric, water, trash, solar lease):* _____ $_____

i. Phone and internet: _____ $_____

j. Transport expenses *(examples: insurance, gas, repairs, bus, registration fees):* _____ $_____

k. Debt payments *(examples: car payments, student loans, personal loans):*

Paid to	For	Balance	Date of last payment	
		$		$
		$		$
		$		$
		$		$
		$		$

☐ *Check here if you have additional debt payments. List them on a separate sheet of paper, write "Attachment 9k" at the top, and attach it to this form.*

Total Basic Expenses: $_____

l. ☐ 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*).)*

m. Amount of expenses paid by others: $_____.
(Describe expenses.): _____

Case Number:

10 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
e.				$	☐ Yes ☐ No

☐ *Check here if there are additional people. List them on a separate sheet of paper, write "Attachment 10" at the top, and attach it to this form.*

11 Your Money and Property *(List estimated fair market value minus the debts you owe.)*

a. Cash, bullion (pure precious metals like gold), and money in checking, savings, credit union, and other deposit accounts: $_____

b. Stocks, bonds, digital assets, and other investment accounts *(do not include retirement):* $_____

c. Real property *(examples: houses, condos, land):* $_____

d. Vehicles *(examples: cars, trucks, motorcycles, boats):* $_____

e. Valuables *(examples: jewelry, fine art, antiques, collectibles):* $ _____

12 Your Children With the Person in 2 *(Skip to 13 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 12a" at the top, and attach it to this form.*

b. Amount you pay monthly for the children in 12a *(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 9.):*

(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): _____

Case Number:

12 c. Do you have private health insurance available to you for the children in **12**a?

- ☐ No
- ☐ Yes, and they are on that insurance plan. The monthly cost for the children is $_____.
- ☐ Yes, but they are not on that insurance plan. The monthly cost to add them would be $_____.

13 Medical Hardship

(Complete this item if you are financially responsible for extraordinary health expenses. List specific amounts and how long they will continue.):

_____

_____

☐ *Check here if you need more space for your answer. Use a separate sheet of paper, write "Attachment 13" at the top, and attach it to this form.*

14 ☐ **Your Lawyer's Fees** *(Check here if you currently have or previously had a paid lawyer for this case. Complete FL-150(F)* (Lawyer's Fees Attachment) *and attach it to this form. If you have or had only free legal representation such as a legal aid or pro bono attorney, do not check this box or include the attachment.)*

15 Other Party's Income

a. Give your best estimate of the other party's income *(examples: job, self-employment or disability payments)*. If you do not have any information, write "unknown" under type of income.

Type of income	Gross monthly amount	Employer or business name	Current or past income *(check one):*
_____	$_____	_____	☐ Current ☐ Past *(date ended):* _____
_____	$_____	_____	☐ Current ☐ Past *(date ended):* _____
_____	$_____	_____	☐ Current ☐ Past *(date ended):* _____
_____	$_____	_____	☐ Current ☐ Past *(date ended):* _____
_____	$_____	_____	☐ Current ☐ Past *(date ended):* _____

b. Your estimate in **15**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*) (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 form FL-320 (*Responsive Declaration to Request for Order*).)*

Case Number:

16 Other

Is there anything else you want the court to know about your financial situation?

☐ *Check here if you need more space for your answer. Use a separate sheet of paper, write "Attachment 16" at the top, and attach it to this form.*

17 Proof of Income and Expenses

(Check all that apply and attach to this form.)

a. ☐ Pay stubs *(You must attach your last three months of pay stubs.).*

b. ☐ IRS Schedule C, IRS Schedule E, or profit and loss statements for business or rental property.

c. ☐ Benefit award letter or letters.

d. ☐ Proof of expenses listed in 12b.

e. ☐ Other: _____.

Black out your Social Security number, tax identification number, and bank account numbers on any documents you attach to this form or bring with you to court.

18 Additional Pages

a. Attached forms *(if any)*

(If you checked a box on this form that instructed you to include an attachment form, you must include that attachment as instructed. Check all that apply.):

☐ FL-150(A) ☐ FL-150(B) ☐ FL-150(C) ☐ FL-150(D) ☐ FL-150(E) ☐ FL-150(F)

b. Number of pages attached to this form *(attachments plus proof checked in 17):* _____

19 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-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 (in 1), commissions (in 2), and stock-based compensation (in 3). If you have other types of variable income, provide an amount and explanation in 4.)

1 ☐ Bonuses *(Complete this section if you receive bonuses as part of your compensation. Attach all employer-issued bonus statements and pay stubs that show bonus pay from the past 12 months.)*

a. 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 _____	$_____

b. Information about your most recent bonus.

(1) When did you get the bonus? *(date):* _____

(2) How much was the bonus? $_____

c. Amount *(check all that apply):*

(1) ☐ Fixed amount: $_____

(2) ☐ Variable. Range you can receive *(minimum to maximum):* $_____ to $_____

d. Frequency *(check all that apply):*

(1) ☐ Annual performance bonus. Month received: _____

(2) ☐ Quarterly bonus. Months received: _____

(3) ☐ One-time bonus *(examples: signing, retention).* Date received: _____

(4) ☐ Other *(specify type):* _____. Date received: _____

e. Your bonuses are? *(check all that apply):*

(1) ☐ Guaranteed

(2) ☐ Conditional *(describe conditions):*

_____

_____

_____

f. 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. Attach all employer-issued commission statements and pay stubs that show commission pay from the past 12 months.)*

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. 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)*
(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. Attach all employer-issued documents showing any stock-based compensation you received in the past 12 months, including grants, vesting statements, option exercise records, or any pay stubs that show stock-related income.)*

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:

_____

_____

_____

_____

_____

_____

_____

(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
_____	$_____	$_____	_____
_____	$_____	$_____	_____
_____	$_____	$_____	_____
_____	$_____	$_____	_____
_____	$_____	$_____	_____
_____	$_____	$_____	_____

(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
_____	_____	$_____	$_____	☐ Qualified ☐ Unqualified
_____	_____	$_____	$_____	☐ Qualified ☐ Unqualified

☐ *Check here if you want the court to know anything else about your ESPP. Add this information on a separate sheet of paper, write "Attachment 3c" at the top, and attach it to this form.*

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 *(black out any account numbers):*

_____

_____

_____

☐ *Check here if you need more space for your answer. Use a separate 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 you need more space for your answer. Use a separate 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 may use this form to capture profits and losses for each business or rental property you own. Use a separate form for each business or property (do not include more than one on this 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 *(check 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 Property Expenses *(Do not include any personal expenses.)*

(1) Expenses that apply to both businesses and rental properties

(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) ☐ Cost of goods sold $

(b) ☐ Car or truck expenses $

(c) ☐ Contract labor $

(d) ☐ Employee benefit programs $

(e) ☐ Employee wages $

(f) ☐ Licenses $

(g) ☐ Office expenses $

(h) ☐ Pension or profit-sharing plans $

(i) ☐ Rent or lease for vehicles, machinery, or equipment $

(j) ☐ Rent or lease for other business property $

(k) ☐ Travel $

(*l*) ☐ Other *(examples: depletion, deductible taxes, deductible meals.)*
(Explain): $

(3) ☐ Expenses that apply only to rental properties *(Do not fill out this section for other types of businesses.)*

(a) ☐ Auto and travel $

(b) ☐ Cleaning $

(c) ☐ Homeowners 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. *(Attach your benefit award letters for the benefits listed below.)*

1 ☐ Disability Benefits

a. ☐ Short-term disability benefits

(1) Type *(check all that apply):*

(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) Gross 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 *(not SSI)*

(1) Type *(check all that apply):*

(a) ☐ Social Security Disability Insurance (SSDI)

(b) ☐ Veterans Affairs (VA) Disability Compensation

(c) ☐ California Workers' Compensation

(d) ☐ Private disability insurance *(insurance provider):* _____

(e) ☐ Other *(name of program):* _____

(2) Gross monthly amount: $_____

(3) Start date: _____

2 ☐ Unemployment Benefits

a. State providing benefits

(1) ☐ California

(2) ☐ Another state: _____

b. Gross 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 12 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)*

h. ☐ Interest income

i. ☐ Dividend income

j. ☐ Long-term capital gains

k. ☐ Short-term capital gains

l. ☐ Annuity payments

m. ☐ Other *(explain):* _____

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 of income *(listed in 1)*	Name of person or entity who paid you	Amount received	Frequency *(e.g., monthly, one time)*	Start date	End date *(if applies)*
		$			
		$			
		$			
		$			

☐ *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 Subscriptions and Electronic Services

(examples: news, magazines, streaming services, cable, satellite television): $_____

2 Personal Care and Memberships

(examples: haircuts, chiropractic care, gym or spa membership, auto club): $_____

3 Enrichment Programs for Your Child

(Examples: sports or music lessons. Do not include childcare expenses. Instead, list them on form FL-150 in 9.): $_____

4 Education

(examples: school tuition, class fees, books, school supplies, training, tutoring): $_____

5 Life Insurance and Other Special Insurance

(examples: disability insurance, long-term care insurance): $_____

6 Entertainment

(examples: movies, concerts, sporting events): $_____

7 Vacations

(examples: accommodations, airfare, cruises, timeshare fees): $_____

8 Pet Care

(examples: food, grooming, pet insurance, veterinary fees): $_____

9 Gifts or Donations to Charity $_____

10 Other Expenses

(Describe any expense that you have not already included, such as storage fees, accounting, financial planning): $_____

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.

Complete this form if you:

- Currently have a lawyer whom you are paying to represent you in this case (complete 1); or
- Previously paid a lawyer to represent you in this case (complete 2).

If both apply, you must complete 1 and 2.

1 ☐ Your Current Lawyer in This Case

a. To date, you have paid your current lawyer this amount for fees and costs: $ _____

The source of this money was:

_____

_____

b. You still owe the following fees and costs to your current lawyer *(specify total owed):* $ _____

c. Your current lawyer's hourly rate is: $ _____

d. Lawyer's signature

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. Names of previous lawyers: _____

b. How much did you pay your previous lawyer or lawyers for work they did on this case? $ _____

The source of this money was:

_____

_____

c. 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.

You may use this form only 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:

- 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
- You have no income and you have a pending application for a benefit based on need (as described above); or
- 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 Finances

(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 and attach benefit award letters.)*

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. Most recent tax year you filed a return for: _____

b. Your tax filing status *(Check one):* ☐ Single ☐ Head of household ☐ Married, filing separately
☐ Married, filing jointly with *(name):* _____

c. The state where you file taxes: ☐ California ☐ Another state: _____

d. Number of exemptions, including yourself, that you claim on your taxes: _____

(!) *(You must bring your most recently filed tax returns to your hearing. Black out any Social Security numbers and bank account numbers.)*

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 *(examples: job, self-employment or disability payments)*. If you do not have any information, write "unknown" under type of income.

Type of income	Gross monthly amount	Employer or business name	Current or past income *(check one):*
	$		☐ Current ☐ Past *(date ended):*
	$		☐ Current ☐ Past *(date ended):*
	$		☐ Current ☐ Past *(date ended):*
	$		☐ Current ☐ Past *(date ended):*
	$		☐ Current ☐ Past *(date ended):*

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):*	
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 form FL-150 (*Income and Expense Declaration*) 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:

4. 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.

SPR26-17 Chart of Comments (DRAFT)
Family Law: Financial Disclosure Forms (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)
All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Child Support Association (CalCSA), Judicial Council Forms Committee by Michael Smitsky, Executive Director	Position: Not indicated. Financial Disclosure Forms (e.g. Income and Expense Declaration)	No response required.
CalCSA (continued)	Which Financial Form – FL-155 or FL-150?, DV-570, Page 11-12 The Committee has no comment on the proposed changes.	No response required.
CalCSA (continued)	Income and Expense Declaration, FL-150, Page 13-19 General feedback: The Committee is concerned that the expansion of this form, going from 4 pages to 7 pages, and all the attachments will be too daunting for self-represented litigants to complete.	The committee appreciates the concern regarding the increased length of the recommended form. However, much of the additional length of recommended form FL-150 results from revisions to increase font size, add white space, and add plain-language instructions. The committee believes that these changes will: (1) assist self-represented litigants in accurately completing the form; and (2) improve the experience of the form for users with disabilities and those who use assistive technology. In addition, the revised organization of the form and the use of attachments are intended to collect more detailed information only when applicable, rather than requiring all parties to complete questions that may not apply to their circumstances. The committee does not recommend reducing the length of the form by eliminating content because the requested information is necessary to facilitate complete and accurate financial disclosure for the court's determination of support and related financial issues.

Commenter	Comment	Committee Response
CalCSA (continued)	Section 2 & Section 14: Page 13 1. The Committee recommends combining sections 2: Information about the Other Party and the existing section 14: Other Party's Income, into one section before the current section 16 Additional Pages. Include an additional section at the end. Comment: Consolidation of these two portions keeps it clear that everything in that section is about the other party and puts the other party's information all in one space.	The committee appreciates the suggestion. The Judicial Council has standard formatting rules for the caption of plain language forms, which provide for the other party's name to appear in item 2. The committee considered putting the other party's income information in item 2 of recommended form FL-150 but determined that doing so could be confusing because the form is intended to begin with information regarding the declarant's own financial circumstances before requesting information about the other party. Accordingly, the committee believes it is clearer to retain the other party's income information in a separate section later in the form, after the declarant's financial information has been completed. The committee considered including the other party's name again as a subitem in item 15 (Other Party's Income) of recommended form FL-150 but decided against that approach as it would be duplicative and unnecessarily lengthen the form.
CalCSA (continued)	A section d. should be included to allow for any other information not expressly requested. It should read: Other Party's Income: 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. a. Other Party's Name _____ Age: _____ ~~a.~~ b. Type of Income (ex: job, self-employment, disability) ~~b~~. c. Your estimate in 14~~a~~ b is based on: [blank line] d. List any additional known information about the other party that concerns their ability to earn income. (Level of education, work experience, professional licenses, union membership, any known health conditions that would limit ability to work.) [3 blank lines]	The committee appreciates the suggestion. The committee does not recommend adding an additional subsection for information regarding the other party's ability to earn income because that information is more appropriately addressed through form FL-302, *Earning Capacity Factors Attachment*, which is specifically designed to collect information relevant to a request that income be based on earning capacity rather than actual earnings. Accordingly, the committee recommends including an instruction below item 15 (Other Party's Income) on form FL-150 explaining how parties may request an order based on earning capacity and directing them to complete form FL-302.

Commenter	Comment	Committee Response
CalCSA (continued)	Section 3 (Now section 2): Page 13 1. The Committee recommends including in the requested information, when the party obtained their license, degree, education or training in sections 3b(1), 3c(1), 3d and 3e. Comment: Including the date the education or training was obtained provides context for the employment or education experience and allows attorneys, other litigants, and the court to be able to assess how many years of experience they should have in a given field of work to assess income. It should read: 3b(1) Number of years completed: _____ Date of completion: _____ 3c(1) Number of years completed: _____ Date of completion: _____ 3d a professional or occupational license or licenses and the date they were obtained. 3e other education or training (example: vocational training) and the date it was completed.	The committee agrees with these suggestions and has incorporated them, with minor alterations, into item 3 (Your Education) of recommended form FL-150.
CalCSA (continued)	Section 4 (Now section 3) Page 14 The Committee recommends maintaining inclusion of the start date line item for the most recent employment and combining sections 4a and 4b to save space. Comment: Start date is important to know when calculating income and how long the participant has been with this employer. It should read: 4a Schedule: [checkbox not checked] Full time or [checkbox not checked] Part time Number of hours per week: _____ 4b. ~~Number of hours per week: _____~~Start date:_____	The committee agrees with the suggestion to include a subitem regarding the employment start date in item 4 (Information about Your Work) on form FL-150 and has added it as item 4e on recommended form FL-150. The committee does not recommend combining items 4a and 4b to save space. The committee believes that presenting fillable fields vertically, rather than horizontally, improves readability by providing greater separation between questions and response fields. In this instance, combining the fields on a single line would reduce white space and increase the likelihood that users—particularly self-represented litigants and users of assistive technology—may overlook one or more items.

Commenter	Comment	Committee Response
CalCSA (continued)	Section 5 (Now Section 4) page 14 1. The Committee recommends streamlining this section into a more readable format (…)	See the committee's responses to the commenter's recommendations below.
CalCSA (continued)	(…) removing line items i, k and l as they are not income under the Family Code sections, (…)	The committee appreciates the comment and agrees that public benefits and child support should be identified separately from income on recommended form FL-150. To address this concern, the committee recommends adding new item 6, "Other Money You Receive or Have Applied For" which separately requests information regarding public benefits, child support, and other payments that may be relevant to the court but are not categorized as income in the income section of the form.
CalCSA (continued)	(…) including a line item for crypto currency (…)	The committee appreciates the suggestion. The committee does not recommend creating a separate line item for cryptocurrency because cryptocurrency (or another digital asset) is a form in which income may be received or held, rather than a separate category of income. Instead, the committee recommends adding instructions under item 5 (Your Current Income) regarding reporting income held or received as a digital asset such as cryptocurrency.
CalCSA (continued)	(…) changing the name of the amount column to be listed as Amount Earned or Year-to-Date.	The committee appreciates the suggestion but has decided to maintain the request for average monthly income in the amount column on recommended form FL-150 This is because average monthly income more accurately reflects the information courts typically use in determining current support obligations. In addition, reporting average monthly income better accommodates parties whose income or employment has changed recently, whereas year-to-date earnings may not accurately reflect a party's current earning circumstances.

Commenter	Comment	Committee Response
CalCSA (continued)	Comment: This section has expanded to capture legislative changes however the format is such that it is not easily read or understood which item is connected to which dollar amount (…)	The committee appreciates the concern and agrees that as presented in the proposed form FL-150 it may be difficult to determine which amount corresponds to which subitem in item 5 (Your Current Income). To improve readability, the committee has revised recommended form FL-150 so that, similar to current form FL-150, each average monthly dollar amount is connected to its corresponding subitem by a horizontal line. The committee recommends this change in items 5 (Your Current Income), 6 (Other Money You Receive or Have Applied For), and 7 (Your Current Deductions) of form FL-150.
CalCSA (continued)	(…) and erroneously includes non-income line items in a section titled Your Current Income.	The committee appreciates the concern and agrees that public benefits and child support are more appropriately identified in a separate item on recommended form FL-150. In response to this comment, the committee has created new item 6, "Other Money You Receive or Have Applied For" to separately identify public benefits, child support, and other financial assistance from the income section of the form.

Commenter	Comment	Committee Response
CalCSA (continued)	The spousal support language should be maintained and expanded to capture the California changes to the spousal support taxation because many self-represented litigants are filling this out on paper, without computers, or do not click the links. Having the information readily on the page is best to ensure access to the information.(. .). [as below] *Check the box if the spousal support order or judgment was executed by the parties and the court before January 1, 2019, or if a court-ordered change maintains the spousal support payments as taxable income to the recipient and tax deductible to the payor. **Check the box if the spousal support order or judgment was executed by the parties and the court before January 1, 2026, or if a court-ordered change clearly says the new tax laws should apply. (For more information on when your support is taxable see [link]).	The committee does not recommend maintaining and expanding the language regarding spousal or domestic partner support received on recommended form FL-150. The committee is concerned that including a brief summary of the applicable tax rules on the form could oversimplify a complex area of law and may not accurately address all circumstances, including domestic partner support and the various effective dates and exceptions that may apply. The committee determined that this information would be more appropriately covered on the California Courts Self-Help website, where more comprehensive guidance may be provided and updated as necessary. The committee understands that not all users may have internet access at the time they are completing the form and that some users may not have any internet access at all. Still, the committee believes it is preferable to include a general reference to the Self-Help website rather than potentially incomplete or oversimplified tax guidance on the form itself.
CalCSA (continued)	~~k.~~ i. Court-ordered spousal support received or domestic partner support received (Do not include child support. Check all that apply): (1) From this relationship. [checkbox not checked] *Federally Taxable ☐**Taxable by California Date of the order: _____ (2) ~~This support is federally taxable.~~ From a prior relationship. ☐*Federally Taxable ☐**Taxable by California Date of the Order: _____ ~~(3) This support is taxable by California.~~	The committee agrees that adding the word "received" in the subitem regarding spousal support on form FL-150 may prevent confusion and recommends that revision to form FL-150. The committee does not recommend reformatting the subitems by horizontally aligning the subitems, as the committee believes that presenting fillable fields vertically improves readability by providing greater separation between questions and response fields. In this instance, aligning the fields horizontally would reduce white space and increase the likelihood that users may overlook one or more items.

Commenter	Comment	Committee Response
CalCSA (continued)	It should read: (Check all that apply and list gross earnings amounts before taxes and deductions for each source of income.) a. Salary or hourly wages (Do not include tips, overtime, or seasonal employment):	The committee appreciates the suggestion, but does not recommend adding the word "earnings" in the instruction for item 5 (Your Current Income) of recommended form FL-150 because item 5 includes both earned and unearned sources of income, and the term "earnings" would not accurately describe all of the listed categories. However, the committee does appreciate the concern that the instruction may be vague and recommends a revised instruction in form FL-150 to more clearly explain the information parties should report.
CalCSA (continued)	☐ weekly, ☐ every two weeks, ☐ semi-monthly, ☐ once per month. $_____ (total amount earned) ~~(1) Every week~~ ~~(2) Every two weeks.~~ ~~(3) semi-monthly~~ ~~(4) once per month~~ ~~Average monthly total $:_____~~ b. Tips: ☐ weekly, ☐ every two weeks, ☐ semi-monthly, ☐ once per month. $_____ (total amount earned) c. Overtime: ☐ weekly, ☐ every two weeks, ☐ semi-monthly, ☐ once per month. $_____ (total amount earned) d. Seasonal Employment. (List your total yearly income earned in the last 12 months and divide by twelve.)	The committee appreciates the suggestions. The committee understands the rationale for presenting the listed subcategories horizontally without itemization but does not recommend doing so. As discussed above, the committee believes that presenting fillable fields vertically improves readability by providing greater separation between questions and response fields. In this instance, aligning the fields horizontally would reduce white space and increase the likelihood that users may overlook one or more items.

Commenter	Comment	Committee Response
CalCSA (continued)	e. ☐ Commissions, ☐ bonuses, ☐ stock based compensation or ☐ other variable income (including crypto currency). $_____ (total amount earned in last 12 months) f. ☐ Self-Employment ~~or~~ ☐ rental property income $_____ (total amount earned in last 12 months) g. ☐ Disability, ☐ unemployment compensation, ~~or~~ ☐ worker's compensation (SSDI, SDI, Private insurance, paid family leave). h. - no changes	The committee appreciates the suggestion. The committee does not recommend including a parenthetical instruction regarding cryptocurrency in the subitem regarding variable income on form FL-150 because cryptocurrency is a form in which income may be received or held rather than a type of income. To address situations involving cryptocurrency, the committee recommends instead adding a general instruction regarding digital assets at the beginning of item 5 as discussed above. The committee does not recommend requesting the total amount earned in the preceding twelve months for variable income types or self-employment because recommended form FL-150 requests current average monthly income, which more accurately reflects the information courts typically use in determining current support obligations. In addition, a 12-month average may not accurately reflect the current financial circumstances of parties whose income or employment has changed recently.
CalCSA (continued)	~~i. Public assistance (CalWORKS, GA/GR, Tribal TANF, SSI) (name of benefit program or programs): _____ $_____~~ ~~j. food assistance such as CalfResh (SNAP) or WIC: $_____~~	As explained above, the committee agrees that public assistance (items 5i and 5j) is more appropriately identified in a separate item and recommends creating new item 6, "Other Money You Receive or Have Applied For" on form FL-150.

Commenter	Comment	Committee Response
CalCSA (continued)	Section 6 (Now section 5 – Insert a new section titled Public Assistance Received) page 15 1. The Committee recommends removing the dollar amount listed for each of the items not considered and changing the format to read as an affirmative declaration. Comment: It is the position of DCSS that aid amount is not relevant as income because it is not considered income per FC 4058, has no impact on the calculation of support and is not a factor allowing deviation from guideline child support. It should read: a. ☐ I currently receive public assistance (CalWORKS, GA/GR, Tribal TANF, or SSI). b. ☐ I currently receive food assistance such as CalFRESH (SNAP) or WIC. c. ☐ I have recently applied for public assistance and/or food assistance and have not received a response yet.	The committee agrees with the suggestion to create a separate item for other money received such as public assistance and child support, and recommends adding new item 6 "Other Money You Receive or Have Applied For" to form FL-150. The committee does not recommend eliminating the requirement to provide the amount of public assistance received, as this information may assist the court in understanding the party's overall financial circumstances. The committee also recommends adding an option under item 6 for parties to indicate if they have a pending application for public assistance. Finally, the committee notes that recommended form FL-150 is drafted consistently in the second-person, and changing the point of view in only one section could disrupt the form's consistency and readability.
CalCSA (continued)	Section 6: A new section titled Child Support Received page 15 1. The Committee recommends removing the dollar amount listed for each of the items not considered (…)	The committee does not recommend eliminating the requirement to provide an amount of child support received, as understanding the amount will aid the court in obtaining a better understanding of the party's financial circumstances.
CalCSA (continued)	(…) and changing the format to read as an affirmative declaration.	As discussed above, the committee does not recommend changing the proposed language to an affirmative declaration. Form FL-150 is drafted consistently in the second person and changing to the first person affirmative declaration in only the this section would be inconsistent with the remainder of the form and could create confusion for users.

Commenter	Comment	Committee Response
CalCSA (continued)	Comment: It is the position of DCSS that child support received is not relevant as income because it is not considered income per FC 4058, has no impact on the calculation of support and is not a factor allowing deviation from guideline child support.	The committee does not recommend eliminating the category for child support received. Although child support received is not included as income under Family Code section 4058, support received for children of other relationships may be relevant in determining whether a hardship deduction applies under Family Code section 4071(a)(2). Accordingly, the committee recommends retaining this item on form FL-150.
CalCSA (continued)	It should read: a. ☐ I currently receive child support for children of another relationship. b. ☐ I currently receive child support for the children of this relationship.	The committee agrees that listing child support received for children of other relationships under income may cause confusion, and has moved it to a separate item, new item 6 ("Other Money You Receive or Have Applied For"), on recommended form FL-150. The committee agrees that adding a subitem for child support received for children of the parties would improve the completeness of the information requested and recommends adding that subitem to item 6.
CalCSA (continued)	**Section ~~6~~ 7. Your Current Deductions. Page 16** 1. The Committee recommends streamlining this section and consolidating the sections. Comment: This section will mirror the preceding section as it is taxable income and now a tax deduction.	The committee does not recommend streamlining or consolidating the deductions item as suggested. Although certain deductions listed in item 7 are tax deductions, recommended form FL-150 also requests information regarding permissible support deductions under Family Code section 4059(b)–(f). Accordingly, the committee believes the current organization more clearly distinguishes the various types of deductions that may be relevant to the court's determination of support.

Commenter	Comment	Committee Response
CalCSA (continued)	Expanded to include a different relationship because that is also possible and may be an oversight in the initial drafting.	The committee appreciates the suggestion and recommends expanding the spousal support subitem in item 7 (Your Current Deductions) to include a subitem for parties to indicate whether the support paid is for this relationship or a different relationship.
CalCSA (continued)	The spousal support language should be maintained and expanded to capture the California changes to the spousal support taxation because many self-represented litigants are filling this out on paper, without computers, or do not click the links. Having the information readily on the page is best to ensure access to the information.	The committee does not recommend adding footnotes or language about the tax treatment of spousal support paid or received because a brief summary on the form may not accurately address all circumstances or future changes in the law. This information is more appropriately addressed on the California Courts Self-Help Guide where more comprehensive and current guidance can be provided.
CalCSA (continued)	It should read: f. Court-ordered spousal support or domestic partner support that you pay for ☐This relationship and/or ☐ a different relationship. (1) ~~This support is federally tax deductible.~~ For this relationship. ☐*Federally Deductible ☐**Deductible by California Date of the order: _____ (2) ~~This support is deductible on California state taxes.~~ From a prior relationship. ☐*Federally Deductible v ☐**Deductible by California Date of the order: _____ *Check the box if the spousal support order or judgment was executed by the parties and the court before January 01, 2019, or if a court-ordered change maintains the spousal support payments as taxable income to the recipient and tax deductible to the payor. **Check the box if the spousal support order or judgment was executed by the parties and the court before January 1, 2026, or if a court-ordered change clearly says the new tax laws should apply. (For more information on when your support is taxable see [link]).	The committee does not recommend the proposed formatting change. The committee believes that presenting fillable fields vertically improves readability by providing greater separation between questions and response fields. In this situation, aligning the fields horizontally would leave very little white space between the items, making it more likely for a user to miss one or more items. The committee also does not recommend adding explanatory language regarding the federal and California tax treatment of spousal or domestic partner support for the reasons discussed above. The committee believes that more comprehensive and current guidance regarding the tax treatment of support is more appropriately provided through the California Courts Self-Help Guide than on the form itself.

Commenter	Comment	Committee Response
CalCSA (continued)	The following sections should be renumbered to align with the above changes: 1. Section ~~7~~ 8. 2. Section ~~8~~ 9. 3. Section ~~9~~ 10. 4. Section ~~12~~ 13. 5. Section ~~13~~ 14. 6. Section ~~14~~ 15 : Other 7. Section 16: Other Party's Information and Income (See above revisions to section 2) 8. Section ~~16~~ 17 Additional Pages. 9. Section ~~17~~ 18 Signature Under Penalty of Perjury.	The committee appreciates the suggestions. In response to comments received, the committee recommends adding and removing items as described in this comment chart and renumbering the form accordingly.
CalCSA (continued)	Section ~~10,~~ 11 Your Expenses, page 17 1. The Committee recommends maintaining the section as it exists in the current FL-150 and include the additional line items outlined in attachment E thus eliminating the need for attachment E. a. Subscription cost and electronic services b. Personal care and memberships c. Enrichment programs for your child Comment: The attempt to simplify the expenses section is undermined by the inclusion of E. As a separate document it is difficult to read the full financial picture together and many self-represented litigants may not even attach it at all.	The committee appreciates the concern but does not recommend adding all discretionary expenses onto recommended form FL-150. Because most discretionary expenses are not used in guideline child support calculations, the committee believes that recommended form FL-150 should request only those major expense categories most likely to assist the court in evaluating the parties' financial circumstances, including issues related to support and attorney's fees. In response to another commenter, the committee has restored the expense categories for clothing, shoes, and laundry and cleaning to recommended form FL-150. The committee believes that limiting the information requested on recommended form FL-150, while providing Attachment E for parties with more complex financial circumstances, will make the form easier to complete without limiting the court's ability to obtain additional expense information when necessary.

Commenter	Comment	Committee Response
CalCSA (continued)	Section ~~11~~ 12. Your Children ~~with the Person in 2.~~ Page 18 1. The Committee recommends expressly making this section open for all of the person's children to adequately include them as hardships and tax exemptions. Comment: Providing one space for all the children of the person filling out the form will make the form easier to fill out and read. It should read: (Skip to ~~12~~ 13 if you do not have children with the person in ~~2.~~15~~)~~ a. Check here if there are additional children of this relationship. List them on a separate sheet of paper, write "Attachment ~~11(a)~~ 12a" 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)~~ 12a c. Amount you pay monthly for the children in ~~11(a)~~ 12a. (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~~ 11.) List any additional minor children from other relationships or are in your care and custody through a legal proceeding: Name and Age	The committee appreciates the concern but does not recommend combining information regarding children of the parties and children of other relationships in item 12 (Your Children With the Person in 2) of recommended form FL-150. Information regarding hardship is captured elsewhere on the form, including through child support received for children of other relationships (item 6c), child support paid for children of other relationships (item 7e), and household members (item 10). Information regarding tax filing status and claimed exemptions is requested in item 8 (Tax Information) of recommended form FL-150, and parties are also required to bring their tax returns to the hearing. In addition, adding children from other relationships to item 12 on form FL-150 would expand the scope of that item beyond its intended purpose and lengthen the form by requesting information that is already collected elsewhere. Accordingly, the committee does not recommend including this information.
CalCSA (continued)	Variable Income Attachment, FL-150(A), Page 20-23 1. The Committee recommends adding a header at the top of Page 20 to include instructions for attaching paystubs with bonuses. Comment: To accurately run calculations or determine what should be owed, a paystub is necessary. It should read: After bubble 3, "If you have bonus or overtime income, please attach the last paystub that includes this figure"	The committee appreciates the suggestion. The committee agrees that there should be instructions regarding attaching bonus schedules or paystubs on form FL-150(A), and recommends adding those instructions to item 1 (Bonuses). The committee does not recommend adding similar instructions regarding overtime, as overtime income is captured on form FL-150.

Commenter	Comment	Committee Response
CalCSA (continued)	2. The Committee recommends deleting the word Amount at page 1, line one (a.) under the title Bonuses, as well as the word Type (b). Comment: The words Amount and Type are confusing. Consider "Variable Income Amount and Frequency of Pay" It should read: a. ~~Amount~~ Variable Income Amount and Frequency of Pay ~~b. Type~~	The committee agrees and recommends making the suggested changes, with minor revisions, to item 1 (Bonuses) of form FL-150(A).
CalCSA (continued)	3. The Committee recommends at Page 20, move the section labeled (3) "Your bonuses are" up to (1)" Amount" to be a new box (c). This section is duplicative in information Comment: This section is duplicative in information and should be deleted. It should read: Variable Income Amount and Frequency of Pay (1) Bonus Income & Amount (2) Information about your most recent bonus (3) Frequency (a) Annual Performance Bonus (b) Quarterly Bonus (c) One-time (d) Other (e) Guaranteed (f) Conditional	The committee does not recommend making this change to form FL-150(A) because the information requested is not duplicative as suggested by the commenter. Whether a bonus is guaranteed or conditional is a separate question from how frequently it is received, and both pieces of information may be relevant to understanding the nature and predictability of the bonus income.
CalCSA (continued)	4. The Committee recommends: At the top of page 21, include "Attach the commission payment structure" after the title Commissions. Comment: This information is necessary to accurately run calculations or determine the amount owed. It should read: __ Commissions (Complete this section if you receive commissions as part of your compensation. Attach the most recent commission paystub as well as the commission payment structure provided by your employer.)	The committee agrees with the suggestion and recommends incorporating it, with minor modifications, to item 2 (Commissions) of form FL-150(A).

Commenter	Comment	Committee Response
CalCSA (continued)	5. The Committee recommends: Page 21: At c. create one line sentence with boxes for sources 1-5 Comment: This change simplifies the form It should read: "__Product sales, _ Service sales __ referrals __ leads __ other (specify):_____"	The committee appreciates the suggestion but does not recommend making this change to item 2c of form FL-150(A). The committee does not recommend implementing the formatting change to include start date and number of hours per week as horizontal unnumbered subitems, as such a format reduces visibility by decreasing white space.
CalCSA (continued)	6. The Committee recommends: At page 21, d, Commission structure, include the percentage after (1) percentage of sale and create a one-line sentence with boxes for 1-4 rather than listing down the page. Comment: Creating one line saves space and simplifies the form. It should read: "__percentage of sale __flat rate per deal __ tiered bonus system __ other (specify) ____"	The committee does not recommend making this change to item 2d of form FL-150(A), as doing so reduces the visibility of each option by decreasing white space.
CalCSA (continued)	7. The Committee recommends: Page 22, At Stock – Based Compensation line b. request attaching vesting schedule, brokerage account statements, employment letter. Comment: In order to accurately run calculations or determine what should be owed, this information will be necessary. It should read: "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. Attach the vesting schedule, brokerage account statement and employment letter outlining the stock-based compensation. Black out your social security number and account numbers.)	The committee agrees with the suggestion and has incorporated it, with minor modifications, to item 3 (Stock-Based Compensation) of form FL-150(A). The committee does not recommend including an instruction regarding attaching an employment letter, as information in an employment letter may be confidential or proprietary and employees may be prohibited from disclosing it under the terms of their employment or a related nondisclosure agreement. The committee notes that form FL-150 and its attachments will be publicly accessible in the court record.

Commenter	Comment	Committee Response
CalCSA (continued)	8. The Committee recommends: Page 23: At the end of bubble 3, insert crypto currency insert (right before bubble 4) Comment: As the new form of currency, crypto currency should be included in the form expressly to avoid omissions. It should read: Crypto currency Type: _____ Value as of date of signature on this form: _____ Value as of date of purchase: _____ Source of funds used to purchase:_____	The committee appreciates the concern regarding cryptocurrency. The committee does not recommend adding cryptocurrency as a separate category on form FL-150(A) because cryptocurrency, like many other digital assets, is a form in which income may be received or held rather than a separate category of income. Instead, the committee recommends adding instructions under item 5 (Your Current Income) on form FL-150 regarding reporting income held or received in digital assets such as cryptocurrency.
CalCSA (continued)	Profit and Loss Statement Attachment, FL-150(B), Pages 24-25 The Committee recommends including a "Cost of Goods Sold" line item for the profit and loss section 3. Comment: Currently the P&L Section does not have a COGs line item, which is standard in the IRS P&L form.	The committee agrees with the suggestion to add a "cost of goods sold" line item and recommends adding it to item 3(d)(2) (expenses that apply only to businesses) of form FL-150(B) because this expense pertains to businesses but not rental properties.
CalCSA (continued)	Also including the word "Property" specifies the type of rental income. It should read: 3d. Business or Rental Property Expenses Cost of Goods Sold Expenses that apply to both business and rental properties.	The committee agrees with the suggestion to add "property" to the heading of item 3(d)(1) (expenses that apply to both businesses and rental properties) of form FL-150(B). The committee does not recommend adding "cost of goods sold" to item 3d(1) because that expense does not apply to rental properties and is more appropriately included under item 3(d)(2), which applies only to business expenses.

Commenter	Comment	Committee Response
CalCSA (continued)	Disability, Worker's Compensation, and Unemployment Benefits Attachment, FL-150(C), Page 26 1. The Committee recommends including instructions for attaching the award letters as supporting evidence. Comment: This will ensure verification of the type of benefits received, and the weekly benefit amounts paid. How it should read: This form is attached to form FL-150. Please attach any and all applicable award letters for the income disclosed below.	The committee agrees with the suggestion and recommends incorporating it, with minor modifications, into form FL-150(C).
CalCSA (continued)	2. The Committee recommends including instructions to check the applicable box after yes "Type" designation in sections (1) of the Short-term and Long-term DIB benefits Comment: This provides further clarity on how to complete the form. It should read: (1) Type (check the applicable box):	The committee agrees with the suggestion and recommends incorporating it, with minor modifications, into items 1(a)(1) (short-term disability benefits) and 1(b)(1) (long-term disability benefits) of form FL-150(C).
CalCSA (continued)	3. The Committee recommends clarifying in each section where the amount is requested, to include the word "gross" before it. Comment: Including the distinction that it is pretax earnings will ensure consistency in reporting It should read: "Gross Weekly Amount"	The committee agrees with the suggestion and recommends incorporating it into items 1a(2), 1b(2), and 2(b) of form FL-150(C).
CalCSA (continued)	4. The Committee recommends distinguishing long-term disability benefits from SSI. Comment: These types of income are treated differently therefore the distinction should be clear. It should read: 1b __ Long-Term disability benefits (not Supplemental Social Security Income.)	The committee agrees with the suggestion and recommends incorporating it, with minor modifications, into item 1(b) of form FL-150(C).

Commenter	Comment	Committee Response
CalCSA (continued)	Miscellaneous Income Attachment, FL-150(D), Page 27 Form instructions 1. The Committee recommends limiting the income received to 12 months instead of 24 months. Comment: Per caselaw, IRMO Riddle, the look back for the court is 12 months. It is unclear why two years of information is being requested here and exceeds statutory authority. It should read: (Include any income received in the past ~~24~~ 12 months that you have not listed somewhere else on your form FL-150 (Income and Expense Declaration.)	The committee appreciates the concern but does not agree that requesting information for a 24 month period exceeds its statutory authority. Both Family Code section 4060 and *In re Marriage of Riddle* (2005) 125 Cal.App.4th 1075 emphasize that courts have broad discretion to consider the period of time that most accurately reflects a party's prospective income. Accordingly, neither Family Code section 4060 nor *IRMO Riddle* establish a definitive 12-month reporting period. However, the committee agrees that reducing the period to 12 months will reduce the burden on the disclosing party and is unlikely to materially affect the usefulness of the information provided to the court. The committee recommends revising form FL-150(D) accordingly.
CalCSA (continued)	Section 1 1. The Committee recommends striking 1h and 1i. (…) Comment: Section 1h: Stipends for education, training or volunteer programs and section i scholarships or grants for personal living expenses as neither of those inputs are income under Family Code section 4058. It should read: ~~h. Stipends~~ ~~i. Scholarship~~s ~~j.~~ h. Interest income ~~k.~~ i. Dividend income ~~l.~~ j .Long-term capital gains ~~m.~~ k. Short-term capital gains ~~n.~~ l Annuity payments ~~o.~~ m. Other	The committee agrees with the suggestion and recommends incorporating it into item 1 (Type of Income You Receive) of form FL-150(D).
CalCSA (continued)	(…) And create two columns to decrease space it takes on the page.(…)	After reducing the number of subitems in item 1 of form FL-150(D) by implementing the commenter's previous suggestion, the committee believes there is no longer the space constraint that would justify using a two-column format. Accordingly, the committee recommends retaining the one-column format.

Commenter	Comment	Committee Response
CalCSA (continued)	Additional Expenses Attachment, FL-150(E), Page 28 1. The Committee recommends removing entirely and maintaining current section 13 of the FL-150. Comment: This form is duplicative and overcomplicates the listed expenses by separating them into two different forms, one of which this optional attachment, where the expenses should all be in one place for readability.	The committee appreciates the suggestion, but does not recommend eliminating form FL-150(E). The committee believes that using form FL-150(E) to collect additional discretionary expense information, while retaining the primary expense categories on form FL-150, makes the Income and Expense Declaration easier to complete without limiting the court's ability to obtain more detailed expense information when necessary. In response to another comment, the committee recommends restoring the expense categories for clothing, shoes, laundry, and cleaning to item 9 of form FL-150 and removed them from form FL-150(E).
CalCSA (continued)	Adoption of Lawyer's Fees Attachment, FL-150(F), Page 29 The Committee agrees with the proposed changes.	The committee agrees with the suggestion and recommends adopting form FL-150(F). In response to other comments received, the committee has clarified the instructions at the top of the form to indicate when parties should complete the applicable items.
CalCSA (continued)	Financial Statement (Simplified), FL-155, Page 30-32 Section 2 & Section ~~7~~ 6: Other Party's Information The Committee recommends combining sections 2: Information about the Other Party and the existing section 7: Other Party's Income, into one section before the current section 8: Additional Pages. (…) Comment: Consolidation of these two portions clarifies that everything in that section is about the other party and puts the other party's information all in one space. It should read: Other Party's Income: 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. a. Other Party's Name _____ Age: _____ ~~a.~~ b. Type of Income (ex: job, self-employment, disability) ~~b.~~ c. Your estimate in 14~~a~~ b is based on: _____ (…)	The committee appreciates the concern. The Judicial Council has standard formatting rules for the caption of plain language forms, which typically includes listing the parties in items 1 and 2. The committee considered including the other party's income information in item 2 of recommended form FL-155, but decided that it could be potentially confusing to begin an income declaration with information about the other party's income. The committee considered including a subitem in item 7 (Other Party's Income) of recommended form FL-155 to list the other party's name again, but decided against this as it would be duplicative and unnecessarily lengthen the form.

Commenter	Comment	Committee Response
CalCSA (continued)	(…) A section d. should be included to allow for any other information not expressly requested. (…) d. List any additional known information about the other party that concerns their ability to earn income. (Level of education, work experience, any professional licenses, union membership, any known health conditions that would limit ability to work.)	The committee appreciates the suggestion. The committee does not recommend adding a subsection regarding information about the other party's ability to earn income to item 7 (Other Party's Income) of recommended form FL-155. If a party wishes to provide information regarding the other party's earning capacity, they may complete and attach form FL-302. The committee has also included an instruction below item 7 on recommended form FL-155 regarding how to request an order based on earning capacity using form FL-302.
CalCSA (continued)	Section 3 (Now Section 2 – Replace title w/ Financial Circumstances)	The committee agrees with the suggestion and recommends incorporating it, with minor modifications, to item 3 of form FL-155.
CalCSA (continued)	1. The Committee recommends removing the dollar amount listed for each of the items that are not considered income and changing the format to read as an affirmative declaration. Comment: It is the position of DCSS that aid amount is not relevant as income because it is not considered income per FC 4058, has no impact on the calculation of support and is not a factor allowing deviation from guideline child support. It should read: ☐ I currently receive public assistance (CalWORKS, GA/GR, Tribal TANF, or SSI). ☐ I currently receive food assistance such as CalFRESH (SNAP) or WIC. ☐ I have recently applied for public assistance and/or food assistance and have not received a response yet. ☐ I am currently in jail, prison, or mandated detention and not receiving income. Section ~~4~~ 3 Tax Information Section ~~5~~ 4 Other Members of Your household Section ~~6~~ 5 Your children with the person in 2 Section ~~7~~ 6 Other Party's Income Section ~~8~~ 7 Other Section ~~9~~ 8 Additional Pages Section ~~10~~ 9 Signature under penalty of perjury.	The committee appreciates the suggestion but does not recommend eliminating the requirement to provide the amount of public benefits received, as understanding the amount will aid the court in obtaining a better understanding of the party's financial circumstances. The committee does not recommend changing the form to affirmative declarations in the first person, as form FL-155 is drafted consistently in the second person and changing to a first person format in only this section would be inconsistent with the remainder of the form and could create confusion for users.

Commenter	Comment	Committee Response
CalCSA (continued)	Request for Income and Benefit Information from Employer, FL-397, Page 33-34 The Committee agrees with the proposed changes.	The committee appreciates the comment and recommends retaining the proposed revisions in form FL-397.
California Department of Child Support Services (DCSS) by Traci Nagasawa Deputy Director	Position: Not indicated. The California Department of Child Support Services (hereinafter "Department" or "The Department") has reviewed the proposal identified above for potential impacts to the child support program, the local child support agencies, and our case participants. Specific feedback related to the forms with potential impacts to the Department and its stakeholders follows.	The committee appreciates the response.
DCSS (continued)	REQUEST FOR SPECIFIC COMMENTS: Family Law: Financial Disclosure Forms SPR26-17 Does the proposal appropriately address the stated purpose? The purpose of the proposal is to revise forms to implement federal tax changes, clarify and organize details required for financial disclosures in support proceedings. Updating the forms would make them more user-friendly, easier to navigate, and would provide opportunities for more complete financial disclosure, accounting for more modern expenses and forms of income. Clearer forms and structured attachments may reduce the need for continuance and post-hearing corrections.	The committee appreciates the comment and notes the commenter's support for the recommended forms revisions.

Commenter	Comment	Committee Response
DCSS (continued)	Form FL-150 – Income and Expense Declaration During our review of the form changes, it was identified that two items associated with the H.R. 1 are not listed on the proposed FL-150. Those two items are listed below: Qualified Passenger Vehicle Interest Qualified Passenger Vehicle Interest is new with the H.R. 1 changes and does not exist on the current or the proposed FL-150. Recommendation: Add a line for Qualified Passenger Vehicle Interest under the Deduction section of the proposed FL-150.	The committee considered adding information regarding the qualified passenger vehicle interest deduction to form FL150 but does not recommend doing so because the circumstances under which a party may claim the deduction are narrow. Determining whether a party qualifies for the deduction would require the form to include multiple additional questions and instructions. Given that many commenters have expressed concern about the length of proposed form FL-150 and that relatively few parties may qualify for the deduction, the committee does not recommend including this deduction on form FL-150. In addition, other long-standing above-the-line deductions (e.g., student loan interest) are also not included on recommended form FL-150. Finally, form FL-150 includes instructions directing parties to bring their most recent tax return to their hearing, where all deductions are reflected.
DCSS (continued)	Charitable Contributions On the current FL-150, Charitable Contributions are under Monthly Expenses. On the proposed FL-150, they are proposed to be moved to the FL-150 (E) under gifts or donations to charity. On the CSE Guideline Calculator and the Public Guideline Calculator, Contribution Deductions are found under Itemized Deductions and Other Tax Deductions (standard deductions only). • Recommendation: Add a line for Contribution Deductions (standard deduction only) on the Deduction section of the proposed FL-150. • Alternative Recommendation: Add Contribution Deductions on the proposed FL-150 under the Deduction section and add checkboxes to indicate itemized or standard deduction.	The committee does not recommend adding charitable contributions as a separate deduction on recommended form FL-150. Given that many commenters have expressed concern about the length of proposed form FL-150 and that relatively few people may claim the deduction, the committee does not recommend including it as a separate line item on form FL-150.

Commenter	Comment	Committee Response
DCSS (continued)	Future Considerations While Spousal Support is not part of the H.R. 1 changes, during our review we did not see New Spouse Spousal Paid Other Relationship listed on the current or proposed FL-150. Since this is part of the SB 711 tax updates, we believe we should allow for participants to report when their new spouse is paying spousal support as there could be tax implications related to this.	The committee considered adding information regarding the tax treatment of spousal support paid by a new spouse for a party who is a joint filer but does not recommend doing so because the circumstances under which this issue would arise are narrow. Determining the applicable tax treatment would require the form to include additional questions and instructions regarding the filing status and tax circumstances of the party and the new spouse. Given that many commenters have expressed concern about the length of proposed form FL-150 and that relatively few parties may be in this situation, the committee does not recommend including information about spousal support paid by a new spouse on form FL-150. In addition, form FL-150 contains only limited information regarding new spouse income (through the household members item) and does not include any questions regarding tax treatment of new spouse income. Accordingly, the committee does not recommend adding a question addressing the tax treatment of spousal support paid by a new spouse.
DCSS (continued)	Form FL-397 – Request for Income and Benefit Information from Employer DCSS agrees with the proposed FL-397. • Recommendation: Add a line requesting the employer to provide child support paid for other children if it is being garnished.	The committee appreciates the suggestion. Because adding a requirement that employers report child support garnishments for other children would constitute an important substantive change to the proposal, the committee believes that public comment should be sought before adoption of such a revision. The committee may consider this suggestion during a future cycle as time and resources permit.

Commenter	Comment	Committee Response
DCSS (continued)	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 FL-150? DCSS agrees with removing 11(b) and 11(c) from the current FL-150 and allowing this information to be something requested of participants directly from the court.	The committee appreciates the comment. Although the commenter agreed with the proposed removal of these questions, based on comments received, the committee has decided to retain the content of the questions in item 11(a) (cash and bank accounts), 11(b) (stocks, bonds, and investment accounts), and some content of 11(c) (real and personal property) on current form FL-150 in item 11 of recommended form FL-150. The committee has also made some revisions to the phrasing of the questions to make them easier for parties to understand and respond to.
Family Law Section Executive Committee (FLEXCOM) of the California Lawyer's Association	Position: Agree if modified. FLEXCOM generally agrees with this proposal. FLEXCOM agrees that DV-570 should be revoked.	The committee appreciates the comment and acknowledges the commenter's agreement with these aspects of the proposal.
FLEXCOM (continued)	FLEXCOM agrees with the proposed revisions to FL-150. However, FLEXCOM suggests the following additional revisions. On page 2, section 4(a), "other" should be added as some persons are full time because they work multiple jobs but no one job is enough time to provide benefits.	The committee appreciates the suggestion. However, the committee does not recommend adding an "other" box to item 4(a) on recommended form FL-150. The committee understands the concern that some parties may work multiple jobs without any single job being full-time employment. However, item 4 is designed to collect information about one job at a time, and item 4(g) provides instructions for reporting additional jobs. Adding an "other" option to item 4(a) could create confusion by suggesting that the work schedule information in item 4 applies to multiple jobs rather than the single job being described.
FLEXCOM (continued)	On page 2, section 4(b), a space to insert an hourly wage amount should be added.	The committee does not recommend implementing this suggestion because item 4 of form FL-150 captures the party's general employment details rather than the hourly wage associated with a particular job. In addition, hourly rates may vary based on factors such as overtime, shift differentials, multiple positions, or different rates of pay. Accordingly, requesting an hourly wage in item 4 would not necessarily provide a complete or accurate picture of the party's income.

Commenter	Comment	Committee Response
FLEXCOM (continued)	On page 4, section 7, "do not include retirement accounts" should be added as an explanatory note.	The committee agrees with this suggestion and recommends incorporating it, with minor modifications, into item 11(b) (stocks, bonds, and investment accounts) of form FL-150. The committee also notes that item 7 has been moved to item 11 of recommended form FL-150.
FLEXCOM (continued)	On page 4, section 8(a), "year you last filed your taxes" should be changed to "last tax year for which you filed." The language as currently proposed is confusing because a person could have last filed in 2025 for a prior taxable year.	The committee agrees with this suggestion and recommends incorporating it, with minor modifications, into item 8(a) of form FL-150 and item 4(a) of form FL-155.
FLEXCOM (continued)	On page 5, section 10(a)(4), the heading "Food (groceries, eating out, household supplies) should be broken down into 3 separate categories instead of lumping them together: Groceries, eating out and household supplies.	The committee agrees that putting household supplies in a category labeled "food" may cause confusion. The committee recommends creating a separate category for household supplies in item 9 (Your Basic Expenses) of form FL-150. However, the committee does not recommend separating groceries and eating out, because both categories reflect food expenses and the committee does not believe separate line items would provide sufficiently different information to justify additional complexity.
FLEXCOM (continued)	On page 5, section 10(b) should include more lines. Most people have considerably more monthly expenses to list than the space currently allows.	The committee agrees with the suggestion and recommends expanding item 9(k) on form FL-150 from three lines to five lines. The committee also recommends adding instructions to use an attachment, if more space is needed. For ease of reference, the committee notes that item 9(k) on recommended form FL-150 corresponds to item 10(b) on proposed form FL-150.

Commenter	Comment	Committee Response
FLEXCOM (continued)	On page 6, section 11(a), a space should be added for the litigant to offer explanation when they check the box "timeshare unknown."	The committee does not recommend adding a subitem to item 12 on recommended form FL-150 to allow parties to explain why the timeshare is unknown. If there is a court-ordered timeshare, that information will generally be reflected elsewhere in the court record. If there is not a court-ordered timeshare, the court can make further inquiry, as appropriate, to determine the parenting schedule.
FLEXCOM (continued)	On page 6, Section 11(b), "the monthly cost is" should be changed to "the monthly cost to cover the children is." Otherwise, it may be interpreted as asking for the total cost, which should be stated on page 4, section 6(a).	The committee agrees with this suggestion and recommends incorporating it, with minor modifications, into item 12(c) of form FL-150. For ease of reference, the committee notes that item 11(b) of proposed form FL-150 has been renumbered to item 12(c) of recommended form FL-150.
FLEXCOM (continued)	FLEXCOM agrees with the proposed adoption of new forms FL-150(A), FL-150(B), FL-150(C), FL-150(D) and FL-150(F).	The committee appreciates the comment.
FLEXCOM (continued)	FLEXCOM agrees with the adoption of FL-150(E) and offers the following clarifying suggestions. In Section 2, "cable, satellite TV, Roku, etc." should be added.	The committee appreciates the suggestion and recommends adding "cable" and "satellite" as examples on item 1 (Subscriptions and Electronic Services) of form FL-150(E). For ease of reference, the committee notes that item 2 on proposed form FL-150(E) has been renumbered as item 1 on recommended form FL-150(E). The committee does not recommend including "Roku" as an example because the committee generally does not recommend identifying specific companies or brand names in Judicial Council forms.

Commenter	Comment	Committee Response
FLEXCOM (continued)	In section 3,"AAA, and spa memberships" should be added.	The committee appreciates the suggestion and recommends adding spa memberships and auto club memberships to item 2 (Personal Care and Memberships) of form FL-150(E). However, the committee does not recommend listing specific companies or brands. For ease of reference, the committee notes that item 3 on proposed form FL-150(E) has been renumbered to item 2 on recommended form FL-150(E).
FLEXCOM (continued)	In section 4, "camps" should be eliminated because for many parents, camps are necessary childcare, especially during extended school holiday and summer breaks.	The committee agrees and recommends making the requested revision to item 3 (Enrichment Programs for Your Child) of form FL-150(E). For ease of reference, the committee notes that item 4 on proposed form FL-150(E) has been renumbered as item 3 on recommended form FL-150(E).
FLEXCOM (continued)	In section 7, "vacations" should have a subset that says "accommodations, airfare, cruise travel".	The committee agrees and recommends making the suggested changes, with minor modifications, to form FL-150(E).
FLEXCOM (continued)	FLEXCOM agrees with the proposed modifications of FL-155 and FL-397.	The committee appreciates the comment and acknowledges the commenter's support for the proposed revisions to forms FL-155 and FL-397.
Hon. D. Lynn Collet Judge Superior Court of Madera County	Position: Agree if modified. For the most part I agree that the proposed changes for 2027 will hopefully be helpful and garner more consistent compliance with completion of the information necessary for the court's determination in financial issues.	The committee appreciates the comment and acknowledges the commenter's general support for the proposal.

Commenter	Comment	Committee Response
Hon. D. Lynn Collet (continued)	My limited concerns are as follows: 1.On the current FL-150 parties are directed in bold at the top of page 2 regarding additional documentation that must be provided. That information is now at the bottom of page 3, only Important! is in bold and a large bold ! is to the left of it. Parties consistently don't attach or provide the documents now; so, I am concerned that they will still not attach the documents.	To address the commenter's concerns, the committee recommends adding item 17 (Proof of Income and Expenses) to form FL-150. This item will require parties to identify the proof of income and expenses they are attaching to the form. In addition, the committee has replaced the block instructional text following item 5 (Your Current Income) with specific instructions regarding the proof that should be attached for each income type, located directly next to the applicable income category in item 5. The committee believes these changes will improve compliance with the requirement to attach supporting documentation.
Hon. D. Lynn Collet (continued)	When this is put into place on the website, can it be done in a manner to which there is a question that the party must answer about attaching the documents. Like Turbo Tax or other programs prompt you that you may have forgotten something? Or maybe a brief checklist? (case number, name, your facts, signed, dated, documents attached?)	The committee appreciates the suggestions and recognizes the value of prompts and checklists to help parties ensure that required information and attachments are included. However, the committee notes that these suggestions are beyond the scope of the invitation to comment.
Hon. D. Lynn Collet (continued)	2. The information that was previously in items 11.b. and 11.c. on the FL-150 are frequently utilized for purposes of determining attorneys' fees awards. It has been suggested that the court order a party to file form FL-160 or FL-142 when attorney's fees are at issue in lieu of including this information in the new forms. Is it possible if a party is requesting attorney's fees or responding to a request for such fees to include in form FL-150(F) for one of those documents to be filed and attached or maybe it should be included in form FL-319?	The committee appreciates the suggestion. Although the commenter suggested requiring additional forms when attorney's fees are at issue, based on comments received, the committee has decided to recommend retaining the content of the questions in item 11(a) (cash and bank accounts), 11(b) (stocks, bonds, and investment accounts), and some content of 11(c) (real and personal property) from current form FL-150 in item 11 of recommended form FL-150. Accordingly, the committee does not recommend requiring parties to complete additional forms regarding property.

Commenter	Comment	Committee Response
Hon. Anne Costin Judge Superior Court of San Francisco County	Position: Not Indicated. Good afternoon, I write to submit my comment regarding the FL-150 form. I sat recently for 1.5 years in a general family law assignment and regularly used the FL-150 form to assess litigants' financial situations for support and fee requests. Section 11 on the form is an incredibly important piece of information that should most certainly not be removed. Judges are tasked with assessing true financial need taking the parties' entire financial picture into account. Is a litigant with millions in stock that they can access at any time in the same financial position as someone with no savings? Is a litigant paying a $4,000 monthly mortgage for a $5 million home that they own in the same financial position as someone paying $4,000 per month in rent with no equity? Of course not. I was very surprised to see this was even a consideration of removal from the form. I feel strongly that doing so would make judges' jobs even more difficult. Thank you, [signature block omitted]	The committee appreciates the comment and acknowledges the commenter's concern regarding the importance of asset information in evaluating support and attorney's fees requests. Based on comments received, the committee has decided to recommend retaining the content of the questions in item 11(a) (cash and bank accounts), 11(b) (stocks, bonds, and investment accounts), and some content of 11(c) (real and personal property) from current form FL-150 in item 11 of recommended form FL-150. The committee recommends some revisions to the phrasing of the questions so that they will be easier for parties to understand and respond to.

Commenter	Comment	Committee Response
Harriet Buhai Center for Family Law (Buhai Center) by Rebecca L. Fischer Managing Director of Legal Programs Los Angeles	Position: not indicated. To the Family and Juvenile Law Advisory Committee, Thank you for your request for comments on the proposed changes to the Judicial Council Forms. The Harriett Buhai Center for Family Law is a non-profit family law legal services organization that serves low-income litigants in Los Angeles County. Our mission is to ensure meaningful access to justice and stability through the family law system. We provide free legal services, education, and advocacy. In addition to the free case management, pleading preparation, and in-court representation we provide for hundreds of clients each year in family law cases, we also provide free legal advice to hundreds more litigants each year in individual consultations designed to help them resolve their family law issues. Our clients are unable to afford an attorney, either for in-court representation or for even limited legal advice. Many clients seek services at the Buhai Center after attempting to proceed in their matters as self-represented litigants. In addition to our direct legal services, we provide education to the self-represented client community, service providers, and to law students and attorneys to help them better access the family law system. We have extensive experience practicing family law, supporting self-represented litigants, and in training the community on family law and the family court system, including court forms. We have participated in the Judicial Council Invitations to Comment process for decades. We hope our perspective, both as direct service providers as well as community educators will be useful in this review process. Ms. Fischer is happy to speak further with you about our comments. Please do not hesitate to contact her at [contact information and signature block omitted].	The committee appreciates the comment.

Commenter	Comment	Committee Response
Buhai Center (continued)	However, we have serious concerns about the proposed revisions. We strongly advocate that the Committee delay the more significant proposed changes to allow for additional time for comments and further feedback, particularly from organizations that routinely assist self-represented litigants and to make only the minimal changes necessary to comply with the changes necessitated by House Resolution No. 1 (H.R. No. 1). The Committee noted in its proposal that it considered this option but elected to propose more significant revisions. We urge the Committee to reconsider. As noted in the proposal, this is the most significant set of proposed changes to FL-150 and associated forms since 2004. These modifications will have a huge direct impact on family law litigants, particularly self-represented litigants. Despite the importance and long-standing need for these changes, there was an *extremely* short period of time for comment, particularly for a proposal that included substantial revisions to a common and complicated form (FL-150), the introduction of four new mandatory attachment forms (FL-150(A), FL-150(C), FL-150(D), FL-150(F)), the introduction of two optional forms (FL-150(D) and FL-150(E)), and the proposed revision of critical forms FL-155 and FL-397. Many organizations providing critical support to self-represented litigants will not have had sufficient time to even consider the proposed changes let only be able to suggest alternative proposals to address the needs and concerns we have as a result of our daily practice supporting family law litigants. Allowing additional time for feedback, including alternative proposals, before finalization of this form will help ensure the form is appropriate for self-represented litigants, the population the committee accurately identified as most in need of accessible forms.	The committee appreciates the comment. The committee does not recommend deferring the proposal. During the comment period, the committee received a large number of detailed comments from a wide range of stakeholders, including courts, judicial officers, court staff, and governmental and non-governmental organizations. Many commenters expressed support for the proposal or aspects of the proposal, and some expressed the view that changes to form FL-150 were long overdue. Although commenters raised numerous suggestions for modification, no other commenter requested more time to provide comment. The committee has incorporated many recommended revisions in response to public comment. In addition, as explained in the invitation to comment, the committee specifically sought suggestions from the public in 2018 to improve form FL-150 and has incorporated many of those suggestions into this recommendation. The committee notes that family law forms are often revised due to legislative mandates and other reasons, including improvements identified by stakeholders. The committee will continue to work with courts, service providers, and other stakeholders to improve the usability of these important forms.

Commenter	Comment	Committee Response
Buhai Center (continued)	As proposed, the Buhai Center is very concerned that the proposed changes will only worsen the confusion for self-represented litigants instead of alleviating it. FL-150 is routinely used, showing up in most cases (and all dissolutions), and the applicable rules often require repeated filings of updated FL-150s, particularly in contested cases. The current FL-150 is four pages. The proposed FL-150 is seven pages, and(. . .)	The committee understands the concern that the proposed revisions may increase confusion for self-represented litigants. The committee notes that much of the additional length of recommended form FL-150 is attributable to increasing font size, adding white space, and including plain-language instructions. The committee believes these revisions will make the form easier to read and complete, assist self-represented litigants in providing complete and accurate information, and improve accessibility for users with disabilities.
Buhai Center (continued)	(. . .)with mandatory attachments, a party could easily need to complete 17 pages of forms. Many self-represented litigants are self-employed, receive disability income, or have mixed income sources. For those people, the proposal more than doubles the number of pages they would need to review and complete even accounting for changes in text size.	The committee understands the concern that parties with multiple sources of income may be required to complete additional attachment forms. The committee notes that there are ten pages of recommended attachment forms in addition to form FL-150. Of those ten pages, seven are mandatory and three are optional. The committee also notes that it is not expected that parties would need to complete every attachment page as the attachments apply only to specific types of income or expenses and parties complete only those that correspond to their individual circumstances.
Buhai Center (continued)	This increase, particularly where the likelihood is high that this work will need to be completed at multiple stages of a case, imposes a significant burden on self-represented litigants, especially those who may already face additional barriers to self-representation and completion of even the simplest forms, such as language barriers, mental or physical disability, or limited education.	The committee recognizes the concern that additional disclosure requirements may increase the burden on some self-represented litigants. However, the committee believes that the improvements to recommended form FL-150 and the new attachment forms, which are designed to facilitate more complete and organized financial disclosures to the court, will reduce current barriers that litigants face, including unnecessary court continuances and other delays in the process. The committee will continue to work with courts, service providers, and other stakeholders to improve these forms to reduce barriers to access.

Commenter	Comment	Committee Response
Buhai Center (continued)	In addition to the sheer number of pages, the proposed FL-150 does not provide a clear roadmap for self-represented litigants navigating the numerous attachments. The proposed FL-150 requires triage decisions at six different points about which attachments to complete (items 5(e), 5(f), 5(g), 5(n), 10(c), and 13), but there is no centralized guide for completing the form. A companion checklist or decision-tree flowchart (similar in concept to the revoked DV-570 but applying to the FL-150 attachments) would help self-represented litigants identify their required forms.	The committee appreciates the suggestion and recognizes the concern that self-represented litigants may benefit from additional guidance in determining which attachment forms are required. The committee will consider whether to propose a companion information sheet in a future rules cycle. In the meantime, recommended form FL-150 includes specific instructions identifying when each attachment must be completed.
Buhai Center (continued)	The proposal also does not address translation. The Committee should prioritize translating FL-150 and all attachments into Spanish and other threshold languages --ideally before finalization--both to confirm the form will be accessible to the majority of litigants and to ensure that the translation does not create ambiguity that could otherwise be resolved before finalization of the form.	The committee appreciates the suggestion and recognizes the importance of making Judicial Council forms accessible to litigants with limited English proficiency. Whether forms are translated into languages other than English depends on several factors, including available resources and Judicial Council translation priorities. To that end, the committee will share the suggestion with the Judicial Council's Language Access Implementation team for consideration.
Buhai Center (continued)	Allowing time for alternative proposals could also help generate forms or questions that would be most useful to self-represented litigants such as an optional form for litigants with second jobs. This situation is common among self-represented litigants particularly as many are increasingly employed in the "gig economy." Time for questions would also be helpful in identifying confusion in existing language that could be appropriately addressed in instructions or rephrased to encourage greater accessibility.	The committee appreciates the suggestion and considered a separate attachment for litigants with multiple jobs but decided to include instructions in item 4(g) of form FL-150 directing parties with multiple jobs to provide additional job information on an attachment. The committee believes this approach provides the necessary information without requiring an additional mandatory form. As noted above, the committee will continue to work with courts, service providers, and other stakeholders to improve the accessibility and usability of these forms.

Commenter	Comment	Committee Response
Buhai Center (continued)	While we understand the need to revise the form to address implementation of H.R. 1's exemption of certain income attributable to tips and overtime from federal taxation, the implementation does not necessitate a full revision of the forms and there can and should be time for careful consideration of how best to revise the forms. We strongly urge the Committee to reconsider the option of only implementing the minimal changes to comply with H.R. No. 1 and to create a new Invitation to Comment on the more expansive overhaul of the form to encourage a broader and deeper discussion about these critical forms.	For the reasons discussed above, the committee does not recommend deferring this proposal. The committee received extensive public comment from a broad range of stakeholders, including detailed comments recommending revisions to the proposal, and has incorporated numerous changes in response to those comments. The committee also notes that improving Judicial Council forms is an ongoing process, and it will continue to work with courts, service providers, and other stakeholders to evaluate and improve these forms in the future.
Buhai Center (continued)	Form Specific Comments: In the event that the Judicial Council elects to proceed with the significant revisions made in this proposal, the Buhai Center respectfully provides the following comments as to the specifics of the proposed draft forms. In the limited time available to review and respond to the forms, the Buhai Center focused on the proposed FL-150 and associated forms rather than the less commonly used and less complicated FL-155. The Buhai Center has no comments regarding revisions to FL-397.	The committee appreciates the comment.

Commenter	Comment	Committee Response
Buhai Center (continued)	Supported Revisions in the Proposal: The following are aspects of the proposed revision the Buhai Center supports and would encourage the Committee to maintain, including if the proposed forms are subject to additional rounds of comments. • FL-150: ○ Signature line: We support moving the signature line to the end of the form. ○ Item 3: We support updating item 3 to correspond to FL-302. ○ Item 5: We support updating item 5 to include more types of income. ○ Restructuring expenses: Removing lifestyle or discretionary expenses to an optional form is a beneficial change. Parties who need to demonstrate marital standard of living or lifestyle expenses for spousal support purposes will be able to use new form FL-150(E). ○ Identifying item 11(b) as "private" health insurance: Adding the word "private" to the health insurance question for children is a helpful clarification. Under the current form, parties—particularly those on Medi-Cal—are frequently confused about whether to list their public health coverage. Specifying "private" health insurance eliminates that ambiguity. ○ Removal of parenting schedule description: We agree this information is generally available elsewhere in the court record and the unstructured description of the custody arrangement in the current FL-150 could conflict with other filings.	The committee appreciates the comment and acknowledges the commenter's support for the revisions noted by the commenter. Based on this and other comments received, the committee recommends these revisions, with minor modifications where appropriate.

Commenter	Comment	Committee Response
Buhai Center (continued)	Recommended Revisions The Buhai Center respectfully requests the committee consider further modifying the proposed form group as follows. Create new form FL-150 - Information and Instructions: Include flowchart for completing FL-150 and any appropriate attachments as described above. Provide definitions and brief explanatory notes (example: FL-160 page 4) of terms including as noted below regarding taxable spousal support.	The committee appreciates the suggestion to create a companion information sheet for form FL-150 that would include a flowchart and additional explanatory information. The committee may consider whether to propose such an information sheet in a future rules cycle. The committee responds to the commenter's specific suggestions regarding the spousal support item below.
Buhai Center (continued)	Modify proposed FL-150: Add additional education level to item 3: add "have not completed high school" to the available options.	The committee agrees with this suggestion and recommends incorporating it, with minor modifications, into item 3 of form FL-150.
Buhai Center (continued)	Add additional box to item 4: "I have never been employed."	The committee agrees with this suggestion and recommends incorporating it, with minor modifications, into item 4 of form FL-150.
Buhai Center (continued)	Clarify items 5(k) and 6(f) taxability of support: A self-represented litigant is unlikely to know how to determine taxability of spousal support. This is particularly true for parties whose orders have been modified as they would need to determine not only when the original order was executed but also whether a subsequent modification expressly adopted the post-TCJA treatment. The proposed form includes a link to https://selfhelp.courts.ca.gov/divorce/spousal-support/taxes, which is a helpful resource but requires the declarant to have internet access. Many self-represented litigants complete these forms at self-help centers, public libraries, or at home without reliable internet access. The Buhai Center encourages the committee to consider adding a text-based explanation on a separate information sheet with a reference in this area instead of a link	The committee appreciates the comment. The committee notes that self-represented litigants may not be able to identify the taxability of various income types, but current form FL-150 does not include explanatory guidance regarding the tax treatment of other income types. The committee recognizes that many litigants may not have internet access at the time they are completing the form. However, given the complexity of the legal issue and the length required to accurately explain it in simplified language, the committee does not recommend adding explanatory text to form FL-150 on this issue. Many commenters expressed concern about the length of form FL-150. While the committee shares those concerns, the committee notes that legal service providers or self-help centers may print and distribute the information available on the California court's self-help webpage to litigants who do not have internet access.

<table>
<tr><th>Commenter</th><th>Comment</th><th>Committee Response</th></tr>
<tr><td>Buhai Center (continued)</td><td>[Footnote 1] A potential reference guide could look something like this: Item 5(k) (support received):
<table>
<tr><td>When your order was first made in California?</td><td>Federally taxable?</td><td>Taxable by California?</td></tr>
<tr><td>Before January 1, 2019 (and not changed to adopt new tax rules)</td><td>Yes</td><td>Yes</td></tr>
<tr><td>January 1, 2019–December 31, 2025</td><td>No</td><td>Yes</td></tr>
<tr><td>On or after January 1, 2026</td><td>No</td><td>No</td></tr>
</table>
If your order was changed (modified) after it was first made, the original tax rules usually still apply — unless the new order specifically says it adopts new tax rules. If you are not sure when your order was made or whether it was changed, check your court order, bring it to your hearing, or ask the Family Law Facilitator for help. Item 6(f) (support paid): The tax treatment of spousal support depends on when your order was first made. Use the chart below to answer:
<table>
<tr><td>When your order was first made</td><td>Federally taxable?</td><td>Taxable by California?</td></tr>
<tr><td>Before January 1, 2019 (and not changed to adopt new tax rules)</td><td>Yes</td><td>Yes</td></tr>
<tr><td>January 1, 2019–December 31, 2025</td><td>No</td><td>Yes</td></tr>
<tr><td>On or after January 1, 2026</td><td>No</td><td>No</td></tr>
</table>
If your order was changed (modified) after it was first made, the original tax rules usually still apply — unless the new order specifically says it adopts new tax rules. If you are not sure when your order was made or whether it was changed, check your court order, bring it to your hearing, or ask the Family Law Facilitator for help.</td><td>The committee appreciates the suggestion but does not recommend adopting the text proposed by the commenter on recommended form FL-150, as it does not address domestic partner support and could be interpreted as providing legal advice rather than legal information.</td></tr>
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Commenter	Comment	Committee Response
Buhai Center (continued)	Reconsider pay stub requirement changed from two to three months (page 3 of proposed FL-150): The current FL-150 requires pay stubs for the last two months. The proposed FL-150 requires three months (see "Important!" box after item 5(n)). This change is not mentioned or justified anywhere in the ITC narrative. Three months increases the documentation burden on parties, particularly those with unstable` employment or paper stubs. The committee should explicitly justify the change or revert to two months.	After reviewing the comments, the committee does not recommend reverting to the current requirement of two months of pay stubs on recommended form FL-150. The committee recognizes that requiring three months of pay stubs increases the documentation burden on some parties. However, other commenters supported requiring additional supporting documentation to aid the court in determining the party's current and prospective income. On balance, the committee believes that requiring three months of pay stubs will provide the court with a more complete picture of a party's income while avoiding the need for additional requests for documentation in many cases.
Buhai Center (continued)	Revise item 10(a)(4) "Food": We suggest treatment of public assistance should be clarified. Item 10(a)(4) asks for the average monthly amount spent on "Food (groceries, eating out, household supplies)." For parties receiving CalFresh (SNAP), WIC, or other food assistance benefits, this question can be confusing because it is unclear whether the party should report: (1) the total value of food consumed each month, including benefits, or (2) only the out-of-pocket amount paid in addition to those benefits. The form should expressly clarify what amount should be reported. For example: "Food (groceries, eating out, household supplies). If you receive food assistance such as CalFresh or WIC, list only the amount you personally pay in addition to benefits received." Clear guidance would reduce confusion, improve consistency in reporting, and help prevent inaccurate financial disclosures.	The committee agrees that recommended form FL-150 should clarify how to report expenses covered through food assistance to avoid confusion. The committee recommends adding the instruction, "Include expenses paid with food assistance such as CalFresh" to the food expense subitem in item 9 of form FL-150. The committee notes that item 10 of proposed form FL-150 is now item 9 of recommended form FL-150.

Commenter	Comment	Committee Response
Buhai Center (continued)	Revise item 10(b) credit card exclusion: The instruction is confusing. Item 10(b) instructs parties: "Do not include one-time payments or credit card payments for ongoing expenses you already listed above." Many low-income litigants pay recurring expenses (phone, food, gas) on credit cards. Over time, the credit card invoice simply shows a remaining balance, without indicating what led to the amount that was spent. A party carrying a $3,000 credit card balance that includes months'- or years'-old groceries, gas, and phone payments cannot meaningfully parse out which portion is an "ongoing expense already listed." The instruction should be re-worded to acknowledge this reality, or the committee should provide guidance on how to report blended credit card debt.	The committee agrees that, as proposed, the instruction regarding credit card payments on proposed form FL-150 may cause confusion. The committee recommends removing that instruction from form FL-150 and instead adding a clearer instruction at the top of item 9: "Do not repeat the same expense in different categories." The committee notes that item 10 of proposed is now item 9 of recommended form FL-150.
Buhai Center (continued)	Revise Item 10(b): Three lines is not sufficient for debt payments for many litigants. We recommend increasing to five lines.	The committee agrees with the suggestion and recommends expanding the item regarding debt payments on form FL-150 to five lines instead of three. The committee also recommends adding a checkbox indicating that additional pages are attached if more space is needed.
Buhai Center (continued)	Revise proposed form FL-150(A): This is an intimidating form triggered whenever any variable income exists, including a small holiday bonus. However, the form is four pages long and includes complex issues such as RSU vesting schedules and ESPP lookback provisions. We recommend item 5(e) list the variable income in the same order as listed on FL-150A and refer to the relevant item number of FL-150 A. Example: Item 5(e) Bonuses, Commissions, Stock-Based Compensation, Other Variable Income. If you check this box, you must attach FL-150A and complete the relevant section(s): Bonuses (FL-150A Item 1), Commissions (FL-150A Item 2), Stock-Based Compensation (FL-150A Item 3), Other Variable Income (FL-150A Item 4).	The committee appreciates the suggestion but does not recommend adding item numbers in the instructions to item 5e on form FL-150. The committee is concerned that including item numbers would increase the length of the instruction and make it more difficult to read. The committee notes that form FL-150(A) includes instructions at the beginning of each section identifying when a party should complete that section, allowing parties to complete only those section that apply to their circumstances.

Commenter	Comment	Committee Response
Buhai Center (continued)	Revise FL-150(F) (Lawyer's Fees Attachment): The form has two sections, one for a current paid attorney (item 1) and one for a previous paid attorney (item 2) but does not include instructions directing the declarant. A self-represented litigant who previously had paid counsel but is now pro se may not realize they need to complete the form or may not understand which section applies. A party with both a current and former paid attorney needs to know to complete both sections. Suggestion: add directions at the top of the form (e.g., "Complete Section 1 if you currently pay for an attorney to represent you in this case. Your attorney must sign Section 1. Complete Section 2 if you previously paid an attorney in this case who no longer represents you. If both apply to you, complete both sections.").	The committee agrees and recommends implementing the suggestion, with minor modifications, at the beginning of form FL-150(F).
Buhai Center (continued)	II. 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 Buhai Center supports removing items 11(b) and 11(c) with reservations. While the one-line net worth estimate is difficult for self-represented litigants to fill in, the term "easily sold" is subjective, and better-designed forms exist for this purpose (FL-160, FL-142). The estimates serve an important practical purpose for the court in providing an immediate ballpark understanding of the parties' overall financial circumstances and potential estates. We propose adding an additional line for "estimated fair market value of all other property minus the debts you owe" with an option for litigants to put in a number or mark a box for "attached FL-160/ FL-142)."	Based on comments received, the committee recommends retaining the content of the questions in item 11(a) (cash and bank accounts), 11(b) (stocks, bonds, and investment accounts), and some content of 11(c) (real and personal property) in item 11 of form FL-150. The committee has made some revisions to the phrasing of the questions so that they will be easier for parties to understand and respond to. The committee does not recommend replacing these questions with an estimated fair market value line or an option to attach form FL-160 or FL-142, as it believes the revised questions will provide the court with more useful information while remaining easier for parties to complete.
Lisa Kindel Family Law Facilitator Superior Court of El Dorado County	Position: Agree if modified. Top of form: It would make the most sense to keep the caption box of the form the same as most other forms.	The committee appreciates the response. The current form uses the standard format for Judicial Council forms. The committee does not recommend retaining that format and instead recommends changing the form to a plain language format, which was designed to be easier to use for self-represented litigants. The plain language format includes a more intuitive caption, larger font size and more white space.

Commenter	Comment	Committee Response
Lisa Kindel (continued)	Item 10 Update- Removing the "estimated", "actual", and "proposed" poses significant issues with parties who are in high litigation as they use this as a way to allege perjury, funds from other sources, debt, etc.	The committee understands the concern, but does not recommend retaining the estimated expenses, actual expenses, and proposed need categories in item 9 of recommended form FL-150. The committee believes that asking parties to include "average monthly" expenses is sufficient for the court to ascertain each party's financial circumstances. The committee notes that parties may serve discovery to facilitate additional disclosure, when appropriate.
Lisa Kindel (continued)	Item 11(b) and (c) update- Very commonly used for attorney's fee awards and think it is relevant to keep on the forms.	Based on comments received, the committee recommends retaining the content of the questions in item 11(a) (cash and bank accounts), item 11(b) (stocks, bonds, and investment accounts), and portions of item of 11(c) (real and personal property) in item 11 of form FL-150. The committee has also revised the phrasing of these questions to make them easier for parties to understand and answer.
Legal Aid Foundation of Los Angeles (LAFLA) by Paula R. Savage, Special Counsel—Family Law Survivor & Family Justice Workgroup	Position: Agree if modified. The Legal Aid Foundation of Los Angeles (LAFLA) submits the following comments in response to the Judicial Council's Invitation to Comment number SPR26-17. This proposal revises the *Income and Expense Declaration (form FL-150)*[(footnote 1] Hereinafter all references to this form will be abbreviated to FL-150[)] and *Financial Statement (Simplified) (form FL-155*). [(footnote 2] Hereinafter all references to this form will be abbreviated to FL-150[)] We support the proposal with the following suggestions for the Council's consideration.	The committee appreciates the comment and acknowledges the commenter's support for the proposal, subject to the suggested modifications, which are discussed below.

Commenter	Comment	Committee Response
LAFLA (continued)	LAFLA is one of the largest nonprofit law firms in Los Angeles County providing legal services to its most underserved residents. For over 95 years, LAFLA has continued to protect and advance the rights of low-income residents. Each year, LAFLA assists more than 100,000 people living in poverty across the Greater Los Angeles area through direct representation, community education, and systemic advocacy. Our family law practice focuses on helping survivors of domestic and intimate partner violence to obtain protection from their abusers, leave abusive relationships, and rebuild their lives. We meet survivors where they are and provide access to a full range of critical legal services, including community-based clinics. [text noting continuation on next page omitted]	The committee appreciates the information.
LAFLA (continued)	SUPPORT WITH SUGGESTED EDITS, FL-150: a. Date job started – The current form asks, at question 1, the date the litigant started their current or most recent job. The new form, at question 4, asks detailed questions about the litigant's work but omits asking when the litigant started this job. For our low-income clients, especially those escaping from domestic violence, they may have only started their current job very recently. This is significant information for a bench officer when assessing stability and financial need. It may further indicate that the litigant has little or no flexibility in changing or increasing their schedule and hours, significant to creating a workable parenting plan. The space necessary to add this option would be minimal.	The committee agrees with the suggestion and recommends adding a subitem regarding the start date of the party's current job to item 4 (Information about Your Work) on form FL-150 at item 4(e).
LAFLA (continued)	b. Medical Hardship – The new form addresses Medical Hardship at question 12, asking about the litigant only but not the children, whereas the current form, at question 19, asks specifically about hardships relating to the children. We propose editing as follows: "Describe any extraordinary health expenses *incurred for you or your children.*" Another option could be "*incurred for you or someone in your household*."	The committee agrees that instruction regarding medical hardship should be clarified and recommends revising the instruction in item 13 regarding medical hardship on recommended form FL-150 to more closely resemble the language of Family Code section 4071(a).

Commenter	Comment	Committee Response
LAFLA (continued)	c. Keeping the "proposed needs option" – The current form, at question 13, has check boxes for estimated expenses, actual expenses, and proposed needs. The modified form, at question 10, asks simply for expenses, essentially combining the proposed and actual expenses options, but eliminating the "proposed needs" option. The "proposed needs" option is particularly valuable for our clients who have fled to a domestic violence shelter or other temporary location escaping abuse. These clients may not have rent and household expenses at the time of completing the form but will incur these expenses as soon as they leave the shelter or move to more permanent housing.	The committee understands the concern but does not recommend retaining the "proposed needs" option in item 9 of form FL-150. The purpose of item 9 is to provide the court and the other parties with information regarding the party's financial circumstances. If a party believes anticipated future expenses are relevant to the issues before the court, that information may be presented through other evidence or testimony, as appropriate.
LAFLA (continued)	FL-150(E), Additional Expenses – The new proposed form has multiple attachments to address additional information not pertinent in all cases, such as bonuses, commissions, and self-employed income. Some items on the FL-150(E), Additional Expenses form, however, seem pertinent to all or almost all litigants, specifically laundry and clothing expenses. We propose keeping at least these two options on the main FL-150 form, which would eliminate the need for the additional form FL-150(E) for many litigants. These two items would need minimal extra space on the main form. As in the previous version of the main FL-150 form, the food line item includes household supplies, which from our experience is confusing for clients. One solution could be to combine household items with laundry, so three options would be: (1) food (groceries and eating out), (2) household items (including laundry and cleaning), and (3) clothing.	The committee agrees with this suggestion and recommends incorporating it, with minor modifications, into item 9 of form FL-150. Specifically, the committee has returned clothing, shoes, laundry, and cleaning expenses to item 9 of form FL-150 and has separated household supplies from the food expense category to improve clarity.
LAFLA (continued)	We appreciate the detailed history and reasoning for the changes you are proposing, and we thank you for the opportunity to review these Judicial Council of California forms and provide feedback before finalizing them. Please feel free to reach out to me at [contact information omitted] with any questions. Thank you for your consideration. Sincerely, [signature block omitted]	The committee appreciates the comment.

Commenter	Comment	Committee Response
Amanda Jackson Miller Supervising Attorney/Family Law Facilitator Superior Court of Santa Cruz County	Position: Not indicated. Hello, Thank you for the opportunity to comment on the new FL-150. Here are my responses to the questions presented:	The committee appreciates the response.
Amanda Jackson Miller (continued)	1. Does the proposal appropriately address the stated purpose? Yes, the FL-150 was long overdue for a major revision. Overall, I believe this new version will be easier to understand and use, and will lead to more accurate and appropriate support calculations. I appreciate the tremendous amount of work that must have gone into this revision!	The committee appreciates the commenter's support for the proposal and the major revisions to form FL-150.
Amanda Jackson Miller (continued)	I do have some specific comments that I am hoping the committee will consider for FL-150: Item 5, page 2: please consider adding language explaining how to calculate average monthly salary (the language in italics in item 5 of the current version of FL-150 is helpful for many self-represented litigants: *For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12)*	The committee appreciates the suggestion but does not recommend including this instruction on recommended form FL-150, because using a 12 month averaging method may cause confusion for parties who have had a recent change in income, such as a raise or a change in employment.
Amanda Jackson Miller (continued)	Item 11: percent of time children are with each parent. Most SRLs assisted in our office do not know their percentage timeshare, but they do have a schedule. I think keeping a place where the parent can write their parenting schedule is helpful.	The committee appreciates the suggestion but does not recommend retaining a space to describe the parenting schedule on form FL-150. If there is a court-ordered timeshare, that information may be found elsewhere in the record. If there is not a court-ordered timeshare, the court will need to make a further inquiry.
Amanda Jackson Miller (continued)	Item 14: to be consistent with item 5, consider adding "gross monthly" to the description in 14a	The committee agrees with this suggestion and recommends incorporating it, with minor modifications, into item 15 (Other Party's Income) of form FL-150. The committee notes that item 14 of proposed form FL-150 is now item 15 in recommended form FL-150.

Commenter	Comment	Committee Response
Amanda Jackson Miller (continued)	Finally, our Self-Help Center relies extensively on the Spanish (informational-only) version of this form. Given the form's widespread use and the substantial changes being proposed, I respectfully request that the Judicial Council release a Spanish-language version concurrently on 1/1/27. When assisting Spanish-speaking customers with the FL-150, we consistently provide the Spanish version for them to complete before transferring their information into the English form. If a Spanish version is not available on 1/1/27, Spanish-speaking self-represented litigants will face significant challenges in understanding and completing the revised FL-150, and Self-Help Centers will have great difficulty in meeting the needs of these customers without a version of the form that litigants can read and understand.	The committee appreciates the suggestion and recognizes the importance of making Judicial Council forms accessible to litigants with limited English proficiency. Whether forms are translated into languages other than English depends on several factors, including available resources and Judicial Council translation priorities. To that end, the committee will share the suggestion with the Judicial Council's Language Access Implementation team for consideration.
Orange County Bar Association (OCBA) by Shirin Forootan President	Position: Agree Comments: THE PROPOSED FORMS APPROPRIATELY ADDRESSES THE STATED PURPOSE: YES	The committee appreciates the response.
OCBA (continued)	Yes, the FL-150 should retain the questions regarding assets at page 2 11(b) & (c). The information is incredibly valuable in addressing the need vs. ability to pay analysis required by some Family Law obligations.	The committee agrees that information regarding assets should be retained and, based on comments received, recommends retaining the content of the questions in item 11(a) (cash and bank accounts), 11(b) (stocks, bonds, and investment accounts), and portions of 11(c) (real and personal property) in item 11 of form FL-150. The committee has also made some revisions to the phrasing of the questions so that they will be easier for parties to understand and respond to.
Superior Court of Los Angeles County by Stephanie Kuo Legislative Analyst	Position: Agree. The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee.	The committee appreciates the comment and acknowledges the commenter's agreement with the proposal.
Superior Court of Los Angeles County (continued)	In response to the Judicial Council of California's ITC, "SPR26-17 Family Law: Financial Disclosure Forms," the Court agrees the proposal appropriately addresses the stated purpose.	The committee acknowledges the commenter's agreement that the proposal appropriately addresses its stated purpose.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	The Court agrees that form FL-150 should retain questions regarding assets that are easily liquidated and real and personal property (items 11(b) and 11(c) on current form FL-150). This is understandable, since the parties are required to disclose all assets.	The committee appreciates the commenter's support for retaining information regarding assets. Based on comments received, the committee recommends retaining the content of the questions in item 11(a) (cash and bank accounts), 11(b) (stocks, bonds, and investment accounts), and some portions of 11(c) (real and personal property) in item 11 of form FL-150. The committee has also made some revisions to the phrasing of the questions so that they will be easier for parties to understand and respond to.
Superior Court of Los Angeles County (continued)	The proposal would not provide cost savings.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	Implementation of the proposal should be minimal. Staff do not review the FL-150 other than to reflect whether it was filed. So, there is no need for training other than notifying staff about the additional attachments.	The committee appreciates the commenter's assessment.
Superior Court of Los Angeles County (continued)	Two months is sufficient time for implementation.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	The proposal would work for courts of different sizes.	The committee appreciates the information.
Superior Court of Orange County Family Law and Juvenile Divisions by Marina Barrigan, Analyst	Position: Not indicated.	The committee appreciates the response.
Superior Court of Orange County (continued)	It appears on form FL-150, 11(c), there has been some confusion caused with combining real and personal property on one total line. There is a request to expand the items in 11(c) by adding separate box selections and total entry lines for a marital residence, for other real property and another for personal property totals.	The committee appreciates the suggestion but does not recommend expanding item 11 to separately identify different categories of assets, as suggested by the commenter, because item 11 is intended to provide the court with a high-level overview of a party's assets. If additional information is needed, the court may require the parties to provide additional information.
Superior Court of Orange County (continued)	Request for Specific Comments	The committee appreciates the response.

Commenter	Comment	Committee Response
	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.	
Superior Court of Orange County (continued)	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)? Yes, form FL-150 should retain items 11(b) and 11(c).	The committee appreciates the commenter's support for retaining these questions. Based on comments received, the committee recommends retaining the content of the questions in item 11(a) (cash and bank accounts), 11(b) (stocks, bonds, and investment accounts), and portions of 11(c) (real and personal property) in item 11 of form FL-150. The committee also recommends some revisions to the phrasing of the questions so that they will be easier for parties to understand and respond to.
Superior Court of Orange County (continued)	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. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the court's assessment.
Superior Court of Orange County (continued)	What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Implementation will require providing communication to judicial officers and court staff, revising current procedures, updating forms packets, and updating the case management system.	The committee appreciates the court's identification of implementation activities.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for Orange County. However, any website updates or other technology related changes may require additional time.	The committee appreciates the court's assessment.
Superior Court of Orange County (continued)	How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee appreciates the information.
Superior Court of San Diego County by Mike Roddy Executive Officer	Position: Agree if modified. Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the response.
Superior Court of San Diego County (continued)	Q: 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)? A: Yes. This information may be relevant for spousal support and/or attorney fees purposes.	The committee appreciates the commenter's support for retaining these questions. Based on comments received, the committee recommends retaining the content of the questions in item 11(a) (cash and bank accounts), 11(b) (stocks, bonds, and investment accounts), and portions of 11(c) (real and personal property) in item 11 of recommended form FL-150. The committee also recommends some revisions to the phrasing of the questions so that they will be easier for parties to understand and respond to.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.
Superior Court of San Diego County (continued)	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 local packets and internal procedures.	The committee appreciates the court's identification of implementation activities.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	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 information.
Superior Court of San Diego County (continued)	General Comments (1) We suggest keeping the current FL-150 format, subject to substantive changes as needed. We further suggest modifying the proposed new attachment forms to match the current FL-150 format. The new proposed format increases the form's page count substantially. Our court finds that pro per litigants can become overwhelmed by lengthy multi-page forms, resulting in incomplete forms. Further, the current FL-150 format is easier for the judicial officer to read and quickly digest while on the bench, which is important considering the impacted calendars and short motion hearings.	The committee appreciates the suggestion but does not recommend retaining the current format of form FL-150. The current form is in the standard format for Judicial Council forms. The committee recommends revising form FL-150 to use a plain language format, which is designed to be easier to use for self-represented litigants. While this format lengthens the form, it does so, largely because it uses a more intuitive caption, larger font size and more white space. The committee believes that these changes will: (1) make the form easier for self-represented litigants to complete; and (2) improve the experience for users with disabilities and those who use assistive technology.
Superior Court of San Diego County (continued)	FL-150, item 5 – "Your Current Income" (a) Currently, the FL-150 calls for the litigant's income received in the month prior and the average income over the last 12 months. We suggest still requiring the litigant to provide their average monthly income over the last 12 months.	The committee appreciates the suggestion, but does not recommend including an instruction to report a 12-month average of income on form FL-150, as this approach may cause confusion for parties who have had a recent change in income such as a raise or a change in employment.
Superior Court of San Diego County (continued)	(b) Currently, the FL-150 calls for the litigant to provide their estimated monthly expenses, actual monthly expenses, or proposed needs. We suggest continuing to include an optional "proposed needs" category, which may be completed in addition to the mandatory current estimated monthly expenses. It is common for a litigant to seek spousal support while still living with their estranged spouse, so the litigant does not yet know what their expenses will be upon establishing separate residences. Including an option to list proposed needs allows the court to better understand a litigant's spousal support request, considering the parties' marital standard of living. No additional Comments.	The committee understands the concern, particularly regarding parties who may anticipate change in their living arrangements and expense, but does not recommend retaining the "proposed needs" option in item 9 (Your Basic Expenses) of form FL-150. The purpose of item 9 is to provide the court and other parties with information regarding the party's current financial circumstances.

Commenter	Comment	Committee Response
Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	Position: Agree.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
JRS (continued)	The JRS notes the following impact to court operations: Impact on existing automated systems. Case management system updates for new forms and attachments. Results in additional training, which requires the commitment of staff time and court resources. Self Help Center packets updates and trainings. Judge and court staff training. Increases court staff workload. Due to the differences in FL-150, there would be an increase in work time. The JRS also notes that the proposal is required to conform to a change of law.	The committee appreciates the identification of implementation activities.
Hon. Angela K. Villegas, Commissioner Superior Court of Los Angeles County	Position: Not indicated. Thank you for the opportunity to comment. I am a commissioner in Los Angeles County. I was assigned to AB1058 court (for 9 years), handled Small Claims for about 6 months, and am currently assigned to a regular Family Law court (for 6 months). In the AB1058 and Family Law assignments, I have had to make extensive use of the FL-150.	The committee appreciates the response.
Hon. Angela K. Villegas (continued)	Each comment below attempts to address the cost implications, insofar as they can be predicted, and the relative usefulness (or not), of the proposed revisions to someone in my position. As is probably obvious, my court is a large one, dealing in high volumes, with a need for information to be readily and quickly accessed and processed by judicial officers, litigants, counsel, and staff. Many of the proposed changes appear likely to slow down those processes and thus are of concern to me. In addition, user education is likely to be challenging considering the already very large number of forms litigants are required to complete.	The committee appreciates the concern. As noted in the invitation to comment, the committee previously solicited feedback a major revision to form FL-150 and received input from courts and justice partners that the current form is confusing, outdated, and in need of substantial revision. The committee believes that the recommended changes will make form FL.150 easier for parties, particularly self-represented litigants, to complete and that additional attachments will facilitate more accurate financial disclosure, notwithstanding the implementation and training concerns identified by the commenter.

Commenter	Comment	Committee Response
Hon. Angela K. Villegas (continued)	I have further concerns that attachments and optional forms are unlikely to be used.	The committee understands the concerns. However, on balance, the committee believes that providing attachments forms for circumstances that apply only to some parties is preferable to lengthening the main form (form FL-150) for all users. To better ensure that parties complete the appropriate attachment forms, the committee recommends adding language to item 18 regarding additional pages attached that prompts parties to indicate which attachment forms they are including. The committee also recommends adding plain language instructions on the form stating when a party must use an attachment or provide alternative documentation.
Hon. Angela K. Villegas (continued)	Additional, more specific, comments follow. I have listed them in order of importance.	Responses to each comment are provided below.
Hon. Angela K. Villegas (continued)	(1) THIS IS THE MOST URGENT COMMENT I HAVE TO OFFER. PLEASE DO NOT BREAK UP THE EXPENSES AND PLEASE DO NOT MAKE ANY EXPENSE INFORMATION "OPTIONAL." The proposal to break apart "basic expenses" from "additional expenses," and to make disclosure of the latter optional, is a VERY POOR IDEA. All of the party's expenses should be disclosed, and they should all be in ONE PLACE. (a) As stated above and below, people frequently ignore attachment forms, especially optional ones. Thus, under the new proposal, in most cases the only expense information that will be made available to the court in the first instance will be for "basics." (b) This will NOT give the court a complete or useful picture. At present, a party's stated total expenses—not just for necessaries but as a whole—is a highly useful check for courts attempting to assess credibility and forthrightness, and evaluating things like income available for support. For example, congruence—or the lack thereof—between stated income and stated expenses and debts is a valuable litmus test of the party's honesty and also as to whether the stated (or paycheck) income itself appears plausible.	The committee understands the concern regarding separating discretionary expenses from the main form. However, the committee does not recommend including discretionary expenses on form FL-150. The committee notes that discretionary expenses are generally not used in calculating guideline child support and that information about basic expenses such as housing, utilities, food, medical, child care, and debt payments should be sufficient in many cases for the court to understand the financial circumstances of the parties and the income available for support or attorney's fees. The committee believes that eliminating the need for parties to provide information about every monthly expense will make the form easier to complete. In response to another commenter, the committee also recommends adding expenses for laundry, cleaning, clothes, and shoes to form FL-150.

Commenter	Comment	Committee Response
	(c) Sometimes the court has no choice but to determine the party's expenses better reflect that person's income than any other evidence proffered. If the person is allowed to disclose only "basic" expenses as part of the mandatory form, the court will no longer have this tool available—at least not efficiently. (d) Even if someone uses the optional form to disclose additional expenses, that will still require readers shuffle back and forth and perform calculations to determine the total. (e) In sum: The option to disclose or not disclose one's total expenses is guaranteed to become a haven for underdisclosure and obfuscation. It will result in delay and drive up costs, because the court will have to postpone support calculations and the like, and order further disclosure that should have been forthcoming in the first place. This will increase the cost of obtaining accurate financial orders. It will in many instances necessitate formal discovery that might not have been needed otherwise. And it will take additional court time making disclosure orders, sifting through imperfect evidence of cash flow, and holding additional hearings.	
Hon. Angela K. Villegas (continued)	(f) All of the above being said, I wholeheartedly endorse getting rid of "proposed needs."	The committee appreciates the commenter's support for this revision and recommends retaining it in form FL-150.

Commenter	Comment	Committee Response
Hon. Angela K. Villegas (continued)	(2) Almost equally urgent: INCLUDE ALL INCOME INFORMATION ON THE MAIN FORM. The main form—not an attachment—should specify bonuses, and commissions. In addition, all STOCK and OPTION compensation (ISOs, NSOs/NQSOs, RSUs, and the like) should be required on the main form. In short, ALL INCOME AND ALL EXPENSE INFORMATION should be on the main form, not attachments, and certainly not optional attachments. The reasons are the same as those above regarding expenses.	The committee understands the concern, but notes that form FL-150 will continue to require parties to report their average monthly income from all sources. This is similar to the information required on the current version of the form. The recommended attachment forms require disclosure of income information beyond what is required on the current form. The committee does not recommend adding that additional information to form FL-150, as it would lengthen the form considerably and would not be relevant to many parties. The committee notes that most income attachment forms are mandatory. The only optional income attachment form regarding income is form FL-150(B). The committee recommends that form FL-150(B) remain optional because parties may instead attach their IRS Schedule C, Schedule E, or profit and loss statement. Those records are currently required to accompany form FL-150, and the committee believes parties should continue to have the option of submitting those existing records rather than recreating the same information on an attachment form.
Hon. Angela K. Villegas (continued)	(3) I wholly agree with the proposal to require disclosure in all instances—not just when attorney's fees have been awarded—of the amount and source(s) for payment of one's own attorney's fees. But once again: I disagree with the attorney's fees payment information being an attachment. IT SHOULD BE INCLUDED WITH THE PARTY'S TOTAL EXPENSES. Separating the information makes it so the reader has to go hunting for it, and also invites people to disregard the attachment form. Yes, the court can order compliance, but the need for such orders once again wastes time and drives up costs.	The committee appreciates the commenter's support for retaining the additional information about attorney's fees. However, the committee does not recommend listing information related to attorney's fees on the main form (recommended FL-150) because it is relevant only in a subset of cases. The committee believes it is preferable to collect this information on attachment form FL-150(F) rather than lengthening the main form for all parties. In addition, where a party is represented by counsel, the attorney is responsible for completing the applicable portion of attachment form FL-150(F).

Commenter	Comment	Committee Response
Hon. Angela K. Villegas (continued)	(4) I applaud the proposal to break out tips, overtime, and vehicle loan interest, and appreciate that most, if not all, of this appears on the main form. But because each of these new tax deductions phases out at higher annual income levels, it may not be possible for people to know mid-year whether they are eligible for such a deduction. The form might suggest or require the individual to provide the most recent tax return.	The committee appreciates the commenter's support for separately identifying tips and overtime on recommended forms FL-150 and FL-397 and recommends retaining those revisions. The committee does not recommend requiring parties to provided additional tax information regarding eligibility for those deductions. The committee notes that, similar to the current form, recommended form FL-150 instructs parties to bring their most recent tax return to their hearing. As discussed elsewhere, the committee also does not recommend separately itemizing qualified passenger vehicle interest on form FL-150 because the circumstances in which a party may claim that deduction are limited.
Hon. Angela K. Villegas (continued)	(5) Profit & Loss requirements should clarify: (a) a bare Schedule C or Schedule E is NOT SUFFICIENT, (b) all figures must be current as of date of filing, and (c) substantiating documentation (such as ledgers, bank statements, and/or other business documentation (with third party personal identifying information redacted) corroborating the figures used in the P(L)) must be served with the FL-150 and provided to the court at or before the time of any upcoming hearing. (6) Perhaps consider adding a requirement to disclose and produce loan, credit, and/or rental applications completed using the party's financial information in the past 2 years (with third party co-applicant personal identifying information redacted).	The committee appreciates the suggestion but does not recommend requiring parties to provide additional documentation or disclosures in every case, as proposed by the commenter. The committee believes that requiring additional documentation in all cases would increase the burden on litigants and lengthen the disclosure process. If additional information is needed, the court may order additional documentation or disclosure if appropriate.

Commenter	Comment	Committee Response
Hon. Angela K. Villegas (continued)	(7) To restate a general observation: transforming a 4-page form into a 7-page form with optional attachments will not make the form easier to use. It will make it more unwieldy. The attachments, optional or otherwise, are likely to be ignored. A longer form will be more cumbersome for at least one major part of the intended audience—the court—to work with.	The committee understands the concern, but notes that the added length of form FL-150 is largely due to formatting revisions to increase font size and add white space. The committee believes that these changes will: (1) assist self-represented litigants in accurately completing the form; and (2) improve the experience for users with disabilities and those who use assistive technology. Although the revised form is longer, the committee believes the recommended revisions will lead to more accurate disclosures and may therefore improve judicial efficiency.
Hon. Angela K. Villegas (continued)	(8) As a corollary: Please consider retaining a revised version of the current form FL-150 for alternative mandatory use. Many practitioners and courts find the current form's layout familiar and useful. They do not need to be "walked through" the information categories. The current form, at four pages, is much handier and easier to read than a longer, 7-page, version (with attachments to make it even longer) would be. Thus, for those who are able to use the current form's layout, it would be advantageous to preserve the form's availability.	The committee understands the concern but does not recommend maintaining two versions of form FL-150. Having multiple versions of the same mandatory form could create confusion for litigants, practitioners, and courts and could result in inconsistent financial disclosures. The committee recommends a single plain-language version of form FL-150 for statewide use.
Hon. Angela K. Villegas (continued)	(9) The form's caption should be at the top left of page one and should include space for an attorney's caption rather than hiding that information further down on the page. It is very helpful to the court to be able to tell at a quick glance whether a party has completed the form on their own versus having the assistance of counsel.	The committee understands the concern, but notes that the Judicial Council has standard formatting requirements for plain-language forms and the suggestion does not comport with those requirements. The committee also notes that the attorney's information remains near the top of page 1 of form FL-150.
Hon. Angela K. Villegas (continued)	(10) In the deductions section of the main form, there should be a breakout between 401(k) and the like (pre-tax retirement contributions) and Roth and the like (post-tax retirement contributions).	The committee agrees with this suggestion and has incorporated it, with minor modifications, into item 6 of form FL-150.

Commenter	Comment	Committee Response
Hon. Angela K. Villegas (continued)	(11) In addition to listing bank accounts, there should be a requirement to include stock holdings, investments, and equity, as there is on the current form.	The committee appreciates the suggestion, Based on comments received, the committee recommends retaining the content of the questions in item 11(a) (cash and bank accounts), item 11(b) (stocks, bonds, and investment accounts), and portions of 11(c) (real and personal property) in item 11 of form FL-150. The committee has also made some revisions to the phrasing of the questions so that they will be easier for parties to understand and respond to.
Hon. Angela K. Villegas (continued)	(12) For "medical hardship": I recommend (a) expanding this to include (at minimum) uninsured catastrophic losses (…)	The committee appreciates the suggestion but does not recommend including "uninsured catastrophic losses" in the medical hardship item on form FL-150 because many litigants may not be familiar with the term. The committee notes that if a party has incurred such a loss, the party may provide that information in item 16 (Other).
Hon. Angela K. Villegas (continued)	(…) and (ideally) other claimed financial hardships, and (b) to require supporting documentation to be attached, or at the very least served and provided to the court in time for any upcoming hearing.	The committee understands the concern but does not recommend expanding the medical hardship item to include other claimed financial hardships or requiring supporting documentation in every case. Because documentation regarding a medical hardship may contain sensitive information the committee does not recommend requiring parties to disclose or submit such documentation as part of the mandatory filing. The court may require additional information or documentation on a case-by-case basis.

Commenter	Comment	Committee Response
Hon. Angela K. Villegas (continued)	(13) It would be more efficient simply to retire the simplified financial statement (FL-155). This form is little used and people often struggle to understand whether they are eligible to use it (especially if you are revoking the information form). It is not much simpler than the FL-150.	The committee understands the concern that form FL-155 may be underutilized but does not recommend eliminating it. The committee believes that the recommended changes will make it more likely that the form will be used by those who qualify. The committee has incorporated the eligibility requirements directly into recommended form FL-155, eliminating the need for a separate information sheet. Form FL-155 requires significantly less information than form FL-150. The committee will continue to assess the utility of form FL-155.
Hon. Angela K. Villegas (continued)	Thank you for considering these comments. Sincerely, [signature block omitted]	The committee appreciates the comment.
Hon. Thomas Eagle Weathers Judge Superior Court of Alameda County	Position: Agree if modified.	The committee appreciates the comment.
Hon. Thomas Eagle Weathers (continued)	I think the FL-150 should retain questions about easily liquidated assets/real property; there is case law that says a court can consider a reasonable rate of return on those assets in lieu of or in addition to a monthly salary in determining a payor's total monthly income; bench officers need that information to set proper support awards; I also think the form should clarify if the easily liquidated assets/real property includes retirement accounts; thanks.	The committee appreciates the suggestion. Based on comments received, the committee recommends retaining the content of the questions in item 11(a) (cash and bank accounts), 11(b) (stocks, bonds, and investment accounts), and portions of 11(c) (real and personal property) in item 11 of form FL-150. The committee recommends some revisions to the phrasing of the questions so that they will be easier for parties to understand and respond to. The committee does not recommend further revising these questions to specify particular asset types, such as retirement accounts.

Rules Committee Action Request Form

Item number: 18

Rules Committee Meeting Date: September 9, 2026

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

Title of proposal: Family Law: Adoption Order

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Revise form ADOPT-215

Advisory 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: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-147

For business meeting on October 16, 2026

Family Law: Adoption Order (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Revise form ADOPT-215

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 12, 2026

Contact
Sarah Jacobvitz, Attorney, 415-865-4533
sarah.jacobvitz@jud.ca.gov

Executive Summary

Senate Bill 450 (Stats. 2025, ch. 757) amended California adoption law to require adoption orders to identify all legal parents following an adoption, including adoptive parents and any existing parents maintaining parental rights. To implement SB 450, the Family and Juvenile Law Advisory Committee recommends revising *Adoption Order* (form ADOPT-215), the mandatory Judicial Council form used for all orders for the adoption of a minor child.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027, revise *Adoption Order* (form ADOPT-215). The proposed revisions are shown in the attached version of form ADOPT-215, at pages 6–8.

Relevant Previous Council Action

California 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 effective January 1, 1999, as part of a proposal establishing mandatory uniform adoption forms for minor children subject to adoption proceedings.[2] The form has been revised multiple times since then, but none of the prior revisions are relevant to this proposal.

Analysis/Rationale

Effective January 1, 2026, SB 450 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."[3] To implement SB 450, the Family and Juvenile Law Advisory Committee recommends revising *Adoption Order* (form ADOPT-215). The recommendation also includes nonsubstantive revisions to improve clarity, organization, and usability.

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.[4] 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.[5] In those matters, one spouse or domestic partner seeks an adoption order confirming parentage while the other spouse or domestic partner maintains parental rights. A hearing is generally not required in confirmatory stepparent adoptions.[6] Therefore, under the current version of the form, the name of the parent maintaining parental rights in confirmatory stepparent adoptions would not

[1] Fam. Code, §§ 8700 et seq., 8900 et seq., 9000 et seq., 9000.5.

[2] Judicial Council of Cal., Advisory Com. Rep., *Universal Adoption Forms for All Minor Children Subject to Adoption Proceedings* (Oct. 1, 1998).

[3] Fam. Code, § 8626. The legislation also clarifies that the failure to include an existing parent or parents 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.

[4] 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.

[5] Fam. Code, § 9000.5.

[6] Fam. Code, § 9000.5(b)(1)(C).

ordinarily appear on the order unless a judicial officer attaches an additional page to the order with that information.

Implementation of SB 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. Item 1 allows the parties to list up to three adoptive parents and item 2 allows the parties to list up to three parents who will maintain their parental rights. Together, these items ensure that the order identifies all legal parents following the adoption, as required by Family Code section 8626. This revision also reduces ambiguity by providing a clear list of all parents following adoption on the face of the order.

Reorganization and usability improvements

In addition to implementing SB 450, the recommendation 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 legal parents following adoption are listed on page 1, making it easier for courts and third parties to identify them;
- 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 *Adoption Request* (form ADOPT-200);
- In item 5a, removing the write-in field used to identify by name a parent keeping parental rights who appeared at the hearing and replacing it with a standardized appearance indicator;
- In item 5a, including a checkbox to indicate the appearance of an attorney for the parent or parents keeping their parental rights;
- 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

- In item 8, adding a clarifying instruction and cross-reference for clerks identifying when an order involves the adoption of an Indian child and therefore requires mailing specified forms to the Bureau of Indian Affairs.

Policy implications

The committee is making these recommendations to comply with a recent legislative mandate. In addition to implementing legislative changes, this recommendation helps implement Goal I, "Access, Fairness, Diversity, and Inclusion," of the Judicial Council's strategic plan by promoting a clear, uniform, and accessible adoption order process. The revised form is designed to be user-friendly for all court users, including self-represented litigants.

Comments

The proposal circulated for public comment from April 13 to May 18 in the spring 2026 invitation-to-comment cycle. The committee received eight comments. In general, commenters supported the changes to implement SB 450. Six commenters agreed with the proposal, and two did not indicate a position. No commenters disagreed with the proposal. A chart of comments is attached at pages 9–12.

In response to a comment from an attorney, the committee removed the child's age as a field on the proposed form, as that information may change between the time the court receives the proposed order and the time that the order is processed by the court. As the form already includes the child's date of birth, providing the age is unnecessary.

The committee also considered a comment suggesting that the child's name before adoption appear earlier in the form and that the child's postadoption name be repeated in the court order section. The committee declined to make those changes because the child's postadoption name is the name by which the child will be identified going forward and because referencing the name previously entered on the form reduces the risk of clerical error.

In addition, one court commented that requiring parties or attorneys to complete portions of the form could result in partially handwritten orders. The committee considered that concern but concluded that parties and attorneys are generally in the best position to provide accurate identifying information for the child and parents.

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 recommending only the revisions necessary to implement SB 450. However, the committee concluded that implementing the statutory changes through a broader reorganization of the form would be more efficient than making narrowly targeted revisions and would avoid requiring courts and court users to adapt to multiple future revisions addressing related usability issues. These nonsubstantive improvements promote clarity and usability for courts, justice partners, and the public.

The committee considered revising form ADOPT-200 to implement the jurisdictional requirements of SB 450. However, as the legislation clarifies existing jurisdictional requirements rather than changing these requirements, the committee determined that no revision to form ADOPT-200 was necessary to implement the legislation.

Fiscal and Operational Impacts

Courts may incur costs associated with staff training, revisions to internal procedures, and updates to case management systems. However, the committee expects that the new form will be clearer and easier for litigants, attorneys, and court staff to understand. The committee also notes that some of the recommended revisions are necessary to conform form ADOPT-215 to the law and are, therefore, are a result of the changes in statute, not the committee's recommendations.

Attachments and Links

1. Form ADOPT-215, at pages 6–8
2. Chart of comments, at pages 9–12
3. Link A: Sen. Bill 450 (Stats. 2025, ch. 757)

ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

(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):* _____

_____

_____

Fill in court name and street address:

Superior Court of California, County of

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):* _____

_____

_____

Court fills in case number when form is filed.

Case 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):* _____

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 or parents 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.)*

Adopting parent or parents: _____ **Case Number:**

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.

Adopting parent or parents: _____ **Case Number:**

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

SPR26-18 Chart of Comments (DRAFT)

Family Law: Adoption Order (revise form ADOPT-215)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Child Support Association, Judicial Council Forms Committee by Michael Smitsky, Executive Director	Position: Agree. Adoption Order, ADOPT-215, Pages 5-7 The Committee agrees with the proposed changes.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
Emily Doskow, Attorney and Mediator Oakland	Position: Not indicated. (…) The field for the child's age in 3.b. has been problematic on occasion—while the child's age is accurate when the papers are submitted, if the court is slow to process the paperwork, it may no longer be accurate when the judgment clerk or court officer reviews the order, and we have had courts try to reject the order on that basis. Is there a reason for the age to be included, when the birth date is already listed? If not, I would suggest removing the field.	The committee appreciates the response. The committee agrees with the suggested change and has removed the child's age as a field on recommended form ADOPT-215. As noted by the commenter, the form already includes the child's date of birth.
Emily Doskow (continued)	The only other note I have is that it is a little confusing to have the child's name after adoption be listed first, and the name before adoption listed later in the form, and then to have item 7 refer back to item 3 instead of listing the post-adoption name again as part of item 7, as the current form does in item 13. (…)	The committee understands the concern but has not made the suggested changes on recommended form ADOPT-215. The child's name after adoption is listed on the first page because that will be the child's name going forward. When parents or third parties read the order, they will identify the child by that name. Form ADOPT-215 refers back to the child's name in item 3 instead of listing the name again in item 7 to reduce the possibility of clerical error. Item 3 is completed by the party or attorney for the party, who will have the best firsthand knowledge of the spelling of the child's name.
Orange County Bar Association by Shirin Forootan, President	Position: Agree. THE PROPOSED FORMS APPROPRIATELY ADDRESSES THE STATED PURPOSE: YES Yes, the simplification of using one form for ALL adoptions makes sense.	The committee appreciates the commenter's support for the proposal and agrees that maintaining a single mandatory adoption order form for all minor-child adoptions promotes consistency and ease of use across adoption proceedings while reducing complexity for courts and court users.

Commenter	Comment	Committee Response
Maya Shulman, Adjunct Professor of Adoption and Reproductive Law Shulman Family Law Group Calabasas	Position: Agree. No specific comment.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	Position: Agree. The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-18 Family Law: Adoption Order," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
Superior Court of Los Angeles County (continued)	The proposal will not result in cost savings.	The committee appreciates the response.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train staff on the updates to the form, which would take about one hour.	The committee appreciates the court's identification of implementation activities.
Superior Court of Los Angeles County (continued)	Two months is sufficient time for implementation.	The committee appreciates the response.
Superior Court of Los Angeles County (continued)	Additionally, the proposal will work for courts of different sizes and should not have a notable impact on court operations.	The committee appreciates the response.
Superior Court of Orange County	Position: Not Indicated Comments N/A	The committee appreciates the response.
Superior Court of Orange County (continued)	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? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the information.
Superior Court of Orange County (continued)	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. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the comment and acknowledges the court's assessment.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	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, and updating the case management system.	The committee appreciates the comment and the court's identification of implementation activities.
Superior Court of Orange County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County.	The committee appreciates the information.
Superior Court of Orange County (continued)	How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee appreciates the information.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree Specific Comments Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the response.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates the information.
Superior Court of San Diego County (continued)	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 packets, training judicial officers and staff.	The committee appreciates the comment and the court's identification of implementation activities.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	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 information.
Superior Court of San Diego County (continued)	General Comments ADOPT-215: When the petitioner or attorney completes items 1-4 and submits the order to the court with the expectation that the court will complete the rest, that means the bulk of the order will be handwritten. In our court, we prefer to issue an order in which all the fields are typed. No additional Comments.	The committee understands the court's preference for fully typed orders. However, the committee recommends retaining the instruction that parties or attorneys complete items 1–4 because they are generally in the best position to provide accurate identifying information, including names and dates of birth.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC), Joint Rules Subcommittee (JRS)	Position: Agree. The JRS notes the following impact to court operations: Impact on existing automated systems. May need case management updates depending on system. Results in additional training, which requires the commitment of staff time and court resources. Judge and court staff training. Possible SHC and FCS training. The JRS also notes that the proposal is required to conform to a change of law.	The committee appreciates the comment and the advisory committees' feedback regarding implementation activities.

Rules Committee Action Request Form

Item number: 19

Rules Committee Meeting Date: September 9, 2026

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

Title of proposal: Family Law: Revisions to Summons Forms to Implement Assembly Bill 1297 and Enhance Consistency

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Revise forms FL-110, FL-210, FL-710, and SUR-110

Advisory 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: October 16, 2025; Amended January 7, 2026
Project description from annual agenda:

Annual Agenda 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.

Item 1.g.: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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.:26-141

For business meeting on October 16, 2026

Family Law: Revisions to Summons Forms to Implement Assembly Bill 1297 and Enhance Consistency (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Revise forms FL-110, FL-210, FL-710, and SUR-110

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 7, 2026

Contact
Gabrielle D. Selden, 415-865-8085
gabrielle.selden@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends revising two family law summons forms, effective January 1, 2027, to implement Assembly Bill 1297 (Stats. 2025, ch. 48). This bill amends Family Code section 2040 regarding automatic temporary restraining orders applicable in dissolution, nullity, and legal separation proceedings. For these proceedings, the bill expands 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. In addition, the committee proposes using plain-language throughout the form and making technical changes. The committee recommends similar plain language and technical revisions on two additional summons forms for consistency across the summons forms used in family law proceedings. Finally, the committee recommends restructuring and reorganizing all four of the summons forms to promote accessibility.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Revise *Summons* (form FL-110) and *Summons—Joint Petition* (form FL-710) to comply with Assembly Bill 1297, use plain-language terms, and make other technical revisions to promote accessibility and improve consistency across all summons forms; and

2. Revise *Summons* (form FL-210) and *Summons—Gestational Carrier Agreement* (form SUR-110) to use plain-language terms and make other technical revisions to promote accessibility and improve consistency across all summons forms.

Relevant Previous Council Action

The Judicial Council previously adopted four forms for use in family law matters. The court clerk issues summons forms FL-210 and SUR-110 in parentage cases and issues forms FL-110 and FL-710 in dissolution of marriage or domestic partnership, legal separation, and nullity cases. Although the Judicial Council has never previously taken action on these summons forms relating to AB 1297, the council has previously revised forms FL-110 and FL-210 to implement new or amended Family Codes.[1] For example,

- Form FL-110. The Judicial Council adopted this form as rule 1283, effective January 1, 1999,[2] and renumbered it FL-110, effective January 1, 2003.[3] Effective July 1, 2009, the council revised the form to include statutorily mandated content about fee waivers.[4] In January 1, 2014, new content included the following: (1) notices about the parties' eligibility to receive free and low-cost insurance coverage (2) prohibitions on the parties ability to obtain and renew passports for their minor children and (3) reformatting the English text and its Spanish translation into two columns (side-by side).[5]

- Form FL-210. The Judicial Council adopted this form as rule 1296.605 for mandatory use, effective January 1, 1999 (see footnote 2), and renumbered it, effective January 1, 2003 (see footnote 3). It has been revised several times to align with the statutory changes made to form FL-110, effective January 1, 2009 (see footnote 4) and January 1, 2014.[6]

[1] Forms FL-710 and SUR-110 were only recently adopted by the Judicial Council, effective January 1, 2026, and July 1, 2026, respectively.

[2] Judicial Council of Cal., Advisory Com. Rep., *Family and Juvenile Law Rules* (Oct. 1, 1998).

[3] Judicial Council of Cal., Advisory Com. Rep., *Family Law Rules: Renumbering and Revision of Title Five of the California Rules of Court* (Oct. 16, 2002).

[4] Judicial Council of Cal., Advisory Com. Rep., *Civil and Appellate Fee Waiver Rule and Forms* (April 3, 2009).

[5] Judicial Council of Cal., Advisory Com. Rep., *Revisions to Family Law Summons* (Oct 1, 2013).

[6] Judicial Council of Cal., Advisory Com. Rep., *Family and Juvenile Law: Parentage* (Sep. 19, 2014).

Analysis/Rationale

Implementation of AB 1297

On January 1, 2027, AB 1297 (Link A) will amend 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* (form FL-110) and *Summons—Joint Petition* (form FL-710).[7] The bill adds to the existing automatic temporary restraining orders by prohibiting either party from allowing insurance coverage maintained for the benefit of the parties or their minor children to lapse through nonpayment of premiums or for failure to renew coverage.

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 (as shown in the underlined text below):

> You cannot cash, borrow against, cancel, transfer, <u>allow to expire for nonpayment of premiums, fail to renew</u>, 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.

Plain-language and technical revisions across summons forms

In addition, the committee recommends revising four summons forms by replacing statutory language with plain-language text so that parties will better understand the prohibitions listed in the forms. In developing the proposal and reviewing public comments, the committee sought to balance plain-language drafting and accessibility objectives with the need to preserve legally significant terminology and procedural requirements. The recommended changes include the following:

- Simplifying and standardizing terminology on page 2 of the current forms relating to restraining orders. Specifically, the term "automatic temporary court orders" is recommended to replace "standard family law restraining orders" on the dissolution and legal separation forms (FL-110 and FL-710) and "standard restraining order" on the parentage 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.[8]

[7] Item 2 currently prohibits parties from "[c]ashing, 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."

[8] Fam. Code, § 6320.

- Deleting the introductory paragraph on page 2 of the current forms regarding when the automatic temporary court orders apply to the parties and replacing it with content on the first page under a new section titled "When the automatic temporary court orders begin and end."

- Replacing the exact language of the prohibitions listed in Family Code section 2040 in forms FL-110 and FL-710 with plain-language text, where possible, and including subject headings. The recommended changes reduce the required reading level from 10th grade to 9th grade while preserving the substantive legal requirements contained in Family Code section 2040.

Changes to promote accessibility

The committee recommends technical changes to the layout and the formatting of the forms to improve usability, readability, and accessibility for self-represented litigants, including individuals using assistive technology and individuals with limited English proficiency.

The current layout of each summons form presents English and Spanish content in alternating sections or in side-by-side columns on two pages. The committee recommends presenting the different languages on the form separately, so that the English content of the form is first, followed by a complete Spanish translation. One exception is that each form will have a notice at the top of the first page in both English and Spanish to instruct users about completing the form. The notice will also specify that a Spanish translation is found on subsequent pages. As a result of these changes, forms FL-110 and FL-710 will be expanded from two to four pages.

For the Spanish translation of the summons forms, the committee recommends adding a notice in Spanish to help users understand that the translation is provided for information only and that they are not to complete the Spanish translation pages for filing with the court. This notice will be centered immediately below the form title and another, shorter notice will be located in the court's file-stamp box at the top of the page. Further, the Spanish translation will not include fillable lines, a clerk's signature line, nor a box for the court's seal at the bottom of the translated page.

The committee further recommends the following formatting changes to the forms:

- Replacing the standard caption and court file-stamp box with plain-language styles;
- Creating separate subject headings for the content;
- Changing words that appear in all capital letters to sentence case and removing some bold treatment to make the forms easier to read and more accessible for individuals with disabilities; and
- Deleting duplicative content, where applicable.

Policy implications

Implementing the changes to the summons forms as described in this report contributes to the implementation of Goal I, Access, Fairness, Diversity, and Inclusion, of the *Strategic Plan for*

California's Judicial Branch by making the forms more user-friendly. Further, providing a Spanish translation and translating the revised forms to Arabic, Korean, Chinese (Simplified) and Vietnamese would also respond to the cultural, ethnic, socioeconomic, and linguistic diversity of those who seek help in family court.

Comments

This proposal was open for public comment from April 13 through May 18, 2026. Seven commenters responded to the proposal. Five agreed with the proposal in its entirety; one agreed and suggested modifications; and one did not specify a position but supported the proposed revisions in the specific comments submitted. No commenters disagreed with the proposal. The commenters were the Superior Courts of Los Angeles, Orange (Family Law and Juvenile Law Divisions), and San Diego Counties; the California Lawyers Association, Family Law Section Executive Committee; the Harriet Buhai Center for Family Law; the Orange County Bar Association; and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee (TCPJAC/CEAC Joint Rules Subcommittee).

In response to specific comments that the committee solicited about all of the forms:

- Four commenters responded that the proposal appropriately addresses the stated purpose.
- Five commenters supported replacing the term "standard family law restraining orders" with "automatic temporary court orders" (on forms FL-110 and FL-710) and replacing "standard restraining order" (on forms FL-210 and SUR-110) with "automatic temporary court orders."
- One commenter supported replacing the term "restraining orders" but expressed concern that the word "temporary" could cause litigants to mistakenly believe that the orders automatically expire after a short period of time. The commenter recommended using "automatic court orders" instead.

As to the third point, because the language of Family Code section 2040(a) requires that the restraining orders in the summons be "temporary," the committee prefers to retain the word. The committee notes that the form states that the orders remain in effect until the petition is dismissed, a judgment is entered, or the court modifies these orders. This should help parties understand that orders do not automatically expire after a short period of time.

A chart with the full text of the comments received and the committee's responses is attached at pages 19–25.

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 proceedings for dissolution

of marriage or domestic partnership, legal separation, and nullity. To ensure that the summons 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 making 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.

Fiscal and Operational Impacts

All commenting courts and the TCPJAC/CEAC Joint Rules Subcommittee reported that implementation would require staff training, updates to local procedures, and revisions to self-help center materials and forms packets. None of the commenters identified significant fiscal impacts beyond these implementation activities.

Regarding the timeline for implementing the proposal, two courts indicated that two months would be sufficient for implementation, and one responded that two months would be sufficient provided that the final forms are provided at the time that the forms are approved. The committee notes that the forms undergo a process of programming after their adoption by the Judicial Council. The forms are generally made available to the courts about one month before they take effect.

Attachments and Links

1. Forms FL-110, FL-210, FL-710, and SUR-110, at pages 7–18
2. Chart of comments, at pages 19–25
3. Link A: Assembly Bill 1297

SUMMONS (Family Law)

Petitioner must complete page 1 and file all four pages with the court. For Spanish, read pages 3–4.

El demandante tiene que completar la página 1 y presentar las cuatro páginas ante la corte. Para español, lea las páginas 3–4.

Clerk stamps date here when form is filed.

Notice to Respondent: You have been sued. Read the information below and on the next page.

Respondent's name:

Petitioner's information:

Name:

Lawyer's name *(if any):*

Address and telephone *(give lawyer's information, if you have one):*

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Deadline. You have **30 calendar days** after this summons and the petition 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 lawyer fees and costs.

Follow automatic temporary court orders. Petitioner and respondent must follow the orders listed on page 2 of this form.

When the automatic temporary court orders begin and end. 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 served with this form and *Petition* (form FL-100) or when the respondent accepts service of those forms. These court orders remain in effect until the judgment is entered, the petition is dismissed, or the court modifies these orders.

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.

Fee waiver. If you cannot pay the filing fee, ask the clerk for a fee waiver form**.** If your financial situation improves, 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.

Get help. 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/getting-legal-help), at the LawHelp California website (lawhelpca.org), or by contacting your local county bar association.

[SEAL]

(For court use only)

Date:

Clerk, by , Deputy

Automatic Temporary Court Orders

1. **Travel restrictions for minor children.**
   a. You cannot remove any minor children you have with the other party from the state of California without first getting written permission from the other party or a court order.
   b. You cannot 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 the parties (you or 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. **Property transfers on death.** 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 permission 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.You may revoke (cancel) a nonprobate transfer or eliminate a right of survivorship by filing with the court and serving a notice on the other party before the change takes effect.

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.

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.

CITACIÓN (Derecho de familia)

El demandante tiene que completar la página 1 y presentar las cuatro páginas ante la corte.

El secretario pone aquí un sello con la fecha cuando se presenta el formulario.

Solo para información

Aviso al demandado: Lo han demandado. Lea la información a continuación y en la página sigiente.

Nombre del demandado:

Información del demandante:

Nombre:

Nombre del abogado *(si lo hay):*

Dirección y teléfono *(proporcione los datos del abogado, si tiene uno):*

Ponga el nombre y dirección de la corte:

Corte Superior de California, condado de

La corte pone el número de caso cuando se presenta el formulario.

Número de caso:

Fecha límite. Tiene 30 días calendario después de haber recibido la entrega legal de esta citación y la petición para presentar una *Respuesta* (formulario FL-120) ante la corte y hacer la entrega legal de una copia al demandante. Una carta, llamada telefónica o una comparecencia ante la corte no lo protegerá. Si no presenta su *Respuesta* a tiempo, la corte puede hacer órdenes que afecten su matrimonio o pareja de hecho, su propiedad y la custodia de sus hijos. La corte también le puede ordenar que pague manutención y honorarios y costos legales.

Cumplir con las órdenes temporales automáticas de la corte. El demandante y el demandado tienen que cumplir con las órdenes indicadas en la página 2 de este formulario.

Cuándo comienzan y terminan las órdenes temporales automáticas de la corte. Estas órdenes de la corte entran en vigencia para el demandante cuando este presente la petición ante la corte. Para el demandado, entran en vigencia una vez que se le haga la entrega legal de este formulario y *Petición* (formulario FL-100), o cuando el demandado acepte la entrega legal de esos formularios. Estas órdenes de la corte siguen en vigencia hasta que se registre un fallo, se desestime la petición o la corte modifique estas órdenes.

Hacer acatar las órdenes temporales automáticas de la corte. Se puede hacer acatar estas órdenes en cualquier lugar de California. Cualquier agente del orden público que haya recibido o visto una copia de estas órdenes las puede hacer acatar.

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 la corte eximió para usted o la otra parte.

Obtenga ayuda. Para asesoramiento legal, póngase en contacto con un abogado de inmediato. Obtenga ayuda para encontrar un abogado en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es/obtenga-ayuda-legal), en el sitio web de LawHelp California (es.lawhelpca.org) o al contactarse con la asociación de abogados de su condado.

Órdenes temporales automáticas de la corte

1. **Restricciones de viaje para hijos menores.**
   a. No pueden llevarse a ningún hijo menor que tenga con la otra parte fuera del estado de California, sin antes obtener el permiso por escrito de la otra parte o una orden de la corte.
   b. No pueden solicitar un pasaporte nuevo o de reemplazo para esos hijos menores, sin antes obtener el permiso por escrito de la otra parte o una orden de la corte.

2. **Seguro de salud u otro seguro.** No pueden cobrar, pedir prestado en contra de, cancelar, transferir, permitir que venza por no pagar las primas, dejar de renovar, deshacerse de, ni cambiar los beneficiarios de ningún seguro u otro tipo de cobertura que los beneficie a las partes (usted o la otra parte) y a los hijos menores que tengan en común.

3. **Propiedad y gastos extraordinarios.** No pueden transferir, pedir prestado, vender, usar como garantía, ocultar o deshacerse de ninguna propiedad (ya sea comunitaria, cuasicomunitaria o separada) sin el permiso por escrito de la otra parte o una orden de la corte, excepto en el curso habitual de actividades comerciales, para las necesidades de la vida, o para 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 proporcionar un registro detallado a la corte si se pagan estos gastos.

4. **Transferencias de propiedades por fallecimiento.** No pueden ni crear una transferencia no testamentaria (ejemplos: un fideicomiso o elección del beneficiario) ni cambiar una transferencia no testamentaria de manera que afecte la propiedad sujeta a transferencia, sin el permiso por escrito de la otra parte o una orden de la corte. Excepción: No se aplica a testamentos, el establecimiento de fideicomisos sin fondos, ni a la renuncia del derecho a una herencia. Se puede revocar (cancelar) una transferencia no testamentaria o eliminar el derecho de superviviencia por medio de la presentación de un aviso ante la corte y la entrega legal del mismo antes de que el cambio entre en vigencia.

Advertencia: De acuerdo con la ley de California, para fines de la división de propiedad en una disolución o separación legal de un matrimonio o pareja de hecho, la propiedad adquirida por las partes durante el matrimonio o pareja de hecho registrada en forma conjunta se presume propiedad comunitaria. Si una de las partes de este caso fallece antes de que se divida la propiedad comunitaria de tenencia conjunta, el lenguaje de la escritura que describe cómo se tiene el titulo (es decir, tenencia conjunta, tenencia en común o propiedad comunitaria) será determinante, y no la presunción de propiedad comunitaria. Si quiere que la presunción de propiedad comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.

¿Necesita seguro de salud a un costo 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 más información, visite coveredca.com/espanol/ o llame al 1-800-300-0213.

SUMMONS (Parentage—Custody and Support)

Petitioner must complete page 1 and file all pages with the court. For Spanish, read page 2.

El demandante tiene que completar la página 1 y presentar todas las páginas ante la corte. Para español, lea la página 2.

Clerk stamps date here when form is filed.

Notice to Respondent: You have been sued. Read the information below.

Respondent's name:

Petitioner's information:

Name:

Lawyer's name *(if any):*

Address and telephone *(give lawyer's information, if you have one):*

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Deadline. You have **30 calendar days** after this summons and the petition are served on you to file a *Response* (form FL-220 or other similar document, or form FL-270) at the court and have a copy served on each 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 right to custody of your children. You may also be ordered to pay child support and lawyer fees and costs.

Fee waiver. If you cannot pay the filing fee, ask the clerk for a fee waiver form**.** If your financial situation improves, 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.

Get help. 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/getting-legal-help), at the LawHelp California website (lawhelpca.org), or by contacting your local county bar association.

Automatic Temporary Court Orders

Travel restrictions for minor children.

1. You cannot remove any minor children who are listed on the petition or response from the state of California without first getting written permission from the other party or a court order.
2. You cannot apply for a new or replacement passport for those children without first getting written permission from the other party or a court order.

When the automatic temporary court orders begin and end. 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 served with this form and the petition or when the respondent accepts service of those documents. These court orders remain in effect until the judgment is entered, the petition is dismissed, or the court modifies these orders.

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.

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.

[SEAL]

(For court use only)

Date:

Clerk, by , Deputy

CITACIÓN (Filiación—Custodia y Manutención)

El demandante tiene que completar la página 1 y presentar todas las páginas ante la corte.

El secretario pone aquí un sello con la fecha cuando se presenta el formulario.

Solo para información

Ponga el nombre y dirección de la corte:

Corte Superior de California, condado de

La corte pone el número de caso cuando se presenta el formulario.

Número de caso:

Aviso al Demandado: Lo han demandado. Lea la información a continuación.

Nombre del demandado:

Información del demandante:

Nombre:

Nombre del abogado *(si lo hay):*

Dirección y teléfono *(proporcione los datos del abogado, si tiene uno):*

Fecha límite. Tiene **30 días calendario** después de haber recibido la entrega legal de esta citación y la petición para presentar una *Respuesta* (formulario FL-220 u otro documento similar, o formulario FL-270) ante la corte y hacer la entrega legal de una copia a cada demandante. Una carta, llamada telefónica o una comparecencia ante la corte no lo protegerá. Si no presenta su *Respuesta* a tiempo, la corte puede hacer órdenes que afecten su derecho a la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos y honorarios y costos legales.

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 la corte eximió para usted o la otra parte.

Obtenga ayuda. Para asesoramiento legal, póngase en contacto con un abogado de inmediato. Obtenga ayuda para encontrar un abogado en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es/obtenga-ayuda-legal), en el sitio web de LawHelp California (es.lawhelpca.org) o al contactarse con la asociación de abogados de su condado.

Órdenes temporales automáticas de la corte

Restricciones de viaje para hijos menores.

1. No pueden llevarse a ningún hijo menor indicado en la petición o la respuesta fuera del estado de California, sin antes obtener el permiso por escrito de la otra parte o una orden de la corte.
2. No pueden solicitar un pasaporte nuevo o de reemplazo para esos hijos menores, sin antes obtener el permiso por escrito de la otra parte o una orden de la corte.

Cuándo comienzan y terminan las órdenes temporales automáticas de la corte. Estas órdenes de la corte entran en vigencia para el demandante cuando este presente la petición ante la corte. Para el demandado, entran en vigencia una vez que se le haga la entrega legal de este formulario y la petición, o cuando el demandado acepte la entrega legal de esos documentos. Estas órdenes de la corte siguen en vigencia hasta que se registre un fallo, se desestime la petición o la corte modifique estas órdenes.

Hacer acatar las órdenes temporales automáticas de la corte. Se puede hacer acatar estas órdenes en cualquier lugar de California. Cualquier agente del orden público que haya recibido o visto una copia de estas órdenes las puede hacer acatar.

¿Necesita seguro de salud a un costo 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 más información, visite coveredca.com/espanol/ o llame al 1-800-300-0213.

FL-710

SUMMONS—JOINT PETITION

You must complete page 1 and file all four pages with the court. For Spanish, read pages 3–4.
Tienen que completar la página 1 y presentar las cuatro páginas ante la corte. Para español, lean las páginas 3–4.

Notice to Joint Petitioners: 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.

Petitioner 1's information:

Name:

Lawyer's name *(if any):*

Address and telephone *(give lawyer's information, if you have one):*

Petitioner 2's information:

Name:

Lawyer's name *(if any):*

Address and telephone *(give lawyer's information, if you have one):*

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Follow automatic temporary court orders. You must follow the orders listed on page 2 of this form.

When the automatic temporary court orders begin and end. These court orders take effect against both petitioners when this form and *Joint Petition—Marriage or Domestic Partnership* (form FL-700) are filed. These court orders remain in effect until the judgment is entered, the petition is dismissed, or the court modifies these orders.

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.

Effect of revocation. Revoking the joint petition by filing an amended petition or an amended response does not terminate the automatic temporary court orders.

Fee waiver. If you cannot pay the filing fee, ask the clerk for a fee waiver form**.** If your financial situation improves, 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.

[SEAL]

(For court use only)

Date:

Clerk, by , Deputy

Automatic Temporary Court Orders

1. **Travel restrictions for minor children.**
   a. You cannot remove any minor children you have with the other party from the state of California without first getting written permission from the other party or a court order.
   b. You cannot 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 the parties (you or 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. **Property transfers on death.** You cannot create a nonprobate transfer (examples: trust or choice of beneficiary), or change a a nonprobatetransfer that impacts the property being transferred, without the written permission 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.You may revoke (cancel) a nonprobate transfer or eliminate a right of survivorship by filing with the court and serving a notice on the other party before the change takes effect.

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.

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.

CITACIÓN—PETICIÓN CONJUNTA

Tienen que completar la página 1 y presentar las cuatro páginas ante la corte. Para español, lean las páginas 3–4.

El secretario pone aquí un sello con la fecha cuando se presenta el formulario.

Solo para información

Aviso a los demandantes conjuntos: Los demandantes conjuntos indicados a continuación son partes en un procedimento formal y legal y, como resultado, están sujetos inmediatamente a ciertas obligaciones. Lean la información a continuación y en la página siguiente.

Información del demandante 1:

Nombre:

Nombre del abogado *(si lo hay):*

Dirección y teléfono *(proporcione los datos del abogado, si tiene uno):*

Información del demandante 2:

Nombre:

Nombre del abogado *(si lo hay):*

Dirección y teléfono *(proporcione los datos del abogado, si tiene uno):*

Ponga el nombre y dirección de la corte:

Corte Superior de California, condado de

La corte pone el número de caso cuando se presenta el formulario.

Número de caso:

Cumplir con las órdenes temporales automáticas de la corte. Tienen que cumplir con las órdenes indicadas en la página 2 de este formulario.

Cuándo comienzan y terminan las órdenes temporales automáticas de la corte. Estas órdenes de la corte entran en vigencia para ambos demandantes cuando se presenta este formulario y *Petición conjunta—Matrimonio o pareja de hecho* (formulario FL-700). Estas órdenes de la corte siguen en vigencia hasta que se registre un fallo, se desestime la petición o la corte modifique estas órdenes.

Hacer acatar las órdenes temporales automáticas de la corte. Se puede hacer acatar estas órdenes en cualquier lugar de California. Cualquier agente del orden público que haya recibido o visto una copia de estas órdenes las puede hacer acatar.

Efecto de la revocación. La revocación de la petición conjunta efectuada con la presentación de una petición enmendada o una respuesta enmendada no pone fin a las órdenes temporales automáticas de la corte.

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 la corte eximió para usted o la otra parte.

Órdenes temporales automáticas de la corte

1. **Restricciones de viaje para hijos menores.**
   a. No pueden llevarse a ningún hijo menor que tenga con la otra parte fuera del estado de California, sin antes obtener el permiso por escrito de la otra parte o una orden de la corte.
   b. No pueden solicitar un pasaporte nuevo o de reemplazo para esos hijos menores, sin antes obtener el permiso por escrito de la otra parte o una orden de la corte.

2. **Seguro de salud u otro seguro.** No pueden cobrar, pedir prestado en contra de, cancelar, transferir, permitir que venza por no pagar las primas, dejar de renovar, deshacerse de, ni cambiar los beneficiarios de ningún seguro u otro tipo de cobertura que los beneficie a las partes (usted o la otra parte) y a los hijos menores que tengan en común.

3. **Propiedad y gastos extraordinarios.** No pueden transferir, pedir prestado, vender, usar como garantía, ocultar o deshacerse de ninguna propiedad (ya sea comunitaria, cuasicomunitaria o separada) sin el permiso por escrito de la otra parte o una orden de la corte, excepto en el curso habitual de actividades comerciales, para las necesidades de la vida, o para 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 proporcionar un registro detallado a la corte si se pagan estos gastos.

4. **Transferencias de propiedades por fallecimiento.** No pueden ni crear una transferencia no testamentaria (ejemplos: un fideicomiso o elección del beneficiario) ni cambiar una transferencia no testamentaria de manera que afecte la propiedad sujeta a transferencia, sin el permiso por escrito de la otra parte o una orden de la corte. Excepción: No se aplica a testamentos, el establecimiento de fideicomisos sin fondos, ni a la renuncia del derecho a una herencia. Se puede revocar (cancelar) una transferencia no testamentaria o eliminar el derecho de superviviencia por medio de la presentación de un aviso ante la corte y la entrega legal del mismo antes de que el cambio entre en vigencia.

Advertencia: De acuerdo con la ley de California, para fines de la división de propiedad en una disolución o separación legal de un matrimonio o pareja de hecho, la propiedad adquirida por las partes durante el matrimonio o pareja de hecho registrada en forma conjunta se presume propiedad comunitaria. Si una de las partes de este caso fallece antes de que se divida la propiedad comunitaria de tenencia conjunta, el lenguaje de la escritura que describe cómo se tiene el titulo (es decir, tenencia conjunta, tenencia en común o propiedad comunitaria) será determinante, y no la presunción de propiedad comunitaria. Si quiere que la presunción de propiedad comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.

¿Necesita seguro de salud a un costo 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 más información, visite coveredca.com/espanol/ o llame al 1-800-300-0213.

SUR-110

SUMMONS—Gestational Carrier Agreement

Petitioners must complete page 1 and file all pages with the court. For Spanish, read page 2.

Los demandantes tienen que completar la página 1 y presentar todas las páginas ante la corte. Para español, lea la página 2.

Clerk stamps date here when form is filed.

Notice to Respondent: You have been sued. Read the information below.

Respondent's name:

Petitioner's information:

Name:

Lawyer's name *(if any):*

Address and telephone *(give lawyer's information, if you have one):*

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Deadline. You have **30 calendar days** after this summons and the petition are served on you to file a *Response* (form SUR-120) with the court and have a copy served on each 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 right to custody of your children. You may also be ordered to pay child support and lawyer fees and costs.

Fee Waiver. If you cannot pay the filing fee, ask the clerk for a fee waiver form**.** If your financial situation improves, 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.

Term used in law. A "gestational carrier agreement" is also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962.

Get help: 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/getting-legal-help), at the LawHelp California website (lawhelpca.org), or by contacting your local county bar association.

Automatic Temporary Court Orders

Travel restrictions for minor children.

1. You cannot remove any minor children who are listed on the petition or response from the state of California without first getting written permission from all other parties or a court order.
2. You cannot apply for a new or replacement passport for those children without first getting written permission from all other parties or a court order.

When the automatic temporary court orders begin and end. These court orders take effect against each petitioner when the petition is filed with the court. They take effect against each respondent when each respondent is served with this form and *Petition* (form SUR-100) or when each respondent accepts service of those forms. These court orders remain in effect until the judgment is entered, the petition is dismissed, or the court modifies these orders.

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.

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.

[SEAL]

(For court use only)

Date:

Clerk, by , Deputy

SUR-110

CITACIÓN—Acuerdo de portadora gestacional

Los demandantes tienen que completar la página 1 y presentar todas las páginas ante la corte.

El secretario pone aquí un sello con la fecha cuando se presenta el formulario.

Solo para información

Aviso al demandado: Lo han demandado. Lea la información a continuación.

Nombre del demandado:

Información del demandante:

Nombre:

Nombre del abogado *(si lo hay):*

Dirección y teléfono *(proporcione los datos del abogado, si tiene uno):*

Ponga el nombre y dirección de la corte:

Corte Superior de California, condado de

La corte pone el número de caso cuando se presenta el formulario.

Número de caso:

Fecha límite. Tiene **30 días calendario** después de haber recibido la entrega legal de esta citación y la petición para presentar una *Respuesta* (formulario SUR-120) ante la corte y hacer la entrega legal de una copia a cada demandante. Una carta o llamada telefónica o una comparecencia ante la corte no lo protegerá. Si no presenta su *Respuesta* a tiempo, la corte puede hacer órdenes que afecten su derecho a la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.

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 la corte eximió para usted o la otra parte.

Término legal. Un "acuerdo de portadora gestacional" también se llama "un acuerdo de reproducción asistida para portadoras gestacionales" en la sección 7962 del Código de Familia.

Obtenga ayuda. Para asesoramiento legal, póngase en contacto con un abogado de inmediato. Obtenga ayuda para encontrar un abogado en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/obtenga-ayuda-legal), en el sitio web de LawHelp California (es.lawhelpca.org) o al contactarse con la asociación de abogados de su condado.

Órdenes temporales automáticas de la corte

Restricciones de viaje para hijos menores.

1. No pueden llevarse a ningún hijo menor indicado en la petición o la respuesta fuera del estado de California, sin antes obtener el permiso por escrito de la otra parte o una orden de la corte.
2. No pueden solicitar un pasaporte nuevo o de reemplazo para esos hijos menores, sin antes obtener el permiso por escrito de la otra parte o una orden de la corte.

Cuándo comienzan y terminan las órdenes temporales automáticas de la corte. Estas órdenes de la corte entran en vigencia para cada demandante cuando este presente la petición ante la corte. Para cada demandado, entran en vigencia una vez que se le haga la entrega legal de este formulario y *Petición* (formulario SUR-100), o cuando cada demandado acepte la entrega legal de esos formularios. Estas órdenes de la corte siguen en vigencia hasta que se registre un fallo, se desestime la petición o la corte modifique estas órdenes.

Hacer acatar las órdenes temporales automáticas de la corte. Se puede hacer acatar estas órdenes en cualquier lugar de California. Cualquier agente del orden público que haya recibido o visto una copia de estas órdenes las puede hacer acatar.

¿Necesita seguro de salud a un costo 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 más información, visite coveredca.com/espanol/ o llame al 1-800-300-0213.

SPR26-19 Chart of Comments (DRAFT)

Family Law: Revisions to Summons Forms to Implement Assembly Bill 1297 and Enhance Consistency
revise forms FL-110, FL-210, FL-710, and SUR-110)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Lawyers Association, Family Law Section Executive Committee (FLEXCOM) by Shanon Quinley FLEXCOM Legislature Chair and Saul Bercovitch Chief Governmental Affairs Officer, California Lawyers Association	Position: Agree FLEXCOM agrees with this proposal. FLEXCOM supports replacing the term "Standard Family Law Restraining Orders" with "Automatic Temporary Court Orders" on forms FL-110 and FL-710. Making this change would help differentiate these automatic orders from the restraining orders that are sought for a specific, often emergent purpose.	The committee appreciates the commenter's support for revising the forms to replace "Standard Family Law Restraining Orders" with "Automatic Temporary Court Orders."
Harriet Buhai Center for Family Law (Buhai Center) by Rebecca L. Fischer Managing Director of Legal Programs and Stacy Horth-Neubert Executive Director Name	Position: Not indicated. I. Does the proposal appropriately address the stated purpose? The Buhai Center supports the proposed changes with some modifications. Overall, the proposed changes address requirements set forth in AB 1297 while also promoting greater clarity in the forms, particularly for self-represented litigants. The Buhai Center discusses these forms and the orders contained therein with hundreds of litigants, many of whom were or will in the future be self-represented, and the proposed changes (with minor revisions) will encourage greater understanding of the impact of the Summons.	The committee appreciates the response.
Buhai Center (continued)	We also appreciate the Committee's efforts to improve the overall readability and useability of the form. We particularly appreciate the increased space for each party's name and the changes in formatting of the Spanish translations.	The committee appreciates the response.

Commenter	Comment	Committee Response
Buhai Center (continued)	While we support the use of plain language on forms, we encourage the Committee to reconsider the use of "receives" as a synonym for "is served with" on the FL-110. As service of process has a particular legal meaning, we do not think it is appropriate to conflate service with mere receipt particularly as it may confuse litigants as to whether or not the automatic court orders are in place. There is no similar language on the proposed SUR-110 or FL-210 and the application of the automatic orders through the FL-710 applies upon filing (no service is required) so there is not a similar concern regarding phrasing on that form.	The committee agrees with the commenter and recommends the following language for form FL-110: "When the automatic temporary court orders begin and end. 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 served with this form and *Petition* (form FL-100) or when the respondent accepts service of those forms. These court orders remain in effect until the judgment is entered, the petition is dismissed, or the court modifies these orders."
Buhai Center (continued)	II. On the forms FL-110 and FL-710, should the term "Standard Family Law Restraining Orders" be replaced with "Automatic Temporary Court Orders"? The Buhai Center proposes the form use "Automatic Court Orders" instead. The Buhai Center supports removing "Restraining" from the phrase. The use of that term is confusing and has led to some self-represented litigants we work with to believe they have a restraining order when they do not. Avoiding overlapping terminology with domestic violence or other types of restraining orders is a beneficial change, as the proposal noted.	The committee appreciates the commenter's support for revising the forms to replace "Automatic Court Orders" with "Automatic Temporary Court Orders."
Buhai Center (continued)	However, the Buhai Center encourages the Committee to delete "Temporary" from the phrase. The term "Temporary" can promote confusion and may lead litigants to believe the orders are somehow time limited (such as when used in Temporary Restraining Orders in DVPA matters) even though the orders last until explicitly modified by the court, the agreement of the parties, the dismissal of the case, or entry of judgment. We believe the phrase "Automatic Court Orders" sufficiently conveys the concept without adding the potential for confusion.	The committee considered the commenter's concern that litigants may misunderstand the word "temporary" as indicating that the orders automatically expire after a short period of time. However, the committee believes that retaining the term, consistent with Family Code section 2040, promotes legal accuracy and that the recommended language on the forms adequately address the potential for confusion regarding the duration of the orders.

Commenter	Comment	Committee Response
Buhai Center (continued)	III. On the forms FL-210 and SUR-110, should the term "Standard Restraining Order" be replaced with "Automatic Temporary Court Orders"? The Buhai Center proposes the form use "Automatic Court Orders" instead. The Buhai Center supports removing "Restraining" from the phrase. The use of that term is confusing and has led to some self-represented litigants we work with to believe they have a restraining order when they do not. Avoiding the overlapping terminology with domestic violence or other types of restraining orders is a beneficial change.	See above response regarding forms FL-110 and FL-710.
Buhai Center (continued)	However, the Buhai Center encourages the Committee to delete "Temporary" from the phrase. The term "Temporary" can promote confusion and may lead litigants to believe the orders are somehow time limited (such as when used in Temporary Restraining Orders in DVPA matters) even though the orders last until explicitly modified by the court, the agreement of the parties, the dismissal of the case, or entry of judgment. We believe the phrase "Automatic Court Orders" sufficiently conveys the concept without adding the potential for confusion.	See above response regarding forms FL-110 and FL-710.
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree. The proposed forms appropriately address the stated purpose: Yes.	The committee appreciates the information.
OCBA (continued)	Yes, the forms should use the term "Automatic Temporary Court Orders" because for roughly 20 years they have been referred to as "Automatic Temporary Restraining Orders" or ATROS (pronounced at-troes) so this term will cause less confusion.	The committee appreciates the commenter's support for revising the forms to replace "Standard Family Law Restraining Orders" with "Automatic Temporary Court Orders."
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree. In response to the Judicial Council of California's ITC, "SPR26-19 Family Law: Revise Summons Forms to Implement AB 1297 and Improve Consistency Across Summons Forms," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	In regard to forms FL-110 and FL-710, the Court agrees that the term "Standard Family Law Restraining Orders" should be replaced with the "Automatic Temporary Court Orders." This change will make it clearer that these orders automatically remain in place without any further action.	The committee appreciates the commenter's support for revising the forms to replace "Standard Family Law Restraining Orders" with "Automatic Temporary Court Orders."
Superior Court of Los Angeles County (continued)	In regard to forms FL-210 and SUR-110, the Court also agrees that the term "Standard Restraining Order" should be replaced with "Automatic Temporary Court Orders" for the same reasons previously mentioned.	The committee appreciates the commenter's support for revising the forms to replace "Standard Family Law Restraining Orders" with "Automatic Temporary Court Orders."
Superior Court of Los Angeles County (continued)	The proposal will not result in cost savings.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train its staff on the updates to the forms, which would take about one hour. Two months is sufficient time for implementation. Additionally, the proposal will work for courts of different sizes.	The committee appreciates the information.
Superior Court of Orange County Family Law and Juvenile Law Divisions by Marina Barragan, Operations Analyst	Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the response.
Superior Court of Orange County (continued)	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.) Yes, the term should be changed on both forms. It is stated in the proposed additional changes to revise these forms into plain language formatting. Changing the term will not only improve comprehension of the orders to self-represented parties but also increase the understanding that these orders are not to be perceived/confused as Domestic Violence restraining orders.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	On forms FL-210 and SUR-110, should the term "Standard Restraining Order" be replaced with "Automatic Temporary Court Orders"? (Please explain your answer.) Yes, the term should be changed on both forms, especially if it is changed on the FL-110 and FL-710. An additional proposed purpose is to revise the forms to plain language formatting, to improve usability by all litigants and for consistency across the summons forms used in family law proceedings.	The committee appreciates the commenter's support to replace "Standard Family Law Restraining Orders" with "Automatic Temporary Court Orders."
Superior Court of Orange County (continued)	Would the proposal provide cost savings? If so, please quantify. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation	The committee appreciates the information.
Superior Court of Orange County (continued)	What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Implementation will require providing communication to judicial officers and court staff and updating forms packets.	The committee appreciates the information.
Superior Court of Orange County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County.	The committee appreciates the information.
Superior Court of Orange County (continued)	How well would this proposal work in courts of different sizes? Our court is a larger court, and this could work for Orange County.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of San Diego County by Michael Roddy, Court Executive Officer	Position: Agree Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the response.
Superior Court of San Diego County (continued)	Q: 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.) A: Yes. Pro per litigants are often confused by the use of "restraining orders" in this context. It is common for pro per litigants to confuse this with restraining orders issued pursuant to the Domestic Violence Prevention Act. Changing the term to "Automatic Temporary Court Orders" will help eliminate this confusion.	The committee appreciates the commenter's support for revising the forms to replace "Standard Family Law Restraining Orders" with "Automatic Temporary Court Orders."
Superior Court of San Diego County (continued)	Q: 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.) A: Yes. Pro per litigants are often confused by the use of "restraining orders" in this context. It is common for pro per litigants to confuse this with restraining orders issued pursuant to the Domestic Violence Prevention Act. Changing the term to "Automatic Temporary Court Orders" will help eliminate this confusion.	The committee appreciates the commenter's support for revising the forms to replace "Standard Family Law Restraining Orders" with "Automatic Temporary Court Orders."
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.
Superior Court of San Diego County (continued)	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 local packets and internal procedures.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time.	The committee appreciates the response and notes that the forms undergo a process of programming after their adoption by the Judicial Council. The forms are generally made available to the courts about one month before they take effect.
Superior Court of San Diego County (continued)	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.
Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee (JRS)	Position: Agree The JRS notes the following impact to court operations: • Results in additional training, which requires the commitment of staff time and court resources. • Judge and court staff training. Update SHC packets/training.	The committee appreciates the information.
JRS (continued)	The JRS also notes that the proposal is required to conform to a change of law.	No response required.

Rules Committee Action Request Form

Item number: 20

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory 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: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-140

For business meeting on October 16, 2026

Family Law: Domestic Violence Training Standards for Court-Appointed Child Custody Investigators and Evaluators (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 5.215 and 5.230

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 7, 2026

Contact
Gabrielle D. Selden, 415-865-8085
gabrielle.selden@jud.ca.gov

Executive Summary

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. The Family and Juvenile Law Advisory Committee recommends amending two California Rules of Court to implement this recent legislation. To ensure that court professionals are directed to the current training requirements and to reduce the need for future conforming amendments whenever the Legislature modifies the statutory list, the committee recommends 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 committee also recommends additional substantive and technical amendments to improve legal accuracy and readability.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Amend rule 5.215 of the California Rules of Court to implement AB 1974 and make additional clarifying, formatting, and technical amendments; and

2. Amend rule 5.230 of the California Rules of Court to implement AB 1974 and make other formatting and technical changes.

The proposed amended rules are attached at pages 8–14.

Relevant Previous Council Action

Rule 5.215

Effective January 1, 2002, the Judicial Council adopted the rule (then numbered rule 1257.2 and titled Domestic violence protocol for Family Court Services) to implement Family Code section 3170(b), which provides that "[d]omestic violence cases shall be handled by Family Court Services in accordance with a separate protocol approved by the Judicial Council."[1] Following its adoption, the Judicial Council approved a series of technical changes to the rule from 2003 to 2016, including renumbering the rule to 5.215 in 2003,[2] reorganizing it under a new chapter in 2007,[3] and modernizing the rule to delete references to outdated media in 2016.[4]

Rule 5.230

Effective January 1, 1999, the Judicial Council adopted rule 1257.7 titled Domestic violence training standards for court-appointed child custody investigators and evaluators, to comply with AB 1995 (Stats. 1996, ch. 761).[5] The bill enacted Family Code section 3117 and provided that all court-appointed persons who evaluate or investigate child custody matters must complete domestic violence training. The legislation also required that the Judicial Council prescribe training standards for full and partial court-ordered child custody evaluations, investigations, and assessments.

The rule was renumbered from rule 1257.7 to rule 5.230, effective January 1, 2003 (see footnote 2). The Judicial Council adopted substantive amendments to the rule effective January 1, 2005, in response to concerns expressed by court-appointed child custody evaluators and investigators.

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[1] Judicial Council of Cal., Advisory Com. Rep., *Family Court Services Domestic Violence Protocol* (Oct. 5, 2001).

[2] Judicial Council of Cal., Advisory Com. Rep., *Family Law Rules: Renumbering and Revision of Title Five of the California Rules of Court* (Oct. 16, 2002).

[3] Administrative Office of the Courts, *Reorganization of the California Rules of Court* (June 15, 2006).

[4] Judicial Council of Cal., Advisory Com. Rep., *Technology: Modernization of the Rules of Court to Facilitate E-Business, E-filing, and E-Service* (Sept. 16, 2015), p. 5

[5] Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence Training Standards for Court-Appointed Investigators and Evaluators* (Sept. 8, 1998).

Specifically, the council amended the rule to eliminate the requirement that the training be received in person. This change provided flexibility for compliance in response to budgetary constraints experienced by courts.[6]

Analysis/Rationale

Family Code section 1816 (Link A) provides the basic, advanced, and continuing education requirements for court-appointed child custody investigators and evaluators. Subdivision (d) requires child custody investigators, evaluators, and mediators to complete 16 hours of advanced training within a 12-month period, including 12 hours covering topics identified in the statute.[7]

Assembly Bill 1974 amended one of the required advanced training topics—"[t]he unique issues in a family and psychological assessment in a domestic violence case"—by adding training regarding firearm risk in domestic violence cases. 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.[8]

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.

Rule 5.215

To comply with AB 1974, the committee recommends amending the current content of subdivision (j)(2) (*Advanced domestic violence training*) by replacing the reference to rule 5.230 with a direct reference to Family Code section 1816. The committee also recommends removing outdated language in this subdivision relating to staff members employed by Family Court Services on January 1, 2002.

In addition, the committee recommends 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 improve readability and clarify which procedures apply in each circumstance.

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[6] Judicial Council of Cal., Advisory Com. Rep., *Family and Juvenile Law: Mediator and Evaluator Education, Training, and Experience Requirements* (Sept. 7, 2004), p. 3.

[7] 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.

[8] Fam. Code, § 1816(d)(5)(L).

The committee recommends 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 concerning the parties or their minor children. The committee initially proposed deleting the word "existing" to clarify that child custody mediators and evaluators may consider all relevant emergency protective orders and domestic violence restraining orders, including orders that are pending, current, or expired. This change would make the subdivision consistent with the overall goal of understanding the history of domestic violence between the parties.

Finally, the committee recommends reformatting the content of subdivision (i)(1) (*Language accessibility*) into smaller subparts (A)–(D). The restructuring is intended to improve readability and accessibility 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 sought specific comment on the proposed changes in subdivisions (d)(6) and (i)(1).

Rule 5.230

The committee recommends 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) will 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, will be stricken.

The committee also recommends deleting subdivision (g) (Previous training accepted). This provision references portions of subdivision (d) that the committee has recommended removing and duplicates a substantially similar provision already contained in Family Code section 1816(h).

In addition, the committee recommends making technical, nonsubstantive amendments to ensure that the rule's statutory references are current and legally accurate. Specifically:

- Subdivision (a) references subdivisions (d) and (e) of Family Code section 3111, which were amended effective 1998 and are no longer applicable. The committee recommends replacing those references with Family Code section 1816.

- Subdivision (b), which also references Family Code section 3111, will be amended to include a reference to Family Code section 1816. Additionally, the last sentence in this subdivision, beginning "Effective January 1, 1998…" will be stricken as obsolete.

- Subdivision (c)'s amendment includes aligning 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 will be amended from "Definitions" to "Definition."

Policy implications

In addition to implementing legislative changes, the committee's recommendations will enhance access to the courts (Goal I of the *Strategic Plan for California's Judicial Branch*). Reformatting the rules, using language that is easier to understand, and redrafting definitions will benefit court professionals, attorneys, and parties in cases involving domestic violence.

Comments

This proposal circulated for public comment from April 13 through May 18, 2026. The committee received seven comments on the proposal. Five agreed with the proposal in its entirety; one agreed, if modified; and one did not indicate a position. No commenters disagreed with the proposal. The commenters were the Superior Courts of Los Angeles, Orange, and San Diego Counties; California Lawyer's Association, Family Law Section Executive Committee (FLEXCOM); Harriet Buhai Center for Family Law; Orange County Bar Association; and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee (TCPJAC/CEAC Joint Rules Subcommittee).

Most commenters expressly supported the proposed amendments to rules 5.215 and 5.230, and commenters generally agreed that the proposal appropriately addressed the stated purpose.

Specific comments about rule 5.215

The committee requested that commenters respond to two specific questions about proposed changes to rule 5.215.

Regarding the proposal to reformat rule 5.215(d)(6) and (i)(1) to make these subdivisions easier to read and understand, six commenters specifically noted their agreement with the proposed changes. Moreover, no commenters indicated that there would be a risk of potential confusion caused by renumbering and relettering the existing content.

All commenters responded to the specific request for comments about the proposal to strike the word "existing" from rule 5.215(f)(2)(a). A commenter suggested not striking the word from the rule. Others, except one, indicated that there would be no unintended consequences for striking the word from the rule. Other commenters suggested deleting the word "existing" and replacing it with a series of words to clarify that the court should consider pending, current, and expired protective orders.

Considering comments received about amending rule 5.215(f)(2), the committee is recommending replacing the word "existing" with the phrase "pending, current, or expired" to clarify the scope of protective orders and restraining orders that may be considered. The committee concluded that the phrase would be an effective substitution because it describes all types of orders that should be considered by Family Court Services professionals. In addition, the

committee is recommending revising the phrase "the parties or minor" in subdivision (f)(2)(a) to "the parties or their minor child" to clarify the relationship of the minor to the parties.

A chart with the full text of the comments received and the committee's responses is attached at pages 15–21.

Specific comments about rule 5.230
TCPJAC/CEAC Joint Rules Subcommittee suggested removing the words "investigators and" from the current title of the rule. The committee concluded that the change would align with the amendments it is recommending to the definition of child custody evaluator in rule 5.230(c) and that a child custody evaluator is a court-appointed investigator as defined in Family Code section 3110. Therefore, the committee agreed and recommends the title change with the other amendments it is recommending to the Judicial Council.

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 recommends amending both rules as described above.

In developing the proposal, the committee also reviewed all title 5 California 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 rules other than the two rules addressed in this report were necessary. The committee concluded that no additional rule amendments are required.

The committee further considered whether revisions were needed to Judicial Council forms, *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 because the forms already reference the evaluator's compliance with statutory training requirements.

Fiscal and Operational Impacts

Two commenting courts noted that implementing the changes to the rules would require additional training to court professionals and revising current procedures. The other two commenting courts indicated that operational impacts on their court would be minimal.

Regarding the timeline for implementing the proposal, one court indicated four to six months—not two months—would provide sufficient time for the court, including Family Court Services staff, to implement the rules changes. The committee does not recommend delaying implementation as the new advanced training requirements under AB 1974 went into effect on January 1, 2025.

Attachments and Links

1. Cal. Rules of Court, rules 5.215 and 5.230, at pages 8–14
2. Chart of comments, at pages 15–21
3. Link A: Assem. Bill 1974
4. Link B: Cal. Rules of Court, rule 5.215
5. Link C: Cal. Rules of Court, rule 5.230
6. Link D: Form FL-325
7. Link E: Form FL-326

Rules 5.215 and 5.230 of the California Rules of Court are 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.

(iii) A party's request for separate sessions must not be treated as a party's lack of cooperation with Family Court Services.

(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 between the parties 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~~ a pending, current, or expired emergency protective order or domestic violence restraining order concerning the parties or their minor child; (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 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*

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.~~ in subdivisions (d) and (e) of Family Code section 1816. ~~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.~~

(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~~~~

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 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;

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.~~

SPR26-20 Chart of Comments

Family Law: Domestic Violence Training Standards for Court-Appointed Child Custody Investigators and Evaluators (amend Cal. Rules of Court, rules 5.215 and 5.230)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Lawyer's Association, Family Law Section Executive Committee (FLEXCOM) by Shanon Quinley, Legislature Chair and Saul Bercovitch, Chief Governmental Affairs Officer	Position: Agree. FLEXCOM agrees with this proposal. FLEXCOM suggests a clarifying amendment to proposed Rule 5.215(i)(1)(d) as follows: "An adult family member may act as an interpreter only when appropriate interpreters are a court assigned interpreter is not available."	The committee does not recommend an amendment in response to this suggestion. The committee concluded that the phrase "an appropriate interpreter" is sufficiently broad to include a court assigned interpreter and therefore is not recommending the suggested amendment.
FLEXCOM (continued)	FLEXCOM suggests a clarifying amendment to proposed Rule 5.215(f)(2)(a) as follows: "Procedures for identifying domestic violence may include, but are not limited to: (a) determination identification of an current or prior emergency protective orders or domestic violence restraining orders concerning the parties or minor; …" Since this proposal is intended to "underscore that child custody mediators and evaluators may consider all such orders, whether they are currently in effect or have expired," there should be no ambiguity concerning whether only a current order may be considered.	In light of comments received about amending rule 5.215(f)(2), to clarify that evaluators and mediators are not limited to considering orders currently in effect, the committee recommends replacing the word "existing" with the phrase "pending, current, or expired emergency protective order or domestic violence restraining order concerning the parties or their minor child."
Harriet Buhai Center for Family Law (Buhai Center) by Rebecca L. Fischer, Managing Director of Legal Programs, and Stacy Horth-Neubert, Executive Director	Position: Agree. Generally, the Buhai Center supports the proposed changes and agrees they appropriately address the stated purpose. The level, type, and content of domestic violence training are issues that are critical to many Buhai Center clients, the vast majority of whom are single parents and survivors of domestic violence. It is also critical to the broader community of domestic violence survivors, many of whom are self-represented in family court matters. The Buhai Center encourages the Committee to continue to review the rules relating to trainings and consider whether there are additional opportunities for greater transparency on evaluator compliance with the requirements, the source of the required trainings, and the content of the trainings, including when they were most recently updated.	The committee acknowledges the commenter's agreement and appreciates its additional recommendations regarding transparency and training compliance.

Commenter	Comment	Committee Response
Buhai Center (continued)	II. 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? Based on the proposed language, the Buhai Center believes the renumbering and relettering of the existing content makes the sections easier to read and reduces confusion.	The committee appreciates the response.
Buhai Center (continued)	III. The committee propose striking the word "existing" from rule 5.215(f)(2)(a). Would this amendment have any unintended consequences? The Buhai Center supports the proposal to strike "existing" from the rule in regards to emergency protective orders or domestic violence restraining orders. In the event that other commentators express concerns, the Buhai Center proposes in the alternative that the phrase "existing or expired" be substituted for "existing" to address the concern noted in the proposal that mediators or evaluators may only be considering orders currently in effect.	To clarify that evaluators and mediators are not limited to considering orders currently in effect, the committee recommends replacing the word "existing" with the phrase "pending, current, or expired emergency protective order or domestic violence restraining order concerning the parties or their minor child."
Buhai Center (continued)	The Buhai Center would also encourage the Committee to consider adding "or a pending request for restraining order" to (f)(2)(a). Under current law, a party requesting a restraining order may be required to attend mediation prior to a ruling on that restraining order. While in many cases a temporary restraining order may be in effect and thus already implicate the language in (f)(2)(a), not all requests result in a temporary restraining order. Emphasizing that the request for a restraining order should automatically be a signifier for identifying potential domestic violence is important to address the fact that the time immediately after filing a request for restraining orders can be one of the most dangerous times for a survivor and therefore warrants caution and consideration.	See the committee's response above.
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree. The proposed rules changes appropriately address the stated purpose: Yes.	The committee acknowledges the commenter's agreement and appreciates the information.
OCBA (continued)	No, there does not appear to be an issue with the suggested reformatting of the forms.	The committee appreciates the response.

Commenter	Comment	Committee Response
OCBA (continued)	Keep the term "existing" since the history of DV is important for the court (if child custody is at issue then the court can review 5 years back) but by removing the term it may cause confusion on what order are in place at the time of the evaluation.	To clarify that evaluators and mediators are not limited to considering orders currently in effect, the committee recommends replacing the word "existing" with the phrase "pending, current, or expired emergency protective order or domestic violence restraining order concerning the parties or their minor child."
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree. In response to the Judicial Council of California's ITC, "SPR26-20 Family Law: Domestic Violence Training Standards for Court-Appointed Child Custody Investigators and Evaluators," the Court agrees the proposal appropriately addresses the stated purpose.	The committee acknowledges the commenter's agreement and appreciates the response.
Superior Court of Los Angeles County (continued)	In regard to reformatting rule 5.215(d)(6) and (i)(1) to make these subdivisions easier to read and understand, the Court does not believe there is any risk of potential confusion caused by renumbering and relettering the existing content as proposed.	The committee appreciates the response.
Superior Court of Los Angeles County (continued)	In regard to striking the word "existing" from rule 5.215(f)(2)(a), the Court does not believe the amendment would have any unintended consequences.	The committee appreciates the response.
Superior Court of Los Angeles County (continued)	The proposal will not result in cost savings.	The committee appreciates the response.
Superior Court of Los Angeles County (continued)	There would be minimal implementation requirements and two months is sufficient time for implementation. Additionally, the proposal will work for courts of different sizes.	The committee appreciates the response.
Superior Court of Orange County (continued)	Position: Not indicated. Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the response.
Superior Court of Orange County (continued)	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? The proposed renumbering would make the revised sections easier to review, read, and understand. It should also minimize confusion by providing a clearer and more organized structure.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	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 only foreseeable unintended consequence would be the potential for prior domestic violence allegations that were previously raised and found not credible to nevertheless create adverse ramifications for a party who did not cause or intend any domestic violence-related conduct. To address this concern and better reflect the intent of the revision, additional clarification within the rule could help eliminate potential ambiguity or misuse.	The committee appreciates the response. In light of comments received about amending rule 5.215(f)(2), to clarify that evaluators and mediators are not limited to considering orders currently in effect, the committee recommends striking the word "existing" and replacing it with "a pending, current, or expired" emergency protective order or domestic violence restraining order concerning the parties or their minor child."
Superior Court of Orange County (continued)	Would the proposal provide cost savings? If so, please quantify. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the information.
Superior Court of Orange County (continued)	What would the implementation requirements be for courts—for example, training staff (please identify the position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Implementation will require providing communication to judicial officers and court staff, revising current procedures, and staff training.	The committee appreciates the information.
Superior Court of Orange County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A two-month implementation period would not provide sufficient time for the Courts and Family Court Services investigators to prepare for the revisions. A four- to six-month timeframe would be more appropriate to accommodate the Court's operational and implementation constraints.	The committee appreciates the information regarding implementation timing considerations. The committee also acknowledges that courts will need to take action to implement the changes under AB 1974. However, because the main requirement to implement the legislation has been in effect since January 1, 2025, the committee does not recommend delaying the proposal's implementation.
Superior Court of Orange County (continued)	How well would this proposal work in courts of different sizes? Our court is a larger court, and this could work for Orange County.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of San Diego County by Michael Roddy, Court Executive Officer	Position: Agree. Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee acknowledges the commenter's agreement and appreciates the response.
Superior Court of San Diego County (continued)	Q: 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? A: No.	The committee appreciates the response.
Superior Court of San Diego County (continued)	Q: 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.) A: No.	The committee appreciates the response.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.
Superior Court of San Diego County (continued)	Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Minimal to none.	The committee appreciates the information.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates the response.
Superior Court of San Diego County (continued)	Q: How well would this proposal work in courts of different sizes? A: It appears that the proposal would work for courts of all sizes. No additional Comments.	The committee appreciates the response.
Trial Court Presiding Judges Advisory Committee (TCPJAC)/Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree if modified. The JRS notes the following impact to court operations: • Results in additional training, which requires the commitment of staff time and court resources.	The committee appreciates the information. See the committee's response to specific suggestions for modification below.

Commenter	Comment	Committee Response
JRS (continued)	The JRS also notes that the proposal is required to conform to a change of law.	No response required.
JRS (continued)	Suggested Modification(s): 1. Preexisting rule 5.215 and the proposed amendments to the rule use the term "family court services staff." Professionals providing child custody mediation and evaluation for courts may not always be staff, however, and may instead be contractors. While the preexisting rule defines the term and notes that it includes contractors and staff, such a definition is inherently inaccurate and counterintuitive given the standard definition of the term "staff." Accordingly, JRS suggests that the Committee use this opportunity in which the rule is already being amended to correct this issue by replacing instances of "family court services staff" and "staff" in rule 5.215 with "family court services professionals" and "professionals" respectively. Alternate terms to the replacement terms suggested may also be appropriate so long as the term "staff" is not used. Please note this suggestion does not extend to instances of the terms "support staff" and "clerical staff" in the rule as those do not present the same issue, because both employee and contractor family court services professionals may have support and/or clerical staff.	The suggestion to change the term "family court services staff" to "family court services professionals" is beyond the scope of the proposal. The committee may consider the change in a future cycle.
JRS (continued)	2. In the proposed amendments to rule 5.215, subsection (d)(6)(A)(iii) is phrased in a way that leaves significant room for subjective interpretation, thereby making the prescription arguably difficult to implement in a uniform manner across the state as is one of the primary goals of the California Rules of Court. JRS acknowledges that the language in that subsection is preexisting, but suggests the Committee use this opportunity in which the rule is already being amended to consider alternate phrasing or language for that subsection. JRS advises staying away from phrasing that presumes it can regulate staff behavior that is subject to interpretation and under the purview of management at the court. A more objective statement may be more appropriate, such as the following: "A party's request for separate sessions shall not be considered or treated as a lack of cooperation with Family Court Services."	The committee agrees and recommends amending the rule as suggested by the commenter with minor modifications. The committee recommends amending the rule to state: "A party's request for separate sessions must not be treated as a party's lack of cooperation with Family Court Services." In recommending this change, the committee concluded that it represents alternate phrasing that is clear and more objective rather than a substantive change to the rule.

Commenter	Comment	Committee Response
JRS (continued)	3. JRS suggests retitling rule 5.230 to align with other proposed amendments to the rule and FC section 1816 by removing the words "investigators and" form the current title. Proposed amendments include a definition for child custody evaluator that references an investigator, which addresses any need for clarity about the interplay between the terms. The proposed revised rule and FC section 1816 read as regulating evaluators, and this suggestion is intended to have rule 5.230 be similar.	The committee agrees that the suggested title revision would improve consistency between the rule title, the proposed amendments, and Family Code section 1816, and is recommending the change.
JRS (continued)	Request for Specific Comments 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?" No. JRS believes the changes make the rule clearer and easier to follow.	The committee appreciates the response.
JRS (continued)	Regarding the request for specific comment as to the following: "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.)" Not that JRS is aware of. JRS believes it makes sense to expand the scope by striking the word "existing" as past domestic violence is still a relevant factor for conducting separate sessions with Family Court Services.	In light of comments received about amending rule 5.215(f)(2), to clarify that evaluators and mediators are not limited to considering orders currently in effect, the committee is recommending replacing the word "existing" with the phrase "pending, current, or expired emergency protective order or domestic violence restraining order concerning the parties or their minor child."

Rules Committee Action Request Form

Item number: 21

Rules Committee Meeting Date: September 9, 2026

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

Title of proposal: Family Law: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 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; revise forms DV-116, DV-117, DV-205-INFO, FL-115, FL-980, FL-982, FL-985, and SUR-115

Advisory 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: 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.

(e): Assembly Bill 747 (Kalra), Service of Process Accountability, Reform and Equity (SPARE) Act. (Stats. 2025, ch. 563)

(i): Senate Bill 85 (Umberg) Civil actions: service of summons. (Stats. 2025, ch. 403)

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.) The Civil and Small Claims Advisory Committee and the Probate and Mental Health Advisory Committee circulated related proposals SPR26-08 and SPR26-34 to implement AB 747 and SB 85 during the Spring 2026 invitation-to-comment cycle.

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

Item No.: 26-149

For business meeting on October 16, 2026

Family Law: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85 (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
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

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 18, 2026

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Executive Summary

Assembly Bill 747 (Stats. 2025, ch. 563) and Senate Bill 85 (Stats. 2025, ch. 403) change California law governing service of a summons in civil cases, including substituted service, proof of service, and court-ordered alternative service. To implement these statutory changes, the Family and Juvenile Law Advisory Committee recommends amending one rule of court, adopting one mandatory form, approving two optional forms, and revising eight forms. The proposed changes would update Judicial Council rules and forms used in family law proceedings and proceedings under the Domestic Violence Prevention Act for consistency with the law governing service, as amended by AB 747 and SB 85.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Amend California Rules of Court, rule 5.72.

2. Adopt *Request to Serve Papers in a Different Way* (form DV-205).

3. Approve the following forms:

   - *Proof of Service of Papers in a Different Way* (form DV-217); and

   - *Declaration of Diligence for Substituted Service of Summons* (form FL-116).

4. Revise the following forms:

   - *Order on Request to Continue Court Hearing* (form DV-116);

   - *Order Granting Alternative Service* (form DV-117);

   - *What if the Person I Want Protection From Is Avoiding (Evading) Service?* (form DV-205-INFO);

   - *Proof of Service of Summons* (form FL-115);

   - *Application for Order for Publication or Posting* (form FL-980);

   - *Order for Publication or Posting* (form FL-982);

   - *Proof of Service by Posting* (form FL-985); and

   - *Proof of Service of Summons* (form SUR-115).

The proposed amended rule and new and revised forms are attached at pages 16–54.

Relevant Previous Council Action

Action Relevant to AB 747 Implementation

Effective January 1, 1991, the council approved a proof of service form specifically for the summons and other initial pleadings in family law proceedings. The form, now designated form FL-115, has been revised several times since its adoption. None of those revisions are directly relevant to this proposal.

Parties in cases who conceive a child with a gestational carrier under the terms of a gestational carrier agreement initially used form FL-115 as a proof of service of summons in their parentage action. Effective July 1, 2026, the council approved *Proof of Service of Summons* (form SUR-

115) for use in parentage proceedings involving gestational carrier agreements.[1] The form was designed to address the unique service requirements applicable to those proceedings.[2]

Action Relevant to SB 85 Implementation

In 2008, the Judicial Council established the Elkins Family Law Task Force in response to the decision in *Elkins v. Superior Court* (2007) 41 Cal. 4th 1337.[3] The task force recommended creating procedures for alternative service when family law litigants cannot locate the opposing party.[4] Effective January 1, 2013, the council implemented that recommendation by adopting rule 5.72 and approving *Application for Order for Publication or Posting* (form FL-980), *Order for Publication or Posting* (form FL-982), and *Proof of Service by Posting* (form FL-985).[5] Rule 5.72 was amended once, effective January 1, 2014, to clarify language regarding obtaining a fee waiver in cases of service by posting. Forms FL-980, FL-982, and FL-985 have never been revised.

Effective January 1, 2019, the Legislature enacted Assembly Bill 2694 (Stats. 2018, ch. 219) to allow for alternative service in Domestic Violence Prevention Act (DVPA) cases when, after diligent efforts, personal service has not been accomplished and there is reason to believe the person to be served is evading service.[6] As a part of implementing AB 2694, effective January 1, 2020, the council adopted *Order Granting Alternative Service* (form DV-117) and approved *What if the Person I Want Protection From is Avoiding (Evading) Service?* (form DV-205-INFO).[7] At that time, a commenter suggested creating a request form for alternative service specific to DVPA proceedings. The committee indicated it would consider that recommendation in a future cycle.[8] Forms DV-117 and DV-205-INFO have never been revised.

Analysis/Rationale

AB 747

Effective January 1, 2027, AB 747 (Link A) revises the statutory requirements governing substituted service and proof of service of summons in civil actions.[9] The committee

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[1] Judicial Council of Cal., Advisory Com. Rep., *Family Law: Rules and Forms to Determine Parental Relationship Based on Gestational Carrier Agreement* (Oct. 10, 2025).

[2] *Id.* at pp. 9–10.

[3] See Elkins Family Law Task Force, *Final Report and Recommendations* (April 2010).

[4] *Id.* at p. 36.

[5] Judicial Council of Cal., Advisory Com. Rep., *Family Law: Proof of Service by Posting or Publication* (Sept. 10, 2012).

[6] See Fam. Code, § 6340.

[7] Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Alternative Service in Domestic Violence Prevention Act Cases* (Sept. 3, 2019).

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

[9] The code sections referenced in this section refer to the versions of the sections that become effective January 1, 2027.

recommends revisions to Judicial Council forms used in family law proceedings to implement these statutory changes while maintaining forms that are clear and accessible to court users.

The Civil and Small Claims Advisory and the Probate and Mental Health Advisory Committee are also implementing these changes in the law.[10] The committees have coordinated their recommendations so that implementation of these laws will be as consistent as possible across the affected forms.

Substituted service

Code of Civil Procedure section 415.20(b) authorizes substituted service when personal service cannot be accomplished with reasonable diligence. The statute prescribes the manner in which substituted service must be completed.[11] Substituted service is allowed under section 415.20(b) if personal service cannot be effected "with reasonable diligence."

AB 747 clarifies that reasonable diligence can be demonstrated by at least three good faith attempts at personal service on different days and at different times. The bill also expands the permissible mailing methods following substituted service to include United States Postal Service Priority Mail with tracking and Certified Mail with return receipt requested, in addition to first-class mail.

Proof of service of summons

AB 747 also expands the information that must accompany a proof of service for personal and substituted service.[12] Among other requirements, proofs of service must document the location of each attempted or completed service through photographs containing date, time, and GPS (or equivalent) information, subject to statutory exceptions when a signal is unavailable or taking a photograph would compromise the process server's safety.

Implementation of AB 747

The committee recommends revisions to existing proof of service forms and approval of one new optional declaration form to implement these statutory requirements in family law proceedings.

[10] See *Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons* and *Probate Law and Procedure: Forms to Implement Assembly Bill 747*.

[11] Code of Civil Procedure section 415.20(a) relates to substituted service on a business entity and is not relevant to this proposal.

[12] 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.

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 a proof of service of summons and petition forms in family law cases.[13]

Proof of Service of Summons (form SUR-115) is approved for use as a proof of service of summons and petition forms in gestational carrier agreement cases.

The proposed revisions to forms FL-115 and SUR-115 implement AB 747's new documentation requirements for personal and substituted service. The revised forms would require process servers to document compliance with AB 747's photograph requirements, including confirmation that required photographs were taken, contain the information required by statute, and depict the appropriate service location. The forms also incorporate the statutory exceptions applicable when a GPS signal is unavailable or taking a photograph would compromise the server's safety.

For substituted service, the committee recommends revising the forms to reflect AB 747's new reasonable diligence standard and expanded mailing options. The revisions also reference proposed form *Declaration of Diligence for Substituted Service of Summons* (form FL-116), which can be used to document the required diligence for cases in which the server is completing form FL-115.[14]

The committee also recommends several organizational revisions unrelated to the statutory amendments. These include numbering the service sections, improving the layout and instructions, accommodating situations in which different respondents are served by different methods in gestational carrier agreement cases, and simplifying the attestation section. [15] These revisions improve readability and reduce the likelihood of incomplete proofs of service, particularly for self-represented litigants. As discussed below in the comments section, the committee also recommends removing the sheriff or marshal's attestation from both forms.

The committee circulated versions of the forms that used the plain-language term "picture" to refer to the photograph requirements of AB 747. The committee recommends changing the term to "photo" in the recommended forms to avoid confusion, as a picture may also be a drawing or other non-photographic image.

[13] Form FL-115 is used in family law matters other than gestational carrier agreement and governmental child support cases.

[14] Code Civ. Proc., § 415.20(b)(1). For gestational carrier agreement cases, in which there may be more than one party to be served, parties may use form SUR-115 and form POS-012 or their own declaration of diligence.

[15] Code Civ. Proc., §§ 415.30, 415.40 (separately numbering items for service by mail inside of California by notice and acknowledgement of receipt and outside of California by registered mail).

Approval of Declaration of Diligence for Substituted Service of Summons *(form FL-116)*

The committee recommends approval of 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.[16]

The optional form is designed to capture the information required by the amended statutes in an organized and consistent format, reducing the likelihood that parties will submit incomplete declarations.

The committee also recommends changing the term "picture" as circulated in proposed form FL-116 to "photo" in recommended form FL-116 for the reason stated above.

SB 85

Code of Civil Procedure section 413.30 authorizes a court to order an alternative method of service when no other statute governs or, as amended by SB 85 (Link B), when statutory service methods have been attempted with reasonable diligence but have been unsuccessful.[17] SB 85 expands Code of Civil Procedure section 413.30 by expressly authorizing court-ordered alterative service after reasonable but unsuccessful attempts to complete service of a summons through the methods otherwise authorized by statute.

The legislation also includes examples of possible court-ordered alternative service methods (email or other electronic technology) and requires a party requesting alternative service to demonstrate why available statutory methods were unsuccessful at every address or location where the opposing party was likely to be found.[18]

Implementation of SB 85

To implement these statutory changes, the committee recommends amending rule 5.72 and revising Judicial Council forms for (1) requests for orders authorizing alternative service, (2) orders authorizing alternative service, and (3) proof of alternative service.

Amendments to rule 5.72

Rule 5.72 establishes the procedures governing alternative service of a summons in family law proceedings. The committee recommends amending the rule to incorporate the procedures authorized by amended Code of Civil Procedure section 413.30 and to reference the additional Judicial Council forms proposed in this report. The proposed amendments reorganize the rule to distinguish (1) requests for alternative service, (2) additional requirements applicable to service

[16] Code Civ. Proc., § 417.10.

[17] Code Civ. Proc., § 413.30 (2025) (prior to 2026 amendment).

[18] *Id.*, § 413.30(a)(2).

by posting, and (3) proof of service requirements following alternative service. 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 and addressed in the form to request alternative service. The rule title and subdivision headings would be revised to reflect that alternative service may include publication, posting, or other service methods.

The committee also recommends amendments clarifying the proof of service procedures following alternative service and removing duplicative phrasing in subdivision headings. For example, the committee recommends moving information that is currently in subdivision (b)(2) of the rule regarding proof of service to a new subdivision (c) entitled "Proof of service."

Revisions to* Application for Order for Publication or Posting *(form FL-980)

Current *Application for Order for Publication or Posting* (form FL-980) may be used to request service by publication or posting in family law proceedings. To implement SB 85, the committee recommends revising the form to allow litigants to request alternative service by electronic or other methods consistent with amended section 413.30. The revised form guides litigants in providing the factual information necessary for the court to evaluate whether reasonable diligence has been established and whether alternative service is appropriate.

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 service methods authorized by the Code of Civil Procedure (personal service, substituted service, and notice and acknowledgment of receipt) and instruct the petitioner to select the methods 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 other statutory methods was "unsuccessful at every address or location where the defendant is likely to be found."

The committee also recommends 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 implementing SB 85, the committee recommends converting the form to the Judicial Council's plain-language format, with larger fonts, additional white space, and simplified organization to improve accessibility for self-represented litigants.[20]

[19] See *Yu v. Pozniak-Rice* (2025) 112 Cal.App.5th 1135, 1145.

[20] Revisions are not shown in green text because of extensive revisions to change the forms from a standard to a plain language format.

Further, the committee recommends 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 methods.[21]

Revisions to* Order for Publication or Posting *(form FL-982)

Currently, *Order for Publication or Posting* (form FL-982) is used in a family law case to order service by publication or posting. For the same reasons described above regarding form FL-980, the committee recommends 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 be revised to use the Judicial Council's plain-language format.[22] Recommended revisions include clearer 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 checkboxes for the judicial officer to order methods of service corresponding to the alternative service methods that may be requested on form FL-980 (electronic, publication, posting, other). 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 recommends revising form FL-985 so that it may also be used to prove service by electronic methods, if authorized by the court. Consistent with the revisions to forms FL-980 and FL-982, the committee recommends 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.[23] The form would contain fields for the server to identify (1) which papers they served, (2) how, when, and where they served the papers, and (3) their name, contact, and other information. As discussed below in the comments section, to ensure that there is a detailed record of how service occurred, the committee recommends keeping the electronic notification box in item 5(a)(5) of form FL-985.

Adoption of* Request to Serve Papers in a Different Way *(form DV-205)

The committee recommends adopting *Request to Serve Papers in a Different Way* (form DV-205), a mandatory form for use in DVPA cases for protected parties to request alternative service under Family Code section 6340(a)(2).

The organization of the proposed form is similar to that recommended for form FL-980. The form would include items for the protected party to select which documents they are requesting to serve by alternative methods. Consistent with the requirements of Family Code section 6340(a)(2), the form would also include an item for the protected party to explain why they

[21] Fam. Code, §§ 7800, 7881, 7882.

[22] Revisions are not shown in green text because of extensive revisions to change the forms from a standard to a plain language format.

[23] Revisions are not shown in green text because of extensive revisions to change the forms from a standard to a plain language format.

believe the restrained party is avoiding service and to describe their efforts to have the restrained party personally served.

The recommended form provides method-specific descriptions of substituted service, electronic service, publication, and courthouse posting, including required factual support for residence and workplace addresses and any electronic service address. 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). The committee recommends that this form be mandatory because all request forms in the DV series are mandatory.

Revisions to* Order on Request to Continue Court 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 request for domestic violence restraining order. 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 recommends revising form DV-117 to be a standalone form, as litigants may wish to request alternative service without rescheduling the hearing date. The committee determined that converting the attachment into a standalone order 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 recommends changing the title of form DV-117 to *Order on Request to Serve Papers in a Different Way*.

The organization recommended for form DV-117 is similar to the organization recommended 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. The form would 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 that can be 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. 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, recommended 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. The reference to service in item 7a(4) “as ordered by form DV-117” remains to ensure consistency when alternative service is separately ordered at the same time as the hearing is continued.

Revisions to* What if the Person I Want Protection From Is Avoiding (Evading) Service? *(form DV-205-INFO)

Recommended 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. These minor changes include simplifying the form by using more plain language, providing additional detail on the process for requesting and completing alternative service, and reorganizing the form items to improve readability.

Approval of* Proof of Service of Papers in a Different Way *(form DV-217)

The recommended optional form *Proof of Service in a Different Way* (form DV-217) could be used by servers to attest to service by alternative methods in DVPA cases. The form would include fields 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. As discussed below in the comments section, to ensure that there is a detailed record of how service occurred, the committee recommends keeping the electronic notification box in item 6d of form DV-217.

Policy implications

The committee is making these recommendations to comply with recent legislative mandates. In addition to implementing legislative changes, this recommendation implements Goal I, "Access, Fairness, Diversity, and Inclusion" and Goal IV "Quality of Justice and Service to the Public," of the Judicial Council's strategic plan by promoting a clear, uniform, and accessible process for service in family law and DVPA cases. The revised forms are designed to be user-friendly for all court users, including self-represented litigants.

Comments

This proposal circulated for comment from April 13 through May 18, 2026, as part of the Judicial Council's spring 2026 invitation-to-comment cycle. The committee received ten comments from a range of organizations including superior courts, other governmental organizations, and nongovernmental organizations. Four commenters agreed with the proposal, three commenters agreed if modified, and three commenters did not indicate a position. No commenters disagreed with the proposal. Overall, commenters supported the proposal and appreciated the committee's efforts to implement statutory changes while developing forms that would be useable by courts and self-represented litigants.

Construction of electronic service item on forms DV-117, DV-205, FL-980, and FL-982

The committee sought specific comments on the following question: "The committee proposes a format for requesting alternative service by electronic methods 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 methods 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?"

Eight commenters responded to this request for specific comment. Five of those commenters preferred the format of including detailed options for electronic service used in forms FL-980 and DV-205, and three commenters preferred the overall construction of the civil forms with one of them agreeing that the detailed service-method options should be included on the forms. One commenter noted that the detailed options "improve both judicial efficiency and compliance by self-represented litigants" and that the increased level of detail "is essential for ensuring service by electronic means is executed and documented with the necessary precision in family law and domestic violence matters." The committee agrees and has retained the proposed detailed format for requesting electronic service because commenters indicated that the additional detail would improve judicial review and assist self-represented litigants in completing the form accurately.

The committee received two comments regarding the separate electronic notification checkbox in forms DV-117, DV-205, FL-980, and FL-982. Commenters found this box to be unnecessary and noted that it has the potential to be confused with a standalone method of electronic service. Based on these comments, the committee recommends removing the separate electronic notification box from the request and order forms because it could be mistaken for an independent service method rather than a supplemental authorization. The committee did not recommend removing the electronic notification checkbox from the proof of service forms because, unlike the request and order forms, those forms are intended to document how service was actually completed.

Not including a sheriff's attestation on forms FL-115, SUR-115, and FL-116

The committee proposed removing the sheriff's attestation on forms FL-115 and SUR-115 and not including it on form FL-116. The committee sought specific comment on whether this would have any unintended consequences. The committee received eight responses to this request for specific comment. Most commenters indicated that removing the sheriff's attestation would not create unintended consequences. Two commenters expressed concern that doing so could create inconsistency with other Judicial Council forms or cause confusion for jail service divisions.

After considering these comments, the committee recommends removing the attestation on recommended forms FL-115, SUR-115, and FL-116. The committee concluded that the sheriff's attestation is unnecessary because sheriffs rarely use these forms, may still attest under penalty of perjury if they choose to do so, and commonly use proof of service forms that do not contain a separate sheriff's attestation.[24] The committee also notes that many proof of service forms used by sheriffs and jail service divisions, such as those used to serve both civil and family law restraining order cases, do not contain the attestation.

Exception to the AB 747 photograph requirement for servers acting on behalf of local child support agencies

Two commenters, a local child support agency and statewide organization representing local child support agencies, requested that the committee add an option to forms FL-115 and FL-116

[24] See Code Civ. Proc., § 2015.3.

for a server to indicate that they are not attaching a photograph because the address of service is confidential under Family Code section 17212. The committee agrees and recommends revising forms FL-115 and FL-116 to include an exception for confidential service addresses under Family Code section 17212.

Construction of forms FL-115, SUR-115, and FL-116

One commenter requested that the committee revise forms FL-115, SUR-115, and FL-116 to match the construction of proposed forms POS-010 and POS-012, which circulated concurrently in a related proposal, because matching construction would promote consistency. The committee appreciates the suggestion but does not recommend implementing it on recommended forms FL-115, SUR-115, and FL-116. Family law proceedings present different service issues than general civil actions. The civil forms must account for cases where a third party other than the respondent is served and must include options for service types specific to unlawful detainer cases. These requirements are not relevant to family law cases, so the family law proof of service forms may have a simpler construction that is easier for self-represented litigants to understand.

Public comments resulted in several substantive refinements to the proposal. In response to stakeholder feedback, the committee removed the separate electronic notification checkbox from the request and order forms, added an exception for confidential service addresses under Family Code section 17212, and made other revisions to improve clarity while retaining the proposal's overall approach. The committee also considered, but declined to adopt, commenter suggestions that the committee concluded would reduce the usability of the family law forms for self-represented litigants or were unnecessary in light of the distinct procedural requirements applicable to family law proceedings.

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 necessary to conform to the statutory changes enacted by AB 747 and SB 85.

The committee also considered not recommending a declaration of diligence form but concluded that a standardized form would assist self-represented litigants in documenting compliance with the more detailed requirements for substituted service established by AB 747. The committee further considered structuring the declaration (form FL-116) as an attachment to the proof of service (form FL-115) but recommends the declaration as a standalone form. As a standalone form, the declaration has its own signature line (so the forms better accommodate situations in which different servers attempt and complete service) and the declaration will appear as a separate entry on a register of actions.

For form DV-205, the committee considered recommending it as an attachment to *Request to Continue Hearing* (form DV-115) but decided to recommend it as a standalone form so that parties could request alternative service without seeking to reschedule their hearing date. The committee also considered directing litigants to use the family law proof of service form for alternative service in DVPA cases but instead recommends a separate DV form to better ensure

that the service information is properly entered into the California Law Enforcement Telecommunications System.[25]

For these alternatives, the committee concluded that the recommended approach best balances compliance with the new statutory requirements, usability for self-represented litigants, and efficient court administration.

Fiscal and Operational Impacts

Courts would incur one-time costs to train court employees, reprint paper 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. These implementation costs are expected to be offset by the benefits of standardized forms that reflect current law and provide clearer guidance to courts, litigants, and process servers.

Attachments and Links

1. Cal. Rules of Court, rule 5.72, at pages 14–15
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 16–54
3. Chart of comments, at pages 55–91
4. Link A: Assem. Bill 747 (Stats. 2025, ch. 563)
5. Link B: Sen. Bill 85 (Stats. 2025, ch. 403)

[25] Fam. Code, § 6380(b)(7).

Rule 5.72 of the California Rules of Court is amended, effective January 1, 2027, to read:

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) 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 currently 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 Settlemen*t (form FW-010). If the court finds that the petitioner is no longer ~~qualifies~~ eligible for a fee waiver, the court may order service by publication of the documents.

(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.

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-my-court.

(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). (Civ. Code, § 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 and 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) ☐ The facts given in your request do not show that you tried enough times to have the restrained party served.

(2) ☐ The facts given in your request do not show there is reason to believe 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: _____

5 How and When to Serve Papers

(Check all that apply):

a. ☐ **Substituted Service** *(check all that apply):*

(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 a request for a restraining order against the restrained party.

(3) You must have the restrained party served by *(date):* _____

b. ☐ **Electronic mail or other electronic technology**

(1) You must have your server send the papers listed in 4 to the restrained party in the following way *(check all that apply):*

(a) ☐ Email

(b) ☐ Text message

(c) ☐ App or online platform *(name):* _____

(d) ☐ Other *(explain):* _____

This is a Court Order

Case Number:

5 b. (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.):* _____

_____

(3) 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 four 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**: _____

_____

_____

_____

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 party served personally with your court papers in this case;
- You believe the restrained party 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 Party

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 party 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 Party

Name: _____

This is a not Court Order.

Case Number:

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

c. ☐ Other *(list form names and numbers or titles of documents):*

4 The Restrained Party Is Avoiding (Evading) Service

Describe any facts that make you think the restrained party is evading service. For each service attempt, list the date and the location and explain what happened when the server tried to serve the restrained party with your court papers.

☐ *Check here if you are attaching a declaration from your server describing their efforts to try to serve the restrained party. Your server may use form MC-030 (*Declaration*).*

This is a not Court Order.

Case Number:

5 How to Have Your Papers Served

(Check at least one type of service that you think is reasonable, given what you know about the restrained party's location.)

I am asking to have the restrained party served using:

a. ☐ **Substituted service**: The server will leave a copy of the papers listed in 3 at the restrained party's home with a competent adult who lives there or at the restrained party's workplace with a person who appears to be in charge, and mail a copy of those papers to the restrained party at the same address.

(1) Where do you think the restrained party lives and why? *(List all addresses and explain why the restrained party is or might be at each address. If you do not know any addresses for the restrained party, explain what you did to find their address.)*

_____
_____
_____
_____
_____
_____

(2) Where do you think the restrained party works, or might work, and why? *(List all addresses and explain how you know that the restrained party works or might work at each address. If you do not know any work addresses for the restrained party, explain what you did to find their work address or, if they do not have a work address, how you know that.)*

_____
_____
_____
_____
_____
_____

b. ☐ **Electronic mail or other electronic technology**: The server will send the papers to the restrained party in the following way:

(1) Type of service method *(check all that apply):*

(a) ☐ Email

(b) ☐ Text message

(c) ☐ App or online platform *(name):* _____

(d) ☐ Other *(explain):* _____
_____
_____

This is a not Court Order.

Case Number:

5 b. (2) Restrained party's electronic service address *(examples: email address, phone number associated with app, social media account handle or username):*

(3) Explain how you know that the electronic service address above belongs to the restrained party.

c. ☐ **By publication**: You will have form DV-210 (*Summons (Domestic Violence Restraining Order)*) published at least once a week for four weeks in a row in a newspaper of general circulation. Name of newspaper where you think the restrained party is most likely to see form DV-210, if it is published:

d. ☐ **Post papers at the courthouse**: Your server will post form DV-210 (*Summons (Domestic Violence Restraining Order)*) at the 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 restrained party is most likely to see the papers in 3, if they are posted:

e. ☐ **Other** *(explain):*

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*

This is a not Court Order.

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.

! 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.

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 three 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.

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. Service by posting 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 of Papers 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 Court 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 Court Papers Were Served

(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 are a request for a restraining order against the restrained party.

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) ☐ Text message

(3) ☐ App or online platform *(name):* _____

(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. In the space below, include information in this item for each method of service.

_____

_____

_____

_____

7 ☐ Posting

I served the person in 2 by posting form DV-210 as follows:

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 Server's 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: 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:

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. Photo requirements for personal service (Code Civ. Proc., § 417.10(a))

(You must take a photo of where you served the papers unless taking it would risk your safety.)

(Check 1, 2, or 3):

(1) ☐ I am attaching a photo 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 photo *(check one):*

☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.

☐ The photo 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 photo

Was the respondent served at a home or business? *(Check one):*

☐ No.

☐ Yes and the photo shows the door of the home or business.

☐ Yes and the photo shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I did not take a photo because taking a photo would have risked my (the server's) safety *(explain):*

(3) ☐ **For local child support agency use only**. I am not attaching a photo because I served the papers on behalf of a local child support agency, and the address where I served the papers is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10, and I have provided a copy of that photo to the local child support agency.

PETITIONER: RESPONDENT:	CASE NUMBER:

4. ☐ **Substituted service**
(To qualify, 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 papers 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. Photo requirements for substituted service (Code Civ. Proc., § 417.10(a))
(You must take a photo of where you served the papers unless taking it would risk your safety.)
(Check 1, 2, or 3):
(1) ☐ I am attaching a photo 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 photo *(check one):*
☐ The photo has a stamp that shows the (1) date, (2) time, and (3) 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.
☐ The photo 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 photo *(check one):*
☐ The photo shows the door of the home or business.
☐ The photo shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*
(2) ☐ I did not take a photo because taking a photo would have risked my (the server's) safety *(explain):*
(3) ☐ **For local child support agency use only.** I am not attaching a photo because I served the papers on behalf of a local child support agency, and the address where I served the papers is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10, and I have provided a copy of that photo to the local child support agency.

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 and include additional information about service):

☐ See additional pages. *(Check here if you need more space. Attach a separate page or pages labeled "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):* $

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 (1) you were 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)*.

PETITIONER: RESPONDENT:	CASE NUMBER:

3. **Photo requirements.** *(For each attempt to serve you listed above, you must meet the photo requirements described here.)*
   a. First attempt. For the attempt I listed in item 2a *(check (1), (2), or (3)):*
      (1) ☐ I am attaching a photo 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 photo *(check one):*
            ☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.
            ☐ The photo 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 photo. Did you try to serve at a home or business? *(Check one):*
            ☐ No.
            ☐ Yes and the photo shows the door of the home or business.
            ☐ Yes and the photo shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*
      (2) ☐ I did not take a photo because taking a photo would have risked my (the server's) safety *(explain):*
      (3) ☐ **For local child support agency use only**. I am not attaching a photo because I tried to serve the papers on behalf of a local child support agency, and the address where I did so is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10, and I have provided a copy of that photo to the local child support agency.
   b. Second attempt. For the attempt I listed in item 2b *(check (1), (2), or (3)):*
      (1) ☐ I am attaching a photo 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 photo *(check one):*
            ☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.
            ☐ The photo 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 photo. Did you try to serve at a home or business? *(Check one):*
            ☐ No.
            ☐ Yes and the photo shows the door of the home or business.
            ☐ Yes and the photo shows the entrance of the home or business because the door was not accessible. *(Explain why the door was not accessible):*

PETITIONER: RESPONDENT:	CASE NUMBER:

3. b. (2) ☐ I did not take a photo because taking a photo would have risked my (the server's) safety *(explain):*

(3) ☐ **For local child support agency use only**. I am not attaching a photo because I tried to serve the papers on behalf of a local child support agency, and the address where I did so is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10, and I have provided a copy of that photo to the local child support agency.

c. Third attempt. For the attempt I listed in item 2c *(check (1), (2), or (3)):*

(1) ☐ I am attaching a photo 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 photo *(check one):*

☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.

☐ The photo 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 photo. Did you try to serve at a home or business? *(Check one):*

☐ No.

☐ Yes and the photo shows the door of the home or business.

☐ Yes and the photo shows the entrance of the home or business because the door was not accessible. *(Explain why the door was not accessible):*

(2) ☐ I did not take a photo because taking a photo would have risked my (the server's) safety *(explain):*

(3) ☐ **For local child support agency use only**. I am not attaching a photo because I tried to serve the papers on behalf of a local child support agency, and the address where I did so is confidential under Family Code section 17212. I took a photo that complies with Code of Civil Procedure section 417.10, and I have provided a copy of that photo to the local child support agency.

d. ☐ Additional attempts. *(Check here if you made more than three attempts. Attach a piece of paper and write "Attachment 3d, Photo requirements—additional attempts" at the top. For each attempt you listed in item 2d, provide the same information about the photo 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 selfhelp.courts.ca.gov/service-different-way.

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

Respondent'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 (Parentage—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):*

(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 at least one):*

(a) ☐ Email

(b) ☐ Text message

(c) ☐ App or online platform *(name):*

(d) ☐ Other *(explain):*

(2) Electronic service address for the person in (2) *(examples: email address, phone number associated with app, social media account handle or username.):*

(3) Explain how you know that the electronic service address above belongs to the person in (2).

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 where you think the person in 2 is most likely to see the summons or citation in 3, if it is published:

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:

d. ☐ **By another method of service** *(explain):*

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. Write your answer on a separate sheet of paper, write "Attachment 5—Information about where the other party might be found" at the top, and attach it to this form.

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 you are attaching a declaration from your server describing their efforts to try to serve the person in (2). Your server may use form MC-030 (*Declaration*).*

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.

(The person making this request must complete ① and ②.)

① Person Asking to Serve Summons

Name:

_____

② Person to Be Served

Name:

_____

_____

(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 (Parentage—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) ☐ Text message

(c) ☐ App or online platform *(name):* _____

(d) ☐ Other *(explain):*

_____

(2) Service must be at the following electronic address or addresses *(examples: email address, phone number associated with app, social media):*

_____

b. ☐ **Publish in a newspaper**

(1) You must have the summons or citation in 4 published at least once a week for four 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.

(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.

This is a Court Order.

Case Number:

5 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 methods of service:

_____

_____

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 selfhelp.courts.ca.gov/service-different-way.

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 (Parentage—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):*

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) ☐ Text message
(c) ☐ App or online platform *(name):* _____
(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):* _____

Case Number:

5 c. ☐ **Other method of service** *(describe how you served by another court-ordered method)*

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*

CONFIDENTIAL

SUR-115

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. ☐ Additional papers I served

   I also served each respondent with the following *(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. ☐ Form SUR-120 (*Response to Petition to Determine Parental Relationship*) ☐ blank form ☐ completed for review
   b. ☐ Other *(specify):* ☐ blank form ☐ completed for review
   c. ☐ Other *(specify):* ☐ blank form ☐ completed for review
   d. ☐ Other *(specify):* ☐ blank form ☐ completed for review

PETITIONER: RESPONDENT:	CASE NUMBER:

4. Respondents served
   I served the papers listed in items 2 and 3 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. Photo requirements for personal service (Code Civ. Proc., § 417.10(a))
   (You must take a photo of where you served the papers unless taking it would risk your safety.)
   (Check (1) or (2)):

   (1) ☐ I am attaching a photo 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. *(Complete (a) and)(b)):*

   (a) Stamp requirements for photo *(check one):*

   ☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.

   ☐ The photo 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 photo. Was the respondent served at a home or business?*(Check one):*

   ☐ No.
   ☐ Yes and the photo shows the door of the home or business.
   ☐ Yes and the photo shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

   (2) ☐ I did not take a photo because taking a photo 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):*

☐ Office or usual place of business. The person listed in item 6b appeared to be in charge.

☐ Home. 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. Photo requirements for substituted service (Code Civ. Proc., § 417.10(a))

(You must take a photo of where you served the papers unless taking it would risk your safety.)
(Check (1) or (2)):

(1) ☐ I am attaching a photo 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 photo *(check one):*

☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.

☐ The photo 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 photo *(check one):*

☐ The photo shows the door of the home or business.

☐ The photo shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I did not take a photo because taking a photo 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 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 and include additional information about service):*
   ☐ See additional pages. *(Check here if you need more space. Attach a separate page or pages labeled "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):* $

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

SPR26-21 Chart of Comments (DRAFT)
Family Law: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85 (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)
All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Child Support Association (CalCSA), Judicial Council Forms Committee by Michael Smitsky, Executive Director	Position: Not indicated California Rules of Court, rule 5.72, Page 12 The Committee agrees with the proposed changes.	The committee appreciates the response.
CalCSA (continued)	Proof of Service of Summons (form FL-115), pages, 30-33 1. The Committee recommends replacing item 3 of FL-115 to match the Committee's proposal for item 5.a and 5.b. of the POS-010. New item 3 of FL-115 will encompass both personal and substituted service. Comment: Including personal and substituted service in one item number (new item 3 in FL-115) aligns with the Proof of Service of Summons (POS-010). Since both are titled Proof of Service of Summons, the choices and language in both should be consistent. It should read: 3. I served the Respondent *(complete a, b, c, or d)* a. ☐ by personal service (Code Civ. Proc., § 415.10). I personally delivered the documents checked in item 1 to the Respondent ~~party~~ or a person authorized to receive service of process for the Respondent ~~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, the person who serves by mail should complete a separate proof of service by mail ~~form POS-010~~.)* (1) I left a copy of the documents checked in item 1 ~~2~~ to the address in item 2 ~~4~~ on (*date*): at (*time*): to (*name and title or relationship* to ~~*person in item 3*~~ *Respondent, or description of the person I delivered the documents):*	The committee appreciates the suggestion. The committee considered combining the personal and substituted service items on recommended form FL-115, but ultimately decided not to do so. After considering feedback from other commenters, the committee is concerned that the new service requirements under AB 747 may be difficult for family law litigants, who are often self-represented, to navigate. Maintaining separate personal and substitute service items clearly distinguishes the requirements for each method of service and may improve usability for self-represented litigants.

Commenter	Comment	Committee Response
	(a) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the Respondent ~~party in item 3~~a. 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 Respondent ~~party in item 3~~a. 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 Respondent ~~party in item 3~~a. (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:~~ (1) ~~☐ 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~~ The documents in item 1 were mailed as follows: ☐ I mailed (by USPS first-class mail, or Priority Mail with tracking, or certified mail with return receipt requested, with postage prepaid) copies of the documents to the Respondent ~~party in item 3~~a to the address in item 2 ~~4~~ : on (date): from (city): or ☐ A proof of service by mail is attached. (1) ~~☐~~ I attach a declaration of diligence stating actions taken first to attempt personal service. (*You may use Declaration of Diligence for Substituted Service of Summons (form POS-012 or FL-116), or a document with the same information for this purpose.*)	

Commenter	Comment	Committee Response
CalCSA (continued)	2. The Committee recommends that any reference to "Party served" (ie: item 3.a. in POS-010) be changed to "Respondent" in FL-115. Comment: FL-115 does not presently have a field for "Party served" and instead refers to the "Party served" as "Respondent". Unlike the POS-010, which is designed for Summons and Complaints for all types of cases, FL-115 is designed only for family law matters. It should read: See changes listed in Comment 1 above.	The committee appreciates the comment and agrees that recommended form FL-115 should use the term "respondent." The committee notes that form FL-115 already uses the term "respondent" and does not refer to the "party served." Accordingly, no revisions were necessary, and the committee has retained this terminology on recommended form FL-115.
CalCSA (continued)	3. The Committee recommends adding an "or" in 3.b.(2) after first-class mail. Comment: This additional "or" clarifies that there are three separate options for mailing. It should read: ☐ I mailed (by USPS first-class mail, or Priority Mail with tracking, or certified mail with return receipt requested, with postage prepaid) copies of the documents to the Respondent to the address in item 2 on (date):	The committee appreciates the suggestion but does not recommend adding an additional "or" in item 4c. In a series of three items separated by commas, the conjunction proceeding the final item applies to all three items, not just the last two. The committee also notes that the mailing methods are presented as three separately numbered options, (1), (2), and (3), which further indicates that each is an independent option.
CalCSA (continued)	4. The Committee recommends that the checkbox for 3.b.(3) be deleted. The Committee recommends amending the last sentence to read: (*You may use Declaration of Diligence for Substituted Service of Summons (form POS-012 or FL-116), or a document with the same information for this purpose*.) Comment: Substituted service always requires a declaration of diligence, so a checkbox is unnecessary.	The committee appreciates the comment. The committee notes that proposed form FL-115, as circulated in the Invitation to Comment, did not include a checkbox for declaration of diligence, and the construction has been retained in recommended form FL-115.
CalCSA (continued)	For consistency, include the POS-012, FL-116 and "or document with the same information" as a possible declaration of due diligence that may be used.	The committee does not recommend adding form POS-012 as a listed option for declaration of diligence on recommended form FL-115. Form POS-012, proposed in related proposal SPR26-08 *Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons*, is not generally used in family law matters. Referencing that form in FL-115 may create confusion for self-represented litigants. The committee notes that form FL-116 and a document containing the same information remain available as options for proof of declaration of diligence.

Commenter	Comment	Committee Response
CalCSA (continued)	5. Declaration of Diligence for Substituted Service of Summons (form FL-116), pages 34-36. The Committee recommends the FL-116 be amended to match the Declaration of Diligence – Service of Summons (POS-012). Please see the Committee's comments under POS-012.Comment: Since both forms cover the AB747 changes, they should match to avoid confusion.	The committee appreciates the concern but does not recommend revising form FL-116 to match the construction and terminology of form POS-012. Although both forms address AB 747 related changes, they serve different case types with different service requirements. In family law cases, service is typically directed to the respondent, whereas other civil case types may involve different parties and additional service requirements, such as those for unlawful detainer proceedings. Recommended form FL-116 is therefore structured more simply to reflect these differences and to improve usability for self-represented family law litigants.
CalCSA (continued)	6. The Committee recommends changing the sentence in paragraph 3.b. from "If different people personally deliver and mail the documents, each person should complete a separate form POS-010" to "If different people personally deliver and mail the documents, the person who serves by mail should complete a separate proof of service by mail.." Comment: Requiring multiple POS-010 documents is confusing and unnecessary. The signing of the POS-010) should only be completed by the person who completes the service of the documents in the field. If a different person completes the service by mail, they should only be required to sign the Proof of Service by Mail, not another POS-010. If they did not serve the documents by personal or substituted service, they are unable to meet the requirements to sign the POS-010 under penalty of perjury. Finally, some courts may not allow more than one POS-010 or FL-115 to be filed. It should read: 1. ☐ 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 proof of service by mail.)	The committee appreciates the suggestion, but notes that the commenter appears to be referring to language on proposed form POS-010 in related proposal SPR26-08, which is outside the scope of this proposal. The language described by the commenter does not appear on form FL-115. The instruction on recommended form FL-115 is intended to reflect the requirements for substituted service in family law matters and does not require multiple parties to complete a single proof of service form. Instead, the form allows each server to complete a separate proof of service corresponding to the method they performed. If one person effects personal or substituted service and another person mails the documents, each may complete a separate proof of service as appropriate.

Commenter	Comment	Committee Response
CalCSA (continued)	7. The Committee recommends moving the last sentence in 3.b.1 "I did this…" to the beginning of 3.b.1 and changing "I did this" to "I left a copy of the documents checked in item 1 to the address in item 2 on (*date*): at (*time*): to (*name and title or relationship* to the person in item 3.a., *or description of the person I delivered the documents):"* Comment: This change aligns with statutory language for substituted service in Code of Civil Procedure 417.20. The language talks about "leaving" documents not "personally serving documents" when service is by substitution. Additionally, "I personally delivered" sounds too much like personal service and can be confusing.	The committee appreciates the suggestion, but notes that the commenter appears to be referring to language on proposed form POS-010 in related proposal SPR26-08, which is outside the scope of this proposal. The language on recommended form FL-115 already reflects substituted service by using the term "left" rather than "personally served" or "personally delivered," consistent with Code of Civil Procedure section 415.20. The committee has retained this terminology and structure in recommended form FL-115 to avoid confusion with personal service and to maintain consistency with statutory substituted service language.
CalCSA (continued)	Moving the last sentence of 3.b.(1) and incorporating it into the first sentence of 5.b.(1) clarifies that the last sentence pertains to "business", "home", and "physical address unknown" and not merely "physical address unknown." Finally, placing an "or" between "title" and "relationship" clarifies that the person who completes the form does not have to list both a "title" and a "relationship". Typically, "title" is used if service is to a business, while "relationship" is used when service is to a home. It should read: (1) I left a copy of the documents checked in item 1 to the address in item 2 on (*date*): at (*time*): to (*name and title or relationship* to *Respondent*, *or description of the person I delivered the documents):* (a) □ (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. (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 Respondent. 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 Respondent (not a USPS post office box). I informed them of the general nature of the papers.	The committee appreciates the suggestion, but notes that the commenter appears to be referring to language on proposed form POS-010 in related proposal SPR26-08, which is outside the scope of this proposal. The language described by the commenter does not appear on form FL-115. Accordingly, no revisions to recommended form FL-115 are necessary in response to this comment.

Commenter	Comment	Committee Response
CalCSA (continued)	8. The Committee recommends removing the checkbox immediately after 3.b.(2) followed by "The documents in item 1 were mailed as follows:" The Committee also recommends adding an "or" after "first-class mail,". Lastly, the Committee recommends changing "declaration of mailing" to "proof of service by mail." Comment: The checkbox immediately after 3.b.(2) is not needed since subsequent mailing is always required to complete substituted service. (Note: There is already a checkbox for substituted service after 3.b.) Adding the words "The documents in item 1 were mailed as follows:" clarifies that there are two choices: "□ I mailed" and "☐ A proof of service by mail is attached." The current placement of the checkboxes is confusing. Adding an "or" after "first-class mail," makes it clear that there are three mailing options. Changing the language from "declaration of mailing" to "proof of service by mail" provides clarity as to the form that should be used when completing the mailing required by Code of Civil Procedure 417.20. The statute does not specifically call the document a "declaration of mailing". Furthermore, there is no Judicial Council form called "declaration of mailing." There is, however, a proof of service by mail Judicial Council form that is typically used for service by mail. It should read: (1) The documents in item 1 were mailed as follows: ☐ I mailed (by USPS first-class mail, or Priority Mail with tracking, or certified mail with return receipt requested, with postage prepaid) copies of the documents to the Respondent to the address in item 2 on (date): from (city): or ☐ A proof of service by mail is attached. It should read: (2) I attached a declaration of diligence stating actions taken first to attempt personal service. (*You may use Declaration of Diligence for Substituted Service of Summons (form POS-012 or FL-116), or a document with the same information for this purpose*.)	The committee appreciates the suggestion but notes that the commenter appears to refer to language on proposed form POS-010 in related proposal SPR26-08, which is outside the scope of this proposal. The language identified by the commenter does not appear on proposed form FL-115. The committee notes that recommended form FL-115 is designed specifically for family law matters and uses a simplified construction that reflects the service scenarios applicable to family law cases. Accordingly, no revision is necessary in response to this comment.

Commenter	Comment	Committee Response
CalCSA (continued)	9. The Committee recommends replacing item 4 of FL-115, which currently contains substituted service and photo requirements, to cover only the photo requirement. Delete current item 4 in its entirety and then replace the photograph provisions to match item 8 of the POS-010 (along with any Committee recommended changes.) Comment: Isolating the photograph provision into its own paragraph is consistent with the photograph provision in POS-010. Additionally, placing the substituted service provisions with the personal service provision is consistent with POS-010. It should read: 4. ☐ Photo of the location of service. (If you checked item 3.a. or 3.b~~.5a, 5b, or 5e,~~ you must check the box for item 4 ~~.8~~ and complete item 4.a. or 4.b ~~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 3.b. ~~5b~~, the photo should show the location where you left the papers with the person identified in item 3.b~~.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): (1) 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.	The committee appreciates the concern but does not recommend revising item 4 of recommended form FL-115 to mirror the construction and terminology of proposed form POS-010. The committee considered combining the personal and substituted service items but ultimately decided not to do so. After considering feedback from other commenters, the committee is concerned that the new service requirements under AB 747 may be difficult for family law litigants, who are often self-represented, to navigate. Including the photograph requirements within the personal and substitute service sections helps ensure that self-represented litigants understand that the applicable photograph requirement corresponds to the method of service they used.

Commenter	Comment	Committee Response
	(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): a. ☐ I have not attached a photo of where I served the papers because: ~~taking a photo would have risked my safety (explain):~~ ☐ Taking a photo would have risked my safety (*explain*): b. ☐ I have not attached a photo with the GPS of where I served the papers because the address/place of service is on file with the Department of Child Support Services pursuant to Family Code 17212(b)(3) and may be released only upon order of the court pursuant to Family Code 17212(c)(6). I certify that I have provided a copy of the photograph with the GPS in compliance with Section 417.10 of the Code of Civil Procedure to the local child support agency. c. ☐ Other *(explain):*	

Commenter	Comment	Committee Response
CalCSA (continued)	10 . The Committee recommends putting a colon after the word "because" in item 4.b. and adding new checkboxes: ☐ Taking a photo would have risked my safety (*explain*): ☐ I have not attached a photo with the GPS of where I served the papers because the address/place of service is on file with the Department of Child Support Services pursuant to Family Code 17212(b)(3) and may be released only upon order of the court pursuant to Family Code 17212(c)(6). I certify that I have provided a copy of the photograph with the GPS in compliance with Section 417.10 of the Code of Civil Procedure to the local child support agency. ☐ Other *(explain):* Comment: Adding the new checkboxes would allow the LCSAs (which are prohibited from filing confidential location identifiers on Proof of Service forms pursuant to Family Code 17212) to indicate to the court that the documents are in their files and may be produced upon court order or upon request of the person served. Adding the checkbox that is specific to FC 17212 is preferred. Alternatively, request an "Other" checkbox be added so the LCSAs can insert its own language explaining why the photo and GPS information is confidential and should not be disclosed. It should read: b. ☐ I have not attached a photo of where I served the papers because: ☐ Taking a photo would have risked my safety (*explain*): ☐ I have not attached a photo with the GPS of where I served the papers because the address/place of service is on file with the Department of Child Support Services pursuant to Family Code 17212(b)(3) and may be released only upon order of the court pursuant to Family Code 17212(c)(6). I certify that I have provided a copy of the photograph with the GPS in compliance with Section 417.10 of the Code of Civil Procedure to the local child support agency.	The committee agrees that recommended form FL-115 should include an option for servers acting on behalf of a local child support agency to indicate that a photograph is not attached because of the confidentiality requirements of Family Code section 17212. The committee has revised items 3d(2) and 4d(2) of recommended form FL-115 to add this exception.

Commenter	Comment	Committee Response
CalCSA (continued)	☐ Other *(explain):*	The committee appreciates the suggestion but does not recommend adding an "other" subitem. The committee notes that there are no other legally recognized exceptions to the photograph attachment requirement. Adding an "other" option could inadvertently suggest that additional exceptions exist and may cause self-represented litigants to incorrectly select that option.
CalCSA (continued)	Request to Serve Summons in a Different Way (form FL-980), pages 37–42. The Committee agrees with the proposed changes.	The committee appreciates the response and acknowledges the commenter's agreement with this aspect of the proposal.
CalCSA (continued)	Proof of Service in a Different Way (form FL-985), pages 46–47. The Committee agrees with the proposed changes.	The committee appreciates the response and acknowledges the commenter's agreement with this aspect of the proposal.
California Lawyers Association Family Law Section Executive Committee (FLEXCOM) by Shanon Quinley, FLEXCOM Legislation Chair and Saul Bercovitch, Chief Governmental Affairs Officer, California Lawyers Association	Position: Agree FLEXCOM agrees with this proposal.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
FLEXCOM (continued)	FLEXCOM is not aware of any unintended consequences of removing the sheriff attestation from FL-115, FL-116 or SUR-115.	After considering the comments received, the committee recommends removing the sheriff attestation from recommended forms FL-115 and SUR-115 and not including it on recommended form FL-116. The committee notes that removing the sheriff attestation from recommended forms FL-115, FL-116, and SUR-115, does not prevent sheriffs from using those forms when appropriate. Sheriffs may attest under penalty of perjury on Judicial Council forms, although they are not required to use the declaration under penalty of perjury language. The committee also notes that form DV-200 does not contain a sheriff attestation and it has not received feedback indicating that the absence of that language has caused confusion.

Commenter	Comment	Committee Response
FLEXCOM (continued)	FLEXCOM supports use of the format set forth in proposed item 4a of form FL-980 and proposed item 5b of form DV-205 rather than the format proposed in form CH-205/EA-205. The former better serves the courts, justice partners, and the public in family law and domestic violence prevention act cases. It is clearer and will help self-represented litigants better understand the options associated with electronic service.	The committee appreciates the comment and support for the proposed format on recommended forms FL-980 and DV-205. After considering all of the comments received, the committee recommends retaining the detailed electronic service options on recommended forms FL-980 and DV-205, agreeing with commenters that detailed items would promote compliance and judicial efficiency and improved clarity for self-represented litigants. However, based on feedback from other commenters, the committee has removed the electronic notification option from recommended forms DV-117, DV-205, FL-980, and FL-982 because it concluded that including it on those forms could cause confusion.
Harriet Buhai Center for Family Law (Buhai Center) by Rebecca L. Fischer, Managing Director of Legal Programs and Stacy Horth-Neubert, Executive Director	Position: Not indicated	The committee appreciates the response.
Buhai Center (continued)	Does the proposal appropriately address the stated purpose? General Comments: The Buhai Center broadly supports the proposal's efforts to improve and clarify the procedures and forms for alternative and electronic service. However, the Buhai Center has grave concerns about portions of the proposal designed to implement Assembly Bill 747 ("AB 747") and urges both the Judicial Council and the Family and Juvenile Law Advisory Committee to take additional action to mitigate against the impact of this bill on the self-represented family law community because AB 747's requirements otherwise will present a significant and potentially insurmountable challenge for self-represented litigants.	The committee acknowledges the commenter's general positions on the proposal and has responded to each of the commenter's specific comments in the rows below.

Commenter	Comment	Committee Response
Buhai Center (continued)	*Alternative Service Revisions:* The revisions addressing alternative service and electronic service are a substantial improvement and the plain-language formatting in FL-980 and FL-982 will be particularly helpful for self-represented litigants. The Buhai Center supports the proposal with minor revisions to the proposed forms as noted below.	The committee appreciates the response and has maintained the revisions in recommended forms FL-980 and FL-982. The committee has responded to each of the commenter's specific comments in the rows below.
Buhai Center (continued)	*Implementation of AB 747:* For decades, the Buhai Center has provided legal services to members of the community who face barriers to accessing the benefits of the family court system. Often these litigants seek our assistance after they have become mired in procedural requirements they do not understand and cannot overcome on their own. These litigants have often faced substantial delays in getting court orders not because their requests lack validity or a basis in law, but because they are unable to understand or comply with the procedural requirements that must be met for their request to be heard by a judicial officer. For many, these issues result in their cases being dismissed for lack of prosecution, or they become so overwhelmed by the procedural challenges that they give up the hope of ever resolving the matter through the court system. Such consequences are concerning enough when the unattainable relief is basic orders like the termination of marital status or determination of parentage, but they are abhorrent when delays or dismissals risk the safety and well-being of the parties or their children.	The committee appreciates the information.

Commenter	Comment	Committee Response
Buhai Center (continued)	While well-intentioned in its creation, AB 747's changes to personal service requirements will create a substantial burden that is likely to be borne primarily by self-represented litigants in family law cases. Self-represented litigants are often unable to pay for a process server and therefore rely on friends or family members to complete personal service, particularly when the opposing party is challenging to serve due to deliberate evasion or an unstable living situation. Even under the current rules, in our experience, non-professional servers often comply with the substantive requirements of service but are unable to complete the form correctly even with specific directions. The additional requirements under AB 747 for documentation are likely to be misunderstood and misapplied by these non-professional servers, causing delays in cases proceeding to orders or preventing the orders from being made at all. As a result, the impact of these heightened service requirements will be disproportionately felt by those in California who are low-income, have limited education, or who face already existing barriers to accessing the court system, and who have the least ability to mitigate against the changes by hiring someone whose job is to comply with them. The Judicial Council is charged with ensuring the consistent, impartial, and accessible administration of justice. For that reason, it is incumbent upon the Council to ensure that AB 747 is implemented in a way that ensures that self-represented litigants—who are the bulk of the family law litigants filing more than 300,000 cases in family courts each year in the State of California—are able to understand and comply with the requirements it imposes. While the Buhai Center intends to encourage the legislature to address the inconsistency between the problem it's drafters were attempting to address and how it was drafted and is being applied [footnote 1], the Judicial Council's work is essential for mitigating the disparate impact of this law on self-represented family court litigants by creating additional information forms beyond what is in the present proposal, clarifying on all relevant forms which areas of DVPA processes AB 747 will apply to, and providing clear rules for clerks and courts on reviewing proofs of service for	The committee acknowledges the commenter's concerns about the requirements of AB 747, but notes that responding to policy analysis is outside of the scope of this proposal.

Commenter	Comment	Committee Response
	compliance with AB 747's rules. We have included several suggestions on how some of this could be achieved, but we also encourage the Committee to call for further comments and suggestions from the legal aid community. [Footnote 1] The law, as drafted, presented, and analyzed, emphasized the much needed and appropriate goal of protecting often self-represented litigants from default judgments being entered against them in consumer debt collection or unlawful detainer cases without actual notice. (See for example: https://sjud.senate.ca.gov/system/files/2025-07/ab-747-kalra-sjud-analysis.pdf.) The reasoning of the law emphasized how these default judgments are often effectuated by an epidemic of "sewer service" as characterized by the California Supreme Court in caselaw cited in AB 747 (https://legiscan.com/CA/text/AB747/id/3245398). Ash Kalra, the assembly member sponsoring the bill, summarizes the bill by writing: AB 747 – Service of Process Accountability, Reform, and Equity (SPARE) Act of 2025: Protects consumers from fraudulent or improper service and ensures they can exercise their due process rights by standardizing service of process. See https://kalra.asmdc.org/2025-2026-legislation. There is no evidence of a similar epidemic of false affidavits in family law cases. Family law petitioners are individuals seeking personal relief against other individuals rather than petitioners or plaintiffs seeking monetary judgments as a course of business. Furthermore, the Family Law Code already contains provisions for setting aside defaults and setting the burden of showing service was appropriate under the law. It is also unclear whether the requirement was intended to apply to all instances of personal service or only instances where service is completed by a professional process server. In publicity promoting the passage of AB 747, the Center of Consumer Law & Economic Justice at UC Berkeley School of Law which developed the law emphasized: The SPARE ACT strengthens due process and deters fraudulent service in three key ways:	

Commenter	Comment	Committee Response
	• Photo verification: Process servers must take date-, time-, and GPS location-stamped photos of where service was attempted or completed, and file the photos with the court. • Standardized service attempts: Before using less reliable methods of service, process servers must make at least three in-person attempts on different days and times—one at the defendant's residence in most cases—ensuring greater fairness and consistency statewide. No time limit on justice: The Act confirms that people can challenge default judgments obtained through unlawful service at any time, adopting the California Supreme Court's 2024 ruling in California Capital Insurance Co. v. Hoehn, and clarifies the process for doing so[.] (https://consumerlaw.berkeley.edu/news/%E2%80%9Cyou%E2%80%99ve-been-served%E2%80%9D-new-california-law-attacks-fraudulent-service-notice-court-cases-0) (Emphasis added) While due process is a necessary and fundamental right under the law, the same procedural requirements being applied in different areas of the law can, and in this instance, likely will have the effect of securing protections under the law for litigants in one area while defeating the right to access those same benefits for litigants in another area of the law. We do not believe it was the intent of AB 747 to do so.	

Commenter	Comment	Committee Response
Buhai Center (continued)	The Buhai Center most strongly encourages the Committee to create -- at a minimum -- an FL-115 INFO/ FL-116 INFO form (or similar instructional form modeled after DV-205-INFO) that provides plain-language instructions for potential process servers and to clarify the rules regarding which areas of service compliance may be determined as a clerical process and which must be determined by a judicial officer. A plain language instruction sheet is required as many self-represented litigants and their non-professional servers will not understand: • What constitutes a compliant GPS-stamped photograph; • What applications or phone settings can generate compliant photographs (which may require iPhone users to download a third-party application); • What the photograph must show; • When the safety exception applies; or • What "as close as practicable" means under CCP section 417.10. If litigants and those they request to assist them in effectuating personal service of process cannot understand the requirements under this law, cannot comply with the requirements of the law, or cannot successfully show compliance with the law even when compliance is possible, they will not be able to successfully access the family court system.	The committee appreciates the suggestion. The committee considered developing an information sheet as a companion to recommended forms FL-115 and FL-116 but ultimately decided not to recommend one at this time. Although the committee recognizes the value of providing guidance to self-represented litigants and process servers, the committee concluded it would be worthwhile to wait for the law on this issue to develop further through legislative action or judicial review before preparing a new form. The committee will consider developing an information sheet addressing service requirements in a future rules and forms cycle as time and resources permit.
Buhai Center (continued)	To prevent improper rejections by the clerks that may create further delays, we also urge the Committee to review the Rules of Court to clearly identify which areas of the Proofs of Service of Summons are subject to clerk review and which require judicial review.	The committee appreciates the suggestion but does not recommend developing rules governing when clerks may reject proof of service forms as part of this proposal. The suggestion is outside the scope of the proposal and would require further study and public comment.

Commenter	Comment	Committee Response
Buhai Center (continued)	Finally, we urge the Committee to clarify on all relevant forms when, if ever, DVPA actions should be treated as exempt from AB 747's photograph requirements. Based on the plain language of the statute, the Buhai Center views the actions as falling outside of AB 747 as no summons is generally issued. However, given that DVPA actions are often filed and served in concert with family law actions where a summons is issued and DV-210 now creates a summons in DVPA actions where alternative service is being effectuated, we urge the Committee to confirm and include clarification of this issue on DV forms. An additional area of concern on the DV form series and service of process requirements is described below.	The committee appreciates the concern but does not recommend revising the forms to address this issue. Whether the photograph requirements of AB 747 apply in particular circumstances depends on the governing statutes applicable to the type of service being effected. The committee notes that Family Code section 6340 authorizes courts to permit alternative service that is "designed to give reasonable notice of the action to the respondent" and that the authorized methods of alternative service include, but are not limited to, methods governed by sections of the Code of Civil Procedure. Accordingly, each recommended form identifies only the requirements applicable to the particular service process addressed by that form and does not attempt to interpret or reconcile potentially ambiguous statutory provisions.
Buhai Center (continued)	A similar clarification is appropriate on form FL-330 for filings where personal service is required, but no summons is issued. These clarifications on forms will help ensure self-represented litigants are aware of any requirements they may need to satisfy in DVPA cases where issues with proper service can present a significant safety risk to domestic violence survivors.	The committee appreciates the suggestion but does not recommend revisions to form FL-330 as part of this proposal. Form FL-330 is not included in this proposal and revisions to that form are outside its scope and would require further public comment.
Buhai Center (continued)	*Form and Rule Specific Comments:* The Buhai Center has no comment on DV-116. The Buhai Center appreciates the Committee's attention to addressing potential access issues for self-represented litigants throughout the forms, for example by instructing litigants on requesting a fee waiver if posting is granted on DV-205-INFO. The Buhai Center believes instructions like these help avoid delays or confusion which is particularly important in restraining order cases.	The committee appreciates the response.
Buhai Center (continued)	*Rule Revisions:* The Buhai Center supports the drafted revisions to Rule 5.72. The changes accurately reflect the proposed changes and are clear.	The committee appreciates the response and acknowledges the commenter's agreement with this aspect of the proposal.

Commenter	Comment	Committee Response
Buhai Center (continued)	DV-117 and DV-217 and DV-205-INFO: Based on Family Code Section 6340, it appears that any form of alternative service granted under this section will be governed by the same California Code of Civil Procedure sections implicated by AB 747. As a result, the Buhai Center believes DV-217 must be revised to include sections for proof of compliance with the documentation requirements outlined in AB 747. The Buhai Center recommends that both DV-205-INFO and DV-117 also be revised to make this requirement clear when alternative service is ordered.	The committee appreciates the concern but does not recommend revising recommended forms DV-117, DV-217 or DV-205 INFO in response to this suggestion. Family Code section 6340 authorizes courts to permit alternative service "designed to give reasonable notice of the action to the respondent." The committee notes that the statute authorizes courts to order a variety of methods of alternative service, including, but not limited to, methods governed by provisions of the Code of Civil Procedure. Accordingly, each recommended form identifies only the requirements applicable to the particular service methods addressed by that form and does not incorporate the requirements applicable to other methods of service.
Buhai Center (continued)	*FL-980:* Overall, the Buhai Center supports the changes to this form.	The committee appreciates the response and acknowledges the commenter's agreement with this aspect of the proposal.
Buhai Center (continued)	Item 6 does not expressly prompt litigant to attach declarations of diligence or proof of service attempts. The Buhai Center proposes adding a checkbox or instruction such as: "Attach copies of any declaration of diligence (FL-116), proof of service attempts, photographs, or other documents showing your efforts to serve the respondent." This would improve completeness of filings and judicial efficiency.	The committee appreciates the suggestion but has decided not to include examples of supporting documentation on recommended form FL-980. The committee recognizes that declarations of diligence and proofs of service attempts may be relevant in some cases. However, depending on the circumstances, parties may also submit many other types of evidence, including photographs, electronic communications, search records, declarations, or public records. Because the evidence relevant to a request for alterative service will vary from case to case, the committee decided not to identify specific examples on the form.

Commenter	Comment	Committee Response
Buhai Center (continued)	FL-982: Overall, the Buhai Center supports the changes to this form. The form does not provide space for the judicial officer to include a service deadline where appropriate. The Buhai Center proposes adding an "ITEM" with a checkbox stating: "Service must be completed by (date): "	The committee appreciates the suggestion but does not recommend including an item for a service deadline on recommended form FL-982. Unlike proceedings under the Domestic Violence Prevention Act where service generally must be completed by a specific date to allow the hearing to proceed, most family law cases do not have a case-specific service deadline. Without a specific deadline, the general provisions of Code of Civil Procedure section 583.210 would apply. The committee also notes that current form FL-982 does not include a service deadline; the committee has retained the approach in the recommended form.
Buhai Center (continued)	*DV-205:* Item 4 uses a broad open-ended prompt regarding avoidance of service and may encourage conclusory statements. The Buhai Center suggests adding guided prompts or examples (such as in item 6 of FL-165 regarding military service) to guide documentation of avoidance such as: • respondent refused to answer the door; • respondent left when server arrived; • neighbors confirmed respondent was present; or • respondent stopped appearing at known locations. This would improve the substantive quality of self-represented litigant's applications. The electronic notification provisions assume litigants can create shareable links to hosted documents, but many self-represented litigants will not know how or have the technological tools needed to do so. The Buhai Center suggests adding brief instructions explaining: acceptable document-sharing methods; examples such as Google Drive or Dropbox; and that self-help centers may assist with setup.	In response to this comment, the committee has added an instruction at item 4 that for each service attempt, the server should provide the date, location and an explanation of what happened when service was attempted.

<table>
<tr><th>Commenter</th><th>Comment</th><th>Committee Response</th></tr>
<tr><td>Buhai Center (continued)</td><td>The electronic notification provisions assume litigants can create shareable links to hosted documents, but many self-represented litigants will not know how or have the technological tools needed to do so. The Buhai Center suggests adding brief instructions explaining: acceptable document-sharing methods; examples such as Google Drive or Dropbox; and that self-help centers may assist with setup.</td><td>The committee appreciates the concern. However, rather than adding instructions regarding document-sharing methods, the committee modified the request and order forms (forms DV-117, DV-205, FL-980, and FL-982) to remove the electronic notification option. The committee agrees that including the option may cause confusion for self-represented litigants who may not have the technology or knowledge necessary to create and share electronic document links.</td></tr>
<tr><td>Buhai Center (continued)</td><td>FL-116:
The Buhai Center believes this form will help self-represented litigants comply with the diligence requirement under the revised CCP 415.20(b). We propose some changes to the form to further clarify the form for self-represented litigants.
Pages 2 and 3 use “Plaintiff” and “Defendant”; the Buhai Center recommends using “Petitioner” and “Respondent” to correspond to standard family law usage in the FL series.</td><td>The committee agrees and has changed instances of “Plaintiff” and “Defendant” to “Petitioner” and “Respondent” on recommended form FL-116.</td></tr>
<tr><td>Buhai Center (continued)</td><td>Both the proposed FL-115 and the proposed FL-116 are substantially longer and more complex than the current versions. The repetitive photo-attestation language may confuse self-represented litigants, takes up substantial space, and may create unnecessary redundancy. We encourage the Committee to consider a consolidated format for documenting service attempts or using a simplified chart [footnote 2] to allow easier documentation of each attempt.
[Footnote 2] Example chart:
<table>
<tr><th>Attempt</th><th>Date</th><th>Time</th><th>Address</th><th>Photo?</th><th>GPS Stamp?</th><th>Door or entrance visible?</th><th>Safety Exception (Give Details)</th></tr>
<tr><td>1</td><td>-</td><td>-</td><td>-</td><td>☐ Yes
☐ No</td><td>☐ Yes
☐ No</td><td>☐ Yes
☐ No</td><td>-</td></tr>
<tr><td>2</td><td>-</td><td>-</td><td>-</td><td>☐ Yes
☐ No</td><td>☐ Yes
☐ No</td><td>☐ Yes
☐ No</td><td>-</td></tr>
<tr><td>3</td><td>-</td><td>-</td><td>-</td><td>☐ Yes
☐ No</td><td>☐ Yes
☐ No</td><td>☐ Yes
☐ No</td><td>-</td></tr>
</table></td><td>The committee appreciates the concern but does not recommend implementing the suggested revisions to recommended form FL-116. The Judicial Council has standard formatting requirements for forms, and the proposed table format does not conform to those requirements. Additionally, the proposed format does not include all the statutorily required declarations necessary to document the service attempts required under AB 747. Although the committee recognizes that form FL-116 contains repetitive information, that repetition is necessary to ensure that each service attempt is fully documented and that all required elements are addressed.</td></tr>
</table>

Commenter	Comment	Committee Response
Buhai Center (continued)	The form requires attempts at "three different times" but does not explain what may constitute sufficiently different times. The Buhai Cener suggests adding additional language encouraging attempts at meaningfully different times of day, such as morning, afternoon, evening. This guidance would help encourage sufficient compliance for successful service.	The committee appreciates the suggestion but does not recommend adding guidance regarding the timing of service attempts. AB 747 requires attempts at "three different times" and the committee has retained the statutory language on recommended form FL-116. Adding examples of specific times of day, such as morning, afternoon, or evening, may inadvertently suggest that the different attempts must occur at each of those specific times to demonstrate compliance.
Buhai Center (continued)	FL-115: The Buhai Center appreciates the proposed changes to improve the readability and general accessibility of the form including the revisions to item 1(b). In addition to the concerns raised above in general comments, the Buhai Center proposes revising item 4(c)(1). Item 4(c)(1) references three mailing methods permitted under amended CCP section 415.20 but does not provide checkboxes identifying which method was used. The Buhai Center proposes adding checkboxes to create a clearer evidentiary record and align the form more closely with DV-217. ☐ USPS first-class mail ☐ Priority Mail with tracking ☐ Certified Mail with return receipt requested	The committee appreciates the suggestion but does not recommend adding separate checkboxes for the mailing method in item 4c(1) of recommended form FL-115. Selecting the manner of mailing is not a statutory requirement for proof of service under the applicable service provisions. The committee notes that the recommended form DV-117 includes separate mailing method selections because, in that context, the court may order a specific manner of mailing as part of an alternative service order.

Commenter	Comment	Committee Response
Buhai Center (continued)	II. The committee proposes removing the sheriff attestation on forms FL-115, FL-116, and SUR-115 as sheriffs' offices typically use their own proofs of service forms. Would doing so have any unintended consequences? The Buhai Center is concerned about the potential consequences of removal of the sheriff attestation language from FL-115 and related forms. While the proposal notes that many sheriff departments use their own forms, some sheriff departments, including jail service divisions, reportedly continue using FL-115. Removing the sheriff attestation language may unintentionally create confusion regarding whether sheriffs are authorized to continue using the form. In addition, removing the sheriff attestation language may increase confusion on whether sheriffs must comply with AB 747's diligence and photograph requirements. In the event that the Judicial Council determines AB 747's requirements were not intended to apply to service by sheriffs, the form should be modified to reflect that difference to prevent improper rejections of the proofs of service.	After considering the comments received, the committee recommends removing the sheriff attestation from recommended forms FL-115 and SUR-115 and not including it on recommended form FL-116. The committee notes that removing the sheriff attestation from recommended forms FL-115, FL-116, and SUR-115, does not prevent sheriffs from using those forms when appropriate. Sheriffs may attest under penalty of perjury on Judicial Council forms. As forms FL-115, FL-116, and SUR-115 are optional forms, sheriffs may alternatively submit a proof of service without attesting under penalty of perjury. The committee also notes that form DV-200 does not contain a sheriff attestation and it has not received feedback indicating that the absence of that language has caused confusion.
Buhai Center (continued)	III. 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 Buhai Center supports the Family and Juvenile Law Advisory Committee's checkbox-based electronic service format over the more generic CH-205/EA-205 format. Family law and DVPA litigants often know the restrained party's active electronic communication methods, and guided checkbox prompts improve both judicial efficiency and compliance by self-represented litigants.	After considering the comments received, the committee recommends including detailed options for electronic service on recommended forms FL-980 and DV-205. The committee agrees with commenters who indicated that detailed items would promote compliance and judicial efficiency. However, after reviewing feedback from other commenters, the committee has removed the electronic notification option from the request and order forms (forms DV-117, DV-205, FL-980, and FL-982) to avoid possible confusion.

Commenter	Comment	Committee Response
Legal Aid Foundation of Los Angeles (LAFLA) by Pamela Carpenter Mahle, Staff Attorney	Position: Agree if modified. Dear Members of the Judicial Council: Legal Aid Foundation of Los Angeles (LAFLA) submits the following comments in response to the Judicial Council's Invitation to Comment number SPR26-21. This proposal amends Cal. Rules of Court, rule 5.72; adopts form DV-205; approves forms DV-217 and FL-116; and revises forms DV-116, DV-117, DV-205-INFO, FL-115, FL980, FL-982, Fl-985, and SUR-115 in order to implement Assembly Bill 747 [Footnote 1] and Senate Bill 85.[Footnote 2] We support the proposal and have suggestions for the Council's consideration. LAFLA is one of the largest nonprofit law firms in Los Angeles County providing legal services to its most underserved residents. For over 95 years, LAFLA has continued to protect and advance the rights of low-income residents. Each year, LAFLA assists more than 100,000 people living in poverty across the Greater Los Angeles area through direct representation, community education, and systemic advocacy. Our family law practice focuses on helping survivors of domestic and intimate partner violence to obtain protection from their abusers, leave abusive relationships, and rebuild their lives. We meet survivors where they are and provide access to a full range of critical legal services, including community-based clinics. We submit the following responses to the request for specific comments: [Footnote 1] Assembly Bill 747 will hereinafter be referred to as "AB 747." [Footnote 2] Senate Bill 85 will hereinafter be referred to as "SB 85."	The committee appreciates the response. Please see the committee's responses below regarding the commenter's specific suggestions.

Commenter	Comment	Committee Response
LAFLA (continued)	1. Does the proposal appropriately address the stated purpose? Yes, the proposal does address the stated purpose of implementing AB 747 and SB 85. However, we have suggestions on how implementation may be improved. Self-represented litigants are often overwhelmed by the number and length of forms that must be completed in family law cases and struggle to navigate the often-complex procedural requirements of the litigation process, particularly those that have no prior involvement with the court system, limited English proficiency, or limited literacy. Additionally, litigants in family court are frequently engaging with the court system under traumatic circumstances, the effects of which present additional challenges to effectively navigating the court system. SUGGESTION: Revisions to forms FL-115 and SUR-115. We agree with the proposal to implement AB 747 by revising form FL-115 (Proof of Service of Summons) and form SUR-115 (Proof of Service of Summons) to add subsections to the personal and substituted service items for a server to indicate how they met the photograph requirements of AB 747. However, we suggest additional revisions to (1) explain the new photograph requirements, (2) standardize the format across the personal and substituted service items, and (3) ensure clarity on the requirement that only one method of service item needs to be completed.	The committee appreciates the response. Please see the committee's responses below regarding the commenter's specific suggestions.

Commenter	Comment	Committee Response
LAFLA (continued)	(1) Explanation of new photograph requirements. The proposed revisions in their current format may cause confusion regarding when and whether photographs are required. The proposed revisions on both form FL-115 and SUR-115 add a subsection titled "Picture requirements for personal service" and "Picture requirements for substituted service" to the respective personal service and substituted service items on both forms and provide checkboxes for litigants to indicate whether pictures have been attached and whether the pictures contain the stamp requirements under AB 747, as well as space to provide relevant explanations. We believe that these items may be misinterpreted as descriptive rather than prescriptive; that is, litigants may not understand that photographs are required, but instead believe that only if photos are provided, then the items in this subsection must be completed. This may pose confusion particularly for those litigants that have had prior involvement with the court system where no such requirement existed. We propose adding a brief explanation of this requirement in parenthesis in items *3.b.* and *4.d.* on form FL-115, and items *5.b.* and *6.f.* on form SUR-115, to flag this new requirement for returning litigants and clarify the requirement for litigants new to the court process. This addition would take up minimal space on the form. See, for example, suggested additional text in red below: b. Picture requirements for personal service (Code Civ. Proc., § 417.10(a)) (*You are required to take a picture of where you served the papers, unless doing so would risk your safety.)*	The committee agrees and has incorporated the commenter's suggestion, with minor alterations, into recommended forms FL-115 and SUR-115.
LAFLA (continued)	(2) Standardize language and format across the personal and substituted service items, and across both forms. Consistency across formatting reduces the likelihood of confusion. On form FL-115, we suggest revising subsection item *4.d.* slightly so that its format mirrors the format of item *3.b.* We suggest moving "(Check (1) or (2))" from the first line in item *4.d.* and moving it to the line below, as in *3.b.*	The committee agrees and has incorporated the commenter's suggestion into recommended form FL-115.

Commenter	Comment	Committee Response
LAFLA (continued)	We further suggest adding "Check (a) and (b)" language to *3.b.(1)* to mirror the language in *4.d.(1)*, and correcting the formatting in the latter: b. Picture requirements for substituted service. (Code Civ. Proc., § 417.10(a)) (*You are required to take a picture of where you served the papers, unless doing so would risk your safety.)* *(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)):* d. Picture requirements for substituted service. (Code Civ. Proc., § 417.10(a)) ~~*(Check (1) or (2)):*~~ (*You are required to take a picture of where you served the papers, unless doing so would risk your safety.)* *(Check (1) or (2)):*	The committee agrees and has incorporated the commenter's suggestion, with minor alterations, into recommended form FL-115.
LAFLA (continued)	(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)):*	The committee agrees and has incorporated the commenter's suggestion into recommended form FL-115.
LAFLA (continued)	Similarly, on form SUR-115 we suggest adding "Check (a) and (b)" language to both *5.b.(1)* and *6. f.(1)* to mirror the language suggested for FL-115, above.	The committee agrees and has incorporated the commenter's suggestion into recommended form SUR-115.
LAFLA (continued)	Finally, we suggest mirroring the language from SUR-115 regarding method of service (page 2) onto form FL-115 (page 2). Currently, proposed language on page 2 of FL-115 includes language meant to indicate that only one method of service needs to be completed: "*(Complete item 3, 4, 5, 6 or 7)*." We believe the language on page 2 of form SUR-115 is clearer: *"(..., this proof of service must indicate the method of service (items 5–9) and provide the relevant service information.)*" We propose replacing the FL-115 language with the SUR-115 language, which would result in clearer instructions for the FL-115 form and consistency across both forms that are used for the same purpose in respective cases.	The committee appreciates the suggestion but has retained the instruction on recommended form FL-115. The committee concluded that the existing instruction is more straightforward than the language on recommended form SUR-115 that the commenter proposed adopting. The committee notes that, unlike parties in gestational surrogacy proceedings, many family law litigants are self-represented. Accordingly, recommended form FL-115 was drafted using plain-language principles to improve accessibility for self-represented litigants.

Commenter	Comment	Committee Response
LAFLA (continued)	2. The committee proposes removing the sheriff's 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? No, we do not identify any unintended consequences in removing the sheriff attestation and agree that in our experience, sheriffs' offices typically use their own proof of service forms. Removing the sheriff attestation on FL-115, FL-116 and SUR-115 would reduce the risk of confusion for litigants using third parties, other than the sheriff department, to personally serve the opposing party.	The committee appreciates the comment and agrees that removing the sheriff's attestation will reduce the potential confusion. The committee has removed the sheriff's attestation from recommended forms FL-115 and SUR-115 and did not include it on to recommended form FL-116.
LAFLA (continued)	3. 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? We believe the format on proposed item 4(a)(2) of form CH-205/EA-205 is clearer than the proposed language in 4a of form FL-980 and 5b of form DV-205. We believe there is a risk of confusion with the format of the FL-980 and DV-205 items where the option for service by "electronic notification" is listed as a separate item from the types of service methods, even though the option of "electronic notification" is contingent upon a "type of service method" being selected: included is an explanation that this option is supposed to refer to service accomplished by sending a link to download documents via any of the types of service methods listed, rather than sending the documents themselves. The inclusion of the "electronic notification option" is not only unnecessary, but confusing. In practice, we have not seen judicial officers distinguish between electronic service accomplished by sending the documents in full versus merely sending a link to the documents. Functionally,	After considering the comments received, the committee recommends including detailed options for electronic service on recommended forms FL-980 and DV-205. The committee agrees with commenters who indicated that detailed items would promote compliance and judicial efficiency. Regarding the electronic notification option, the committee agrees that it could be confusing and has removed that option from the recommended request and order forms (forms DV-117, DV-205, FL-980, and FL-982).

Commenter	Comment	Committee Response
	"electronic notification" describes all the types of service method listed: email, app or online platform, text message, other, and the inclusion of such will likely confuse self-represented litigants. Litigants may check off only the "electronic notification" option, thinking it is an all-inclusive option for electronic service, and fail to check off the specific type of service method, thus rendering the request form defective. Self-represented litigants may be turned away from the filing clerk for having a defective form, and if they do not understand the defect or the clerk is unable to effectively instruct them on the defect (of particular concern for non-English speakers or those with limited English proficiency), litigants may have to wait for further assistance from self-help centers or legal aid organizations, which may have limited availability and require litigants to expend additional resources, time off work, etc. If the clerk does not catch the defect, it may not be addressed until judicial review, which could result in the request being denied and the litigant having to re-file, further delaying their case. Proposed item 4(a)(2) of form CH-205/EA-205, on the other hand, is simpler and clearer, providing only options for either "email" or "other electronic technology," with space for the litigant to write in the method of their preference, and clear instructions for what information needs to be included relating to their method of choice. There is no additional, separate option for "electronic notification," which in our opinion is already encompassed by "other electronic technology." Thus, the format of 4(a)(2) of form CH-205/EA-205 is preferable for its simplicity, directness, and clarity.	

Commenter	Comment	Committee Response
Napa County Department of Child Support Services by Douglas Durward, Director	Position: Agree if modified As to the proposed Form FL-115, there should be an exception to the photo requirement for a child support agency. We are prohibited by law (Family Code section 17212) from disclosing the location of a parent and the GPS and photos would violate that law. Further if we know of DV, disclosure would also violate state regulation 22 CCR 111440(b) and federal law 42 USC 654(26). The form could be amended to indicate a check box for a local child support agency to indicate they are in possession of a photo meeting the requirements.	The committee agrees and has revised recommended forms FL-115 and FL-116 to include an exception to the photograph requirement when service is performed on behalf of a local child support agency, consistent with applicable confidentiality requirements.
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree THE PROPOSED FORMS APPROPRIATELY ADDRESSES THE STATED PURPOSE: YES	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
OCBA (continued)	YES, the potential for confusion on whether or not proof of service was completed must be uniform across all law enforcement jurisdictions to avoid confusion, confirm no pertinent information is missing from the attestation, and that the form is able to be filed with the court. Again, making the information required to be provided in the forms must be consistent as possible across all forms, since they are being completed by litigants of various levels of education, comprehension, etc.	The committee appreciates the concern, but notes that sheriffs may still use recommended forms FL-115, FL-116, and SUR-115, as they may attest under penalty of perjury but are not required to do so by law. The committee also notes that other Judicial Council proof of service forms, including form DV-200 do not contain a sheriff attestation and the committee has not received any indication that the absence of an attestation has caused confusion for sheriffs or jail service divisions. After reviewing the comments on this proposal, the committee recommends removing the sheriff attestation on recommended forms FL-115 and SUR-115 and not including the attestation on recommended form FL-116. The committee also concluded that maintaining a sheriff's attestation on these forms solely for consistency with other forms is not warranted because the attestation is not required by statute and sheriffs may continue to use the forms under penalty of perjury.

Commenter	Comment	Committee Response
OCBA (continued)	The formatting used in CH-205/EA-205 (for Civil Harassment and Elder Abuse) would be better.	After considering the comments received, the committee recommends including detailed options for electronic service on recommended forms FL-980 and DV-205. The committee agrees with commenters who indicated that detailed items would promote compliance and judicial efficiency. However, after reviewing feedback from other commenters, the committee has removed the electronic notification option from the request and order forms (forms DV-117, DV-205, FL-980, and FL-982), as the committee is concerned that including it may cause confusion.
Superior Court of California, County of Los Angeles by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-21 Family Law: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the response.
Superior Court of Los Angeles County (continued)	In regard to removing the sheriff attestation on forms FL-115, FL-116, and SUR-115, the Court does not believe the change will result in unintended consequences.	After considering the comments received, the committee recommends removing the sheriff attestation from recommended forms FL-115 and SUR-115 and not including it on recommended form FL-116.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	The Court finds that the format used in CH-205/EA-205 is generally easier to follow. However, it would be helpful if it also included the list of service options found in section 5(b)(1) of DV-205. Adding those service types would make litigants more aware of the methods available to them.	After considering the comments received, the committee recommends including detailed options for electronic service on recommended forms FL-980 and DV-205. The committee agrees with commenters who indicated that detailed items would promote compliance and judicial efficiency. However, after reviewing feedback from other commenters, the committee has removed the electronic notification option from the request and order forms (forms DV-117, DV-205, FL-980, and FL-982), as the committee is concerned that including it may cause confusion.
Superior Court of Los Angeles County (continued)	The proposal will not provide cost savings.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	Implementing the proposal would be relatively simple as the Court would only need to notify staff of the updated forms.	The committee appreciates the court's assessment.
Superior Court of Los Angeles County (continued)	Two months is sufficient time for implementation.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	Additionally, the proposal will work for courts of different sizes.	The committee appreciates the information.
Superior Court of California, County of Orange Family Law and Juvenile Divisions by Marina Barragan, Operations Analyst	Position: Not indicated Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	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? Removing the sheriff attestation does not appear to create significant unintended consequences because sheriffs generally use their own proof of service forms, and the revised forms still allow completion under penalty of perjury.	The committee appreciates the response and agrees that removing the sheriff's attestation is not expected to create significant unintended consequences. After considering the comments received, the committee recommends removing the sheriff attestation from recommended forms FL-115 and SUR-115 and not including it on recommended form FL-116.
Superior Court of Orange County (continued)	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 proposed FL-980 and DV-205 format would better serve family law and domestic violence users because it gives specific checkbox options for email, app/online platform, text message, electronic notification, and other electronic methods. This is helpful for self-represented litigants because it prompts them to identify the exact method requested and explain how they know the electronic address belongs to the respondent or restrained party.	After considering the comments received, the committee recommends including detailed options for electronic service on recommended forms FL-980 and DV-205. The committee agrees with commenters who indicated that detailed items would promote compliance and judicial efficiency. However, after reviewing feedback from other commenters, the committee has removed the electronic notification option from the request and order forms (forms DV-117, DV-205, FL-980, and FL-982), as the committee is concerned that including it may cause confusion.
Superior Court of Orange County (continued)	Would the proposal provide cost savings? If so, please quantify. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the court's assessment.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	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, staff training, and updating the case management system.	The committee appreciates the court's identification of implementation activities.
Superior Court of Orange County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County.	The committee appreciates the information.
Superior Court of Orange County (continued)	How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee appreciates the information.
Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	Position: Agree if modified Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the response.
Superior Court of San Diego County (continued)	Q: 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? A: No.	After considering the comments received, the committee agrees and recommends removing the sheriff attestation from recommended forms FL-115 and SUR-115 and not including it on recommended form FL-116.
Superior Court of San Diego County (continued)	Q: 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? A: The format proposed in item 4(a) of the FL-980 appears to be clearer and provides additional information.	After considering the comments received, the committee recommends including detailed options for electronic service on recommended forms FL-980 and DV-205. The committee agrees with commenters who indicated that detailed items would promote compliance and judicial efficiency. However, after reviewing feedback from other commenters, the committee has removed the electronic notification option from the request and order forms (forms DV-117, DV-205, FL-980, and FL-982), as the committee is concerned that including it may cause confusion.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.
Superior Court of San Diego County (continued)	Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Updating internal procedures and local packets and updating/adding filings in the case management system.	The committee appreciates the court's identification of implementation activities.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time.	The committee appreciates the information.
Superior Court of San Diego County (continued)	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 information.
Superior Court of San Diego County (continued)	DV-117: Item 3: When a request for alternative service is denied in item 3, we suggest including a preprinted statement that personal service is required. This will provide clarity to pro per litigants. Alternatively, this information could be included as an option in item 5.	The committee does not recommend revising the form to include a preprinted statement that personal service is required when a request is denied. A denial may be based on the court needing additional information rather than a determination that additional personal service attempts are required. However, if a court wishes to specify that additional personal service attempts are required, this information may be included in item 3(c)(3) or item 5(e).
Superior Court of San Diego County (continued)	Item 5: The checkbox below item 5e appears to be written for a request, not a court order. We propose deleting the checkbox or revising the language accordingly.	The committee does not recommend deleting or revising the checkbox. The language is consistent with other DV restraining order forms, including forms DV-130 and DV-165, which similarly use this format. The checkbox is intended to function as part of the court's order, and the instructions support clarity for self-represented litigants who may be preparing proposed orders for judicial review and signature.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	DV-217: It may appear to pro per litigants that item 8 is asking for the protected party's information, not the server's information. We suggest changing the bold heading to "Server's Information and Signature" instead of "My Information and Signature."	The committee agrees with the suggestion and has incorporated the suggestion into recommended form DV-217.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree JRS Position: Agree with proposed changes. The JRS notes the following impact to court operations: • Results in additional training, which requires the commitment of staff time and court resources. o The costs should be one-time and may consist of reprogramming case management systems to include new coding/ information from new forms. Implementation will require staff training to process the new forms, and training self-help center staff to assist with guiding parties through the forms. The JRS also notes that the proposal is required to conform to a change of law.	The committee appreciates the response.
JRS (continued)	Does the proposal appropriately address the stated purpose? Yes. The proposed changes directly align with the goal of increasing transparency and ensuring that the court receives a complete and accurate account of service efforts.	The committee appreciates the response.
JRS (continued)	The committee proposes removing the sheriff attestation on forms FL-115, FL-116, and SUR-115 as sheriff's offices typically use their own proof of service forms. Would doing so have any unintended consequences? Provided that all Sheriff departments are formally alerted that these forms no longer contain the attestation and that they must utilize their own internal proof of service forms going forward, there should be no unintended consequences. Given that most if not all Sheriff departments already utilize their own forms, this change effectively streamlines the process to match current administrative process.	After considering the comments received, the committee recommends removing the sheriff attestation from recommended forms FL-115 and SUR-115 and not including it on recommended form FL-116.

Commenter	Comment	Committee Response
JRS (continued)	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 format proposed in item 4a of form FL-980 and item 5b of form DV-205 is preferable. These items appear more thorough and specific than the proposed CH-205/EA-205. The increased level of detail provides greater clarification and accountability, which is essential for ensuring that service by electronic means is executed and documented with the necessary precision in family law and domestic violence matters.	After considering the comments received, the committee recommends including detailed options for electronic service on recommended forms FL-980 and DV-205. The committee agrees with commenters who indicated that detailed items would promote compliance and judicial efficiency. However, after reviewing feedback from other commenters, the committee has removed the electronic notification option from the request and order forms (forms DV-117, DV-205, FL-980, and FL-982), as the committee is concerned that including it may cause confusion.
JRS (continued)	Would the proposal provide cost savings? If so, please quantify. Uncertain at this time. While the clarity of the forms may reduce future litigation over service disputes, the immediate fiscal impact is difficult to quantify.	The committee appreciates the court's assessment.
JRS (continued)	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? Clerk's office staff, courtroom personnel, and self-help center staff must be notified of new/modified forms. Internal procedures and public-facing manuals must be updated to reflect these changes. Technical updates may be required to create or modify codes to ensure they conform to the new language regarding service types and proof requirements.	The committee appreciates the court's identification of implementation activities.

Commenter	Comment	Committee Response
JRS (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes. This timeframe is adequate for the necessary staff training and system updates.	The committee appreciates the information.
JRS (continued)	How well would this proposal work in courts of different sizes? While the logic of the forms applies universally, the administrative impact will be more substantial in larger courts due to the sheer volume of cases and the scale of staff training required compared to smaller sizes.	The committee appreciates the court's assessment.

Rules Committee Action Request Form

Item number: 22

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory 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: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.) In addtion to new proposed amendments to rule 5.275, amendments previously approved on December 12, 2025, without benefit of public comment, were circulated for postadoption comment during the spring 2026 rulemaking cycle.

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council *of* California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-139

For business meeting on October 16, 2026

Family Law: Certification, Review, and Use of Computer Software to Assist in Determining Support (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 5.275

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 14, 2026

Contact
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Executive Summary

The Family and Juvenile Law Advisory Committee recommends the Judicial Council amend the rule that provides standards for computer software that assists in determining child and spousal support to (1) ensure the availability and accuracy of support calculator software used by the public and courts, (2) ensure all certified support calculators continue to perform in a manner consistent with the Family Code and rules of court, (3) promote transparency in the certification and recertification procedures, and (4) update terminology. The committee also proposes minor technical and grammatical changes to the rule to improve readability.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend rule 5.275 of the California Rules of Court, effective January 1, 2027, to

1. Require that guideline calculators display, as the basic guideline child support result, the lowest child support amount within the low-income adjustment range;

2. Require that the generated calculator results display both the amount ordered and the allocation percentage between parents for additional support;

3. Give Judicial Council staff the ability to grant a short extension of the certification expiration date in limited circumstances;

4. 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;

5. 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;

6. 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 California Child Support Guideline Calculator (DCSS Calculator) developed by the Department of Child Support Services (DCSS);

7. Clearly identify actions that will be taken by council staff during the initial certification and recertification process; and

8. Replace the word "printout" in the rule with the phrase "generated calculator results" to reflect the move away from paper to electronic documents.

The text of the amended rule is attached at pages 12–15.

Relevant Previous Council Action

On November 30, 1993, the Judicial Council adopted standards that support calculator software must meet before the software can be certified for use by the courts under rule 1258 (later renumbered to rule 5.275).[1] The standards went into effect on December 1, 1993. During the same meeting, the Judicial Council delegated its authority and duty to certify software programs to the council's Family and Juvenile Law Advisory Committee.[2]

[1] Judicial Council of Cal., Reports and Recommendations (Nov. 30, 1993), tab 17, pp. 553–555.

[2] Judicial Council of Cal., Reports and Recommendations (Nov. 30, 1993), tab 17, pp. 554–555, 561.

In 2006, the Judicial Council certified the DCSS Calculator for use by the courts.[3] On October 24, 2008, the council amended rule 5.275(j) to require that the DCSS Calculator be used by parties and attorneys to present support calculations to the court and by the court to prepare support calculations.[4] The rule was amended to bring California into full compliance with a federal mandate that required California to have an automated child support calculation program.[5]

On October 24, 2025, the Judicial Council approved revisions to rule 5.275, effective January 1, 2026, to conform the rule to current law regarding the treatment of subsequent partner income when calculating child support and the apportionment of expenses for additional child support between parents.[6] The council also updated terminology and requirements related to computer hardware, operating systems, and software necessary to test support calculators and clarified language related to the Judicial Council's guideline calculator testing and certification process.

On December 12, 2025, the Judicial Council amended rule 5.275, without public comment, to give the council the ability to revoke the certification of a calculator before the annual expiration date if a calculator's certification cannot be timely renewed during an out-of-cycle review.[7] The council also amended the rule to allow the parties, attorneys, and court to use an alternate support calculator in all actions involving the local child support agency when the certification of the DCSS Calculator has been revoked or Judicial Council staff determines that the DCSS Calculator is inaccessible for use. These amendments were necessary to prevent the courts from losing the ability to timely and accurately calculate guideline child support in actions involving the local child support agency, due to DCSS's failure to update and submit its calculator for an out-of-cycle-recertification review following retroactive changes made to federal tax law under the One Big Beautiful Bill Act.[8]

The December 2025 amendments went into effect the day after the business meeting and were incorporated with the revisions approved at the October business meeting, effective January 1, 2026. The committee sought postadoption public comment on the December amendments during the spring 2026 rulemaking cycle.

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[3] Judicial Council of Cal., Advisory Com. Rep., *Child Support: Certification of Support Calculation Computer Software Programs* (Jan. 8, 2015), p. 2.

[4] Judicial Council of Cal., mins. (Oct. 24, 2008), item A33, pp. 27–28, *Child Support: Compliance With Federal Mandate Related to Automated Child Support Calculation Program (amend Cal. Rules of Court, rule 5.275)*.

[5] *Ibid*.

[6] Judicial Council of Cal., mins. (Oct. 24, 2025), item 25-160, pp. 2, 13, *Family Law: Standards for Computer Software Used to Assist in Determining Support (Action Required)*.

[7] Judicial Council of Cal., mins. (Dec. 12, 2025), item 25-190, pp. 2, 6–7, *Family Law: Certification and Use of Computer Software Used to Assist in Determining Support (Action Required)*.

[8] One Big Beautiful Bill Act (H.R.1), Pub. Law 119-21 (July 4, 2025) 139 Stat. 72.

Analysis/Rationale

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. Rule 5.275 sets forth standards as well as the requirements for the certification and recertification of support software. While parties, attorneys, and courts are generally allowed to use any support calculator certified by the Judicial Council,[9] rule 5.275(j)(1) requires the use of the DCSS Calculator in support actions involving the local child support agency under title IV-D of the Social Security Act.

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. Under rule 5.275(c)(1), 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 or other provisions involving the calculation of support change.[10] The Judicial Council additionally has discretion to require recertification if modifications are made to the software during the certification period.[11]

As a result of the amendments approved on December 12, 2025, the council may now revoke an existing certification if a calculator is not submitted, as requested, for review and testing.[12] Moreover, in the event the DCSS Calculator's certification is revoked or the calculator is determined by Judicial Council staff to be inaccessible, the parties, their attorneys, and the courts may use an alternate certified software program for actions involving local child support agencies.[13] These amendments were approved to circumvent the immediate negative impact of DCSS's failure to submit its calculator for an out-of-cycle recertification review under subdivision (c) of rule 5.275.[14] However, the circumstances that led to these urgent amendments illustrated the need for further review to ensure the public and courts maintain access to accurate certified support calculators that continue to perform in a manner consistent with the Family Code and rules of court. Based on its review, the committee recommends the following amendments to rule 5.275.[15]

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[9] Cal. Rules of Court, rule 5.275(j)(3).

[10] Cal. Rules of Court, rule 5.275(c)(1).

[11] Cal. Rules of Court, rule 5.275(f).

[12] Cal. Rules of Court, rule 5.275(c)(2).

[13] Cal, Rules of Court, rule 5.275(j)(2).

[14] For a detailed discussion of the urgent circumstances that led to the amendments in December 2025, 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).

[15] Additionally, the committee is recommending minor technical or grammatical changes in subdivisions (b)(1), (b)(4), (b)(6), (b)(8), (c)(1), and (d)(5).

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.

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 consistent compliance with Family Code section 4055(b)(7), the committee recommends amending rule 5.275(b)(6) to require certified calculators, by default, to display the lowest child support amount within the low-income range. Because certified calculators currently display different support amounts when the low-income adjustment applies, the amendment will promote consistency and reduce confusion. To update terminology in the provision, the committee also recommends replacing "printout of the calculator results" with the phrase "generated calculator results." The change in terminology reflects a move away from paper to electronic documents.

Rule 5.275(c)

The committee recommends amending rule 5.275(c) to authorize Judicial Council staff to grant developers an extension of the certification expiration date in limited circumstances. Rule 5.275(c) currently provides for the expiration of a support calculator's certification and 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 expiration date.

The proposed amendment would authorize council staff to grant limited extensions of certification when developers are making reasonable efforts to resolve identified issues. This flexibility is necessary to ensure that accurate calculators remain available during out-of-cycle reviews and annual recertification reviews. The amendment would also allow courts and public users to continue using familiar calculators when recertification can be completed within a short additional period. The amendment would reduce disruption to courts, attorneys, and litigants by permitting temporary continued use of a calculator while developers complete recertification requirements.

To balance the benefits of an extension with the need to ensure accurate support calculations, the committee recommends 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 find, after taking into consideration the

extent of any inaccuracy and impact on the public and courts, that the developer is making reasonable efforts to correct inaccuracies or complete the recertification requirements.

The committee also recommends 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 rule 5.275(b), and not just when the calculator fails to conform to the 1 percent accuracy standard required under (b)(2). The amendment ensures that only calculators that continue to meet all the standards under rule 5.275 remain certified.

Rule 5.275(f)

The committee recommends 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). Currently, subdivision (f) provides that 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. The subdivision also authorizes the Judicial Council to require that a calculator be recertified after receipt of information concerning changes made to the software. However, rule 5.275 does not currently provide a mechanism for the council to require review and recertification of a calculator when council staff become aware during the certification period that a calculator may be producing results inconsistent with the standards set by the council.

In the past, Judicial Council staff have on occasion received information from courts and the public regarding potential inaccuracies in results generated by certified support calculators. Because not every scenario can be identified during recertification testing, information received from courts and users is important to continued accuracy. The amendment expressly authorizes council staff to require review and, if necessary, recertification when staff become aware that a calculator may be producing results inconsistent with rule 5.275. The amendment allows for continuing compliance throughout the certification period rather than only during annual recertification.

Rule 5.275(j)(2)

Rule 5.275(j) was amended in December to allow 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. This amendment was adopted to ensure courts could continue processing title IV-D support matters without interruption. Because modifications made to the DCSS Calculator or inaccuracies discovered after certification can also affect the courts' ability to enter accurate support orders, the committee recommends amending rule 5.275(j)(2) to 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 recommends clarifying throughout rule 5.275 which responsibilities are carried out by council staff, including review, notice, extension, and recertification functions. These recommended clarifications would reflect that Judicial Council staff are authorized under the rule to develop internal testing scenarios and determine accuracy under subdivision (b)(2); provide for earlier expiration of a certification under subdivision (c)(1); grant limited extensions under new subdivision (c)(3); request, under subdivision (d)(5), that a developer provide a new statement of certified public accountant as often as 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). These amendments improve clarity regarding the certification and recertification process.

Policy implications

The proposed amendments align with the Judicial Council's policies of establishing rules for the operation of the courts that meet the needs of the public and facilitating and maintaining the public's trust and confidence in the judicial branch to deliver quality justice and service.

Comments

This proposal was circulated for comment from April 13 to May 18 during the spring 2026 invitation-to-comment cycle. It was circulated to the committee's standard mailing list for family and juvenile law proposals, including appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, family law facilitators and self-help center staff, legal services attorneys, social workers, and other family law professionals. The proposal also went to DCSS and the California Child Support Association (CalCSA), as well as to the four software developers whose guideline calculators are currently certified for use by the courts and to another developer whose guideline calculator is currently being reviewed by the Judicial Council for certification.

In total, ten organizations or individuals submitted comments. Four commenters agreed with the proposal as circulated; two agreed if modified; and four commenters did not state a position. None opposed the proposal and none offered comments or suggestions for modification as to the amendments approved by the council in December 2025. Additionally, four of the commenters provided feedback on the committee's request for specific comment regarding whether the addition of an express requirement that guideline calculator results display both the amount and apportionment percentages for additional support would be helpful to users.

The issues raised by the commenters who suggested substantive modifications are discussed below. A chart with the full text of the comments received and the committee's responses is attached at pages 16–25.

After circulation for comment, the committee made three revisions to the proposal, including (1) amending subdivision (b)(5) to require generated calculator results display both the amount owed and apportionment percentages for additional support; (2) amending subdivision (c)(3) to allow

council staff to grant an extension if they find the developer is making reasonable efforts to complete the requirements for recertification under the rule; and (3) revising subdivision (j)(3) to clarify that the provision references "proceedings that do not fall under title IV-D of the Social Security Act".

Suggested modifications

A software developer whose guideline calculator is currently under review largely proposed changes that are beyond the scope of the invitation to comment. However, the commenter did indicate that the length of any extension should be evaluated in light of the actual causes of certification delay, for example, a situation where a developer is having trouble obtaining an updated CPA statement because the contacted CPAs are reluctant to provide a specialized statement certifying developers' tax calculations. The committee determined that the rule must place a limitation on the duration of an extension to ensure the public's and courts' trust in the accuracy of the calculators is not undermined. However, the committee recognizes that challenges other than inaccuracies may delay a developer's ability to meet recertification requirements. Accordingly, the committee recommends adding language to proposed rule 5.275(c)(3) that would permit staff to grant an extension of no more than 45 calendar days if staff find, after taking into consideration the extent of any inaccuracy and impact on the public and court, that the developer is making reasonable efforts to correct inaccuracies or complete the requirements for certification under the rule.

A director from a local child support agency suggested that an amendment to rule 5.275(j)(3) is necessary to clarify that the phrase "nontitle IV-D" references a particular statutory program. The committee agreed that clarification is needed and, therefore, recommends that rule 5.275(j)(3) be amended to specify that the provision applies to "proceedings that do not fall under title IV-D of the Social Security Act." The rephrasing would not only bring clarity to the provision regarding the referenced statutory program but also make it consistent with language used in Rule 5.275(j)(1).

A software developer whose software is currently certified for use submitted comments agreeing with the proposal if modified to require courts to accept submissions of guideline results that are generated by software that is certified by the Judicial Council. The software developer indicated the amendment is necessary because courts are requiring the use of Xspouse and "effectively creating a monopoly for child support guideline software, interfering with competition, and squashing innovation and improvement." Rule 5.275(j)(3) provides that courts may use and must permit parties or attorneys to use any software certified by the Judicial Council in proceedings that do not fall under title IV-D of the Social Security Act. Because rule 5.275(j)(3) already requires courts to permit parties and attorneys to use any certified software, the committee believes the suggested amendment is unnecessary.

Responses to request for specific comment

The committee also received four responses to its request for specific comment regarding whether generated calculator results should display both the amount and apportionment percentages for additional support. DCSS expressed that it supports adding the new results

display requirement for additional support because it would "provide clear information to users, align with current court forms, and minimize errors when converting between percentages and dollar amounts."

The Superior Courts of Los Angeles, Orange, and San Diego Counties all agreed that the addition of the new requirement would be helpful. The Superior Court of Los Angeles County opined that including both a dollar amount and a percentage would provide clarity for parties and be beneficial for judicial officers. The Superior Court of Orange County stated that including the apportionment percentages in the results would be very useful because, when using the DCSS Calculator, additional manual steps have to be taken to determine the percentage. The Superior Court of San Diego County expressed that the judicial officers are having to calculate the apportionment percentages manually, so displaying the apportionment percentages in the calculator will help ensure accuracy and will save valuable time.

The committee agrees with the commenters' opinions that requiring generated calculator results to display both additional support amounts and apportionment percentages would improve clarity, reduce the need for manual calculations, and assist both litigants and judicial officers. Accordingly, the committee revised the circulated proposal to incorporate this requirement into subdivision (b)(5). This amendment is intended to reduce calculation errors, improve consistency between calculators, and reduce the need for courts and litigants to manually determine apportionment percentages when preparing support orders.

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. The committee did, however, consider whether any additional changes to rule 5.275 were needed. The committee concluded that additional amendments to the rule are necessary to reduce the risk that inaccurate calculators could negatively affect courts and court users in the future, promote transparency, and avoid confusion regarding Judicial Council staff's role in the certification and recertification process. The committee therefore rejected the alternative of not making additional amendments to the rule.

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.

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 expressly require generated calculator results to display both the amount and apportionment percentages for additional support. Based on comments received from DCSS and several superior courts, the committee concluded that requiring calculators to display both additional support amounts and apportionment percentages would improve clarity, reduce manual calculations, promote consistency among calculators, and improve efficiency for courts and litigants. The committee therefore rejected the alternative of not making the amendment.

In clarifying the responsibilities to be taken by council staff under rule 5.275, the committee considered whether staff should be authorized under rule 5.275(b)(2) to develop scenarios and test support calculators for accuracy. Given the requirement for annual recertification of calculators and the potential for out-of-cycle reviews when inaccuracies in a certified calculator are reported to the council, the committee determined that authorizing staff to assist the council with the testing process would promote efficiency and benefit the public by ensuring accurate calculators are consistently available for use. The committee therefore recommends amending rule 5.275(b)(2) to specify that the Judicial Council or its staff will develop internal testing scenarios and determine the accuracy of calculators.

Fiscal and Operational Impacts

The committee anticipates that courts will incur some costs to train court staff on the updates made to guideline calculator software used by the court. However, the committee expects that the operational benefits of improved efficiency and continued access to accurate calculators would outweigh any training-related costs.

Attachments and Links

1. Cal. Rules of Court, rule 5.275, at pages 12–15
2. Chart of comments, at pages 16–25
3. Link A: Fam. Code, § 3830
4. Link B: Fam. Code, § 4055
5. Link C: Fam. Code, § 4059
6. Link D: Fam. Code, § 4061

Rule 5.275 of the California Rules of Court is amended, effective January 1, 2027, to read:

Rule 5.275. Standards for computer software to assist in determining support

(a) * * *

(b) Standards

The standards for computer software to assist in determining the appropriate amount of child or spousal support are:

(1) The software must accurately compute the net disposable income of each parent as follows:

(A)–(C) * * *

(D) Permit the entry of deductions authorized by Family Code ~~sections~~ section 4059(c) through (f); and

(E) * * *

(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 or its 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 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) * * *

(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)–(E) * * *

(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). The generated calculator results must display on the first page of the results both the amount owed and apportionment percentages for each additional item of support. If the software generates more than one report of the calculator results, the apportionment amount and percentages must be displayed on the report that includes the user inputs.

(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 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) * * *

(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)~~:

(A) ~~the~~ The provisions involving the calculation of tax consequences change; or ~~(B)~~

(B) ~~other~~ 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 any inaccuracy and impact on the public and courts, that the developer is making reasonable efforts to correct inaccuracies or complete the requirements for recertification under the rule.

(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;

(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) * * *

(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).

(g) * * *

(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) * * *

(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.

(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 that do not fall under title IV-D of the Social Security Act, the court may use and must permit parties or attorneys to use any software certified by the Judicial Council under this rule.

SPR26-22 Chart of Comments (DRAFT)

Family Law: Certification, Review, and Use of Computer Software to Assist in Determining Support (amend Cal. Rules of Court, rule 5.275)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Prateek Bondala OpenSupportCalculator.com	Position: Not indicated I respectfully submit the following comments regarding SPR26-22, Family Law: Certification, Review, and Use of Computer Software to Assist in Determining Support. I support the proposal's objectives of ensuring the continued availability and accuracy of certified support calculators, promoting transparency in the certification process, and ensuring that certified calculators operate consistently with the Family Code and the California Rules of Court. My comments are based on practical experience building support-related legal technology tools, as well as broader experience designing, launching, and operating production software systems where correctness, reliability, and user-facing clarity are essential. In prior engineering leadership roles, I have built and led 0-to-1 products, implemented production-readiness and quality-review processes, and worked on systems where objective testing and observable outputs are central to reliability. That background informs my view that support-calculation certification should rely on direct, repeatable output validation rather than indirect professional attestation alone.	No response required. See the committee's responses to specific comments below.
Prateek Bondala (continued)	The proposal appropriately addresses its stated purpose, but the same accuracy and transparency concerns also apply to variable-income support presentation and to the practical burdens of the current CPA statement requirement. I respectfully propose two additional amendments to rule 5.275.	See the committee's responses to items I and II below.
Prateek Bondala (continued)	I. Bonus-Income Support Results Should Be Displayed Prominently on the First Page of Generated Calculator Results The proposal recognizes that certain support-related information should be displayed clearly on the first page of generated calculator results. Specifically, it proposes clearer first-page treatment of the low-income adjustment range when that adjustment applies. I agree with that approach. The same principle should also be considered when bonus income, commissions, overtime, or other variable income materially affects the support obligation. There are two practical concerns with the current treatment of bonus-income and variable-income calculations. First, bonus-income reports may be generated separately from the first page of calculator results. When the first page shows only the base	The committee appreciates the insight and information provided by the commentor regarding the benefits of prominently displaying bonus income support amounts on the first page of a calculator's generated results report. However, the suggestion that calculator developers should be required, as a condition of certification, to include bonus support information on the first page of their generated results is outside the scope of the current proposal.

Commenter	Comment	Committee Response
	monthly support amount, there is a meaningful risk that the bonus-related obligation will be overlooked or treated as secondary. For example, a calculator may display a base child support amount of $500 on the first page while a separate bonus report reflects that support could increase substantially. If the first page does not identify the bonus-based amount, percentage, formula, or range, the practical result may be that the order is negotiated or entered as though support were only $500, even when the actual obligation is significantly higher. Second, when both parents earn bonus income or other variable income, bonus reports can become difficult to understand, particularly when one or both parents receive less than their target bonus. In that situation, users may struggle to understand whether the report is varying one parent's bonus, holding the other parent's bonus fixed, assuming target bonus, or reflecting a combined bonus scenario. I recommend that the Judicial Council consider this as an additional usability concern and evaluate whether bonus reports should be standardized so that self-represented litigants can more easily understand the assumptions being used. Based on discussions with attorneys and parents during the development of OpenSupportCalculator.com, users frequently rely on the first page or summary page of a calculator result. If a bonus-income calculation appears only in a separate report, it may be overlooked in practice — even if technically available elsewhere. This concern is heightened when both parents have variable income, because the assumptions behind the report may not be obvious to ordinary users. To illustrate how the first concern can be addressed in practice, Exhibits A and B to this comment show examples in which the bonus report summary is displayed on the same page as the main calculator results. These examples are offered to illustrate that the display requirement proposed below is technically feasible and can be implemented without requiring a separate report. I respectfully suggest that the committee consider amending rule 5.275 to require that when bonus income, commissions, overtime, or other variable income is entered into a certified calculator, the first page of the generated calculator results must either display a clear support range or include a bonus-income support summary at the end of the first page. For example, instead of displaying only: Guideline Child Support: $500 while placing the bonus calculation in a separate report, the first page should display the practical support range where available:	Because such a change would significantly impact calculator developers and require a substantive change to rule 5.275, the committee believes public comment should be sought before the suggested amendment is considered for adoption. The committee may consider this suggestion during a future rules cycle as time and resources permit.

Commenter	Comment	Committee Response
	Guideline Child Support: $500–$4,300 depending on bonus income. Alternatively, if the calculator does not express the result as a single range, the first page should include a short bonus summary at the end of the page identifying that additional support may be owed based on bonus income and directing the user to the applicable bonus calculation. The key point is that the first page should make clear that the base monthly support amount is not the full support picture when bonus income or other variable income applies.	
Prateek Bondala (continued)	II. The CPA Statement Requirement Should Be Replaced With a Standardized Test-Case Validation Process	See the committee's response below.
Prateek Bondala (continued)	The proposal would authorize Judicial Council staff to grant a certification extension of up to 45 calendar days when a developer is making reasonable efforts to correct identified inaccuracies. Some flexibility is appropriate, but the length of any extension should be evaluated in light of the actual causes of certification delay. One significant source of delay is the existing requirement under rule 5.275(d) for a certified public accountant statement when the software computes state and federal income tax liability. In building and studying support-calculation software, I have observed that many CPAs are reluctant to certify another developer's tax calculations, as they do not regard that function as within their ordinary professional role. As a result, certification can depend not on whether the calculator is accurate, but on whether the developer can locate a CPA willing to provide a specialized statement.	The proposed amendment limits extensions to no more than 45 calendar days to balance flexibility for developers with the need to ensure accurate support calculations. As drafted, Judicial Council staff may grant a shorter extension when appropriate. The committee recognizes that developers may encounter challenges unrelated to software accuracy in meeting recertification requirements. Accordingly, the committee recommends adding language to proposed rule 5.275(c)(3) to permit staff to "grant an extension of no more than 45 calendar days for any calculator if council staff finds, after taking into consideration the extent of any inaccuracy and impact on the public and courts, the developer is making reasonable efforts to correct inaccuracies or complete the requirements for recertification under the rule." This proposed amendment would allow council staff the discretion to grant an extension in the event developers need additional time to meet any of the recertification requirements, after taking

Commenter	Comment	Committee Response
		into consideration the impact of an extension on the public and courts and efforts taken by developers to meet the requirements within the required timeline.
Prateek Bondala (continued)	There is also a more fundamental concern: a CPA statement is an indirect method of validation. It may confirm that a professional reviewed certain tax-related calculations, but it does not provide a transparent, repeatable way for developers, Judicial Council staff, courts, or the public to verify whether the calculator produces correct results across common and edge-case scenarios. In comparative testing, I observed that XSpouse appears to have tax-related and support-output discrepancies that Judicial Council staff can independently verify through defined test cases. The observed issues include 2026 federal and California tax input discrepancies, child tax credit treatment, spousal-support tax and SALT cap treatment, and county-specific spousal-support formula variances. These observations suggest that professional attestation alone should not be treated as a substitute for objective output validation. The issue is not whether tax calculations matter; they plainly do. The issue is whether a mandatory CPA statement is the best way to verify calculator accuracy. Direct test-case validation would test the actual outputs that courts, attorneys, and parties rely on. A more objective, transparent, and scalable approach would be to replace the mandatory CPA statement requirement with a standardized test-case validation process administered by Judicial Council staff. For example, Judicial Council staff could publish 100 test cases covering common and edge-case support and tax scenarios, and maintain 20 confidential internal cases for certification review. The confidential cases would preserve the integrity of the process by preventing developers from designing calculators to match only the published test suite. This approach would make certification more objective, improve consistency across developers, reduce avoidable delay by allowing pre-submission testing, and better detect tax or support-calculation issues that may not be caught through a professional-attestation model. It would also support competition by enabling qualified new entrants to demonstrate accuracy without depending on a difficult-to-obtain CPA statement. A certification process that unintentionally operates as a barrier to otherwise accurate and compliant calculators does not fully serve the courts or the public. If the CPA statement requirement is replaced with a standardized test-case framework, I suggest reducing the proposed maximum certification extension from 45 calendar days to 20 calendar days. With a clear and objective validation standard in place, 20 days	The committee appreciates the commentor's observations and insight into the current requirement that developers provide a statement from a certified public accountant (CPA) affirming that the developer's software accurately calculates state and federal income tax liability, as well as deductions under the Federal Insurance Contributions Act (FICA) and for California State Disability Insurance. The committee notes that, in addition to the CPA statement requirement, council staff independently test certified calculators annually to validate tax calculations. The suggestion to replace the CPA statement requirement with a standardized test-case validation process is outside the scope of the invitation to comment and would result in a substantial change to rule 5.275. The committee, therefore, believes additional public comment would be necessary before considering such an amendment. The committee may consider these suggestions during a future rulemaking cycle for the reasons discussed above.

Commenter	Comment	Committee Response
	provides a reasonable correction window while limiting the period during which courts and parties may continue to rely on software identified as requiring further review or correction.	
Prateek Bondala (continued)	Conclusion SPR26-22 is an important step toward improving the accuracy and transparency of certified support calculators. I respectfully ask the committee to consider two additional changes. First, when bonus income or other variable income affects support, the first page of the generated calculator results should either show a clear support range or include a bonus-income summary at the end of the first page. The committee should also consider whether bonus reports need further standardization when both parents have variable income.	The committee may consider the suggestions during a future rule cycle. See response to comment on item I above.
Prateek Bondala (continued)	Second, the mandatory CPA statement requirement should be replaced with a standardized test-case validation process. Direct output testing would better identify tax and support-calculation issues, reduce certification delays, and provide a clearer path for accurate calculators to be certified.	The committee may consider this suggestion during a future rule cycle. See second response to comment on item II above.
Prateek Bondala (continued)	These changes would make support calculations easier to understand, easier to verify, and more useful for courts, attorneys, self-represented litigants, and parents. [Signature block and email omitted.]	No response required.
Prateek Bondala (continued)	Exhibits * [In addition to the written comments, this commenter submitted two exhibits to demonstrate how their suggestions for bonus income could be displayed on the first page of generated support results. Because these exhibits are merely illustrative of suggestions described in the written comments for item I above, they have been reviewed by the committee but have not been included here.]	No response required. Exhibits are merely illustrative of written comments on item I above.
California Child Support Association Judicial Council Forms Committee by Michael Smitsky, Executive Director	Position: Not indicated 1. The Committee recommends adding a new item, (j)(2)(A): (j)(2)(A). The decertification or recertification of the California Child Support Guideline Calculator does not invalidate prior submitted documents for filing that included a certified guideline calculator at the time of submission to the court. Comment: This addition contemplates the situation where documents have been sent to court for filing prior to decertification or recertification and are awaiting filing. This change	This suggestion is outside the scope of the invitation to comment. Because the suggestion would create substantive changes affecting court practices, the committee believes additional public comment would be appropriate before considering adoption. The committee may consider this suggestion during a future rules cycle as time and resources permit.

Commenter	Comment	Committee Response
	provides clarity to all parties and provides judicial efficiency by accepting documents that were compliant when submitted.	
California Child Support Association Judicial Council Forms Committee (continued)	2. The Committee recommends adding a new item, (j)(2)(B). to read: (j)(2)(B). In the event of a default, the decertification or recertification of the California Child Support Guideline Calculator does not invalidate the prior filing of a Summons and Complaint if it included a certified guideline calculation at the time of filing. Courts may not reject a default that conforms to the prior filed Summons and Complaint. Comment: The Committee recommends including this language based upon the fact that courts have been operating under the legal basis that when a guideline calculator is not certified, any other certified calculator can be used. This change provides clarity to all parties and provides judicial efficiency by accepting documents that were compliant when submitted.	This suggestion is outside the scope of the invitation to comment. Because the suggestion would create substantive changes affecting court practices, the committee believes additional public comment would be appropriate before considering adoption. The committee may consider this suggestion during a future rules cycle as time and resources permit.
California Department of Child Support Services (by Traci Nagasawa, Deputy Director	Position: Not Indicated Does the proposal appropriately address the stated purpose? DCSS agrees that the proposal appropriately addresses its stated purpose of ensuring the continued accuracy, transparency, and consistency of guideline calculator software. The amendments strengthen the certification framework, clarify expectations for developers, and support operational continuity when the DCSS Calculator is inaccessible or requires review. These changes directly promote accurate and timely support determinations, consistent with program requirements.	The committee appreciates the feedback.
DCSS (continued)	The DCSS Guideline Calculator currently complies with the proposal's requirement to display the lowest child support amount within the Low-Income Adjustment (LIA) range. The proposal confirms that the DCSS Calculator is among those that "display the support amount at the lowest end of the range" when the LIA applies.	The committee appreciates the feedback.
DCSS (continued)	Would an express requirement in subdivision (b)(5) that guideline calculators display both the amount and apportionment percentages for additional support be helpful to users? DCSS supports adding an express requirement in subdivision (b)(5) that certified calculators display both the calculated amount and the apportionment percentages for additional support. This requirement would provide clear information to users, align with current court forms, and minimize errors when converting between percentages and dollar amounts.	The committee agrees that requiring calculators to display both additional support amounts and apportionment percentages would improve clarity, align with current court forms, and reduce errors when converting between percentages and dollar amounts. The committee therefore recommends

Commenter	Comment	Committee Response
		revising subdivision (b)(5) of the rule to incorporate this requirement.
DCSS (continued)	Thank you for the opportunity to provide input, express our ideas, experiences and concerns with respect to the proposed form changes.	No response required.
California Lawyers Association, Family Law Section Executive Committee	Position: Agree No specific comment.	The committee acknowledges the commenter's agreement with the proposal.
Douglas Durward Director, Napa County Department of Child Support Services	Position: Agree if modified Just a grammatical issue: in the proposed Rule 5.275(j)(3), it uses the term "nontitle IV-D" but it should say "non-Title IV-D." Writing nontitle IV-D suggests "title" is being used generically rather than referencing the statutory program, which is a proper noun and should be capitalized.	The committee agrees that the term "nontitle IV-D" should be revised to clarify that the provision references the title IV-D program under the Social Security Act. The committee therefore recommends revising the language to refer to "proceedings that do not fall under title IV-D of the Social Security Act . . ." The change has been incorporated into the amendments that the committee is recommending for adoption.
Family Law Software by Daniel Caine, Principal	Position: Agree if modified The statute should require courts to accept submissions of guideline results that are generated by software that is certified by the Judicial Council. Speaking as a software developer, our experience has been that we have put in a lot of effort to create a better calculator, but no one will buy it. Why? Because attorneys say that even though ours is better, the courts are requiring the use of XSpouse. In the situation that exists today, each county is effectively creating a monopoly for child support guideline software, interfering with competition, and squashing innovation and improvement. And what is the point of having the Judicial Council go to the effort and expense of certifying calculators, if courts are going to refuse to allow them to be used? This proposal, by requiring courts to accept outputs from certified calculators, would remedy that situation and unlock benefits for attorneys and their clients throughout the state.	The committee does not recommend adopting the suggested amendment. The committee notes that rule 5.275(j)(3) currently provides that, "[i]n all nontitle IV-D proceedings, courts may use and must permit parties or attorneys to use any software certified by the Judicial Council under this rule." Because rule 5.275(j)(3) already requires courts to permit parties and attorneys to use any certified software in non-title IV-D proceedings, the committee believes the suggested amendment is unnecessary.

Commenter	Comment	Committee Response
Orange County Bar Association by Shirin Forootan, President	Position: Agree Comments: the proposed forms appropriately address the stated purpose: yes.	No response required.
Orange County Bar Association (continued)	YES, the display of the apportionment is a required aspect of the child support formula, and having the programs display that information provides ease of reference and a minimization of disputes regarding the allocation between older and younger children and/or spousal support.	The committee appreciates the feedback. The committee notes that the invitation to comment requested specific comment regarding the apportionment of expenses for additional support between each parent, and not the apportionment of support owed for each child. To the extent the commentor suggests requiring the calculator to display support apportioned for each child, the committee believes additional public comment would be necessary before considering a substantive amendment. The committee may consider this suggestion during a future rules cycle as time and resources permit.
Superior Court of California, County of Los Angeles by Stephanie Kuo	Position: Agree with proposed changes	The committee appreciates the information and acknowledges the court's agreement with the proposed changes.
Superior Court of California, County of Los Angeles (continued)	The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee.	The committee appreciates the information.
Superior Court of California, County of Los Angeles (continued)	In response to the Judicial Council of California's ITC, "SPR26-22 Family Law: Certification, Review, and Use of Computer Software to Assist in Determining Support," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the information.
Superior Court of California, County of Los Angeles (continued)	In regard to 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, the Court agrees it would be helpful to users. It may be clearer for parties to see a percentage. It may also be beneficial for judicial officers to include both a dollar amount and a percentage for each party.	The committee appreciates the information and insight provided by the court. The committee agrees with the comment and has incorporated the proposed requirement into subdivision (b)(5) of the rule.

Commenter	Comment	Committee Response
Superior Court of California, County of Los Angeles (continued)	The proposal will not provide cost savings since courtrooms already use support calculators. It may depend on the difference cost of the calculating programs.	The committee appreciates comment and acknowledges the court's assessment that the proposal is not expected to result in cost savings.
Superior Court of California, County of Los Angeles (continued)	There would be minimal implementation requirements for court operations staff. Judicial officers or attorneys normally handle the calculations. Two months should be sufficient time for implementation. Additionally, the proposal will work for courts of different sizes.	The committee appreciates the comment and the court's insight regarding implementation of this proposal.
Superior Court of California, County of Orange	Position: Not Indicated Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the information.
Superior Court of California, County of Orange (continued)	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. Yes. The apportionment percentages for add on expenses would be very useful. (Currently they are available in XSpouse but not the DCSS calculator. When utilizing the required DCSS calculator, additional manual steps are taken to determine the percentage.)	The committee appreciates the information and insight provided by the court. The committee agrees that displaying apportionment percentages would improve usability and efficiency and therefore recommends revising subdivision (b)(5) to incorporate the requirement.
Superior Court of California, County of Orange (continued)	Would the proposal provide cost savings? If so, please quantify. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the comment and acknowledges the court's assessment that implementation may result in additional costs.
Superior Court of California, County of Orange (continued)	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, and updating the case management system.	The committee appreciates the comment and the court's identification of implementation activities.
Superior Court of California, County of Orange (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would be sufficient time for Orange County.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of California, County of Orange (continued)	How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee appreciates the information and acknowledges the court's assessment that the proposal would work for a large court.
Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	Position: Agree Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the information.
Superior Court of California, County of San Diego (continued)	Q: 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. A: Yes. Currently, the judicial officers are having to calculate the apportionment percentages manually. Displaying the apportionment percentages in the calculator will help ensure accuracy and will save valuable time.	The committee appreciates the information and insight provided by the court. The committee agrees that displaying apportionment percentages would improve usability and efficiency and therefore recommends revising subdivision (b)(5) to incorporate the requirement.
Superior Court of California, County of San Diego (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.
Superior Court of California, County of San Diego (continued)	Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Minimal to none.	The committee appreciates the information.
Superior Court of California, County of San Diego (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates the information.
Superior Court of California, County of San Diego (continued)	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 information and acknowledges the court's assessment that the proposal would work for courts of all sizes.

Item 23 [Reserved]

Rules Committee Action Request Form

Item number: 24

Rules Committee Meeting Date: September 9, 2026

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

Title of proposal: Juvenile Law: Record Sealing Forms

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

Advisory 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: October 16, 2025
Project description from annual agenda: Item 2: Project Summary: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-160

For business meeting on October 15–16, 2026

Juvenile Law: Record Sealing Forms (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
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

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 6, 2026

Contact
Tony Cheng, (415) 865-4268
tony.cheng@jud.ca.gov

Executive Summary

Assembly Bill 1877 (Jackson; Stats. 2024, ch. 811) enacted Welfare and Institutions Code section 788, a juvenile record sealing statute. Under the statute, county probation officers are required to initiate a record sealing process for individuals 18 years of age or older upon the termination of juvenile court delinquency jurisdiction. The Family and Juvenile Law Advisory Committee proposes amending three court rules, approving two new forms, and revising four existing forms to implement AB 1877.

Recommendation

To implement AB 1877, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Approve *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);

2. Amend California Rules of Court, rules 5.830, 5.840, and 5.860; and

3. Revise the following 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 for Satisfactory Completion of Probation* (form JV-596-INFO) and retitle it to *Sealing of Records After Completion of Probation*.

The proposed amended rules, new forms, and revised forms are attached at pages 9–22.

Relevant Previous Council Action

The council has adopted or amended a number of rules and created and amended a number of forms to implement legislation enacted in the past decade regarding juvenile record sealing.

Rules relevant to this proposal have not been adopted or amended since at least January 1, 2021. Specifically, *Sealing Records (§ 781)* (rule 5.830) was last amended effective July 1, 2016, *Dismissal of Petition and Sealing of Records (§ 786)* (rule 5.840) was last amended effective September 1, 2018, and *Prosecuting Attorney Request to Access Sealed Juvenile Case Files* (rule 5.860) was adopted effective January 1, 2021.

Similarly, forms relevant to this proposal have not been approved or revised since at least January 1, 2022. Specifically, *Acknowledgement of Juvenile Records Sealed* (form JV-591) was new effective July 1, 2016, *Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-592) was new effective January 1, 2022, *How to Ask the Court to Seal Your Records* (form JV-595-INFO) was last revised January 1, 2022, and *Sealing of Records After Completion of Probation* (form JV-596-INFO) was also last revised January 1, 2022.[1]

[1] When last revised, form JV-596-INFO was titled *Sealing of Records for Satisfactory Completion of Probation.*

Analysis/Rationale

Background

Prior to AB 1877, almost all[2] juvenile record sealing occurred under Welfare and Institutions Code sections 781, 786, and 786.5.[3] Under these sections, a preliminary finding that "rehabilitation has been attained to the satisfaction of the court" (§ 781) or that the youth "satisfactorily" completed either a term of juvenile probation (§ 786) or informal diversion (§ 786.5) is required for a record sealing request to be granted.

Section 788 adds an additional method to seal juvenile records for persons 18 years of age and over. Unlike sealing under other frequently used sections, sealing under section 788 does not require a finding of satisfactory rehabilitation or completion of probation. The provisions of section 788 apply when a person's juvenile court records have not been previously sealed.

Welfare and Institutions Code Section 788

In all cases in which a petition has been filed "to commence proceedings to adjudge a person a ward of the court," section 788 requires the probation department to determine whether the person will remain under the juvenile court's delinquency jurisdiction once the person has reached 18 years of age. (§ 788(a).) If not, the probation department is required to immediately request that the court "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 department 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 remains under the court's delinquency jurisdiction after they have reached 18 years of age, the probation department is also required to submit a request to seal the person's records to the court no later than one year after the termination of jurisdiction. (§ 788(a)(2).)

The court must grant the request so long as the person has not been convicted of a felony or a misdemeanor involving moral turpitude after the court's jurisdiction was terminated. (§ 788(c).) A finding that the person has successfully achieved rehabilitation (§ 781) or satisfactorily completed a term of juvenile probation (§ 786) is not required. (*Id.*)

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[2] The following statutes also permit the sealing of juvenile records but are rarely used in practice: Welfare and Institutions Code section 781.5 (sealing upon a finding of factual innocence), Welfare and Institutions Code section 793 (sealing following successful completion of deferred entry of judgment), and Penal Code section 851.7 (sealing following arrests in which proceedings were not filed, dismissed, discharged, or resulted in acquittal).

[3] Unless otherwise indicated, all further statutory citations are to the Welfare and Institutions Code.

The Proposal

Rule 5.830, Sealing records (§ 781)

Rule 5.830 requires a court to provide forms JV-595 and JV-595-INFO at the termination of probation if it does not order sealing under section 786. The committee recommends including section 788 in the relevant paragraph of the rule so that the court also provides these forms if a person's records are not sealed under that section. Additionally, the committee recommends updating the reference to the title of form JV-596-INFO, which the committee recommends changing, as discussed below.

Rule 5.840, Dismissal of petition and sealing of records (§ 786)

This rule sets forth the statutory procedure for sealing juvenile records under section 786. The committee recommends updating the title of form JV-596-INFO referenced in subdivision (e) of the rule and minor stylistic changes.

Rule 5.860, Prosecuting attorney request to access sealed juvenile case files

This rule sets forth the statutory procedure for a prosecuting attorney when requesting access to sealed juvenile records. The rule currently applies to records sealed under section 781, 786, or 793 or Penal Code section 851.7. The committee recommends adding section 788 to the rule.

Request to Seal Juvenile Records—Welfare and Institutions Code Section 788 (form JV-920)

The committee recommends the approval of optional form JV-920. This form is intended to be used by the probation department when it petitions the court to seal juvenile records under section 788. The form requires the probation officer to sign under penalty of perjury. The relevant provisions of the form are as follows:

- Items 1 and 2 are for the name of the probation officer making the request to seal juvenile records and for the officer to specify information about the person whose records would be sealed.

- Items 3 and 6 require the officer to attest that the records requested to be sealed are eligible for sealing under section 788 and that the notice requirements in section 788 have been complied with. (§ 788(a)(1), (c), (j).)

- Item 4 allows the officer to specify the records requested 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 dates, and the violations alleged for each record requested to be sealed.

- Item 5 specifies which agencies are in possession of the records being requested to be sealed.

***Order on Request to Seal Juvenile Records—Welfare and Institutions Code Section 788* (form JV-921)**

The committee recommends form JV-921 as an optional form for a juvenile court to use when ordering the sealing of records under section 788. The form could be used to grant or deny a request to seal and explain the court's reasoning as to any records it does not order sealed.

- Items 1 and 2 are for the name of the probation officer making the sealing request on behalf of the person whose records have been requested to be sealed and for information about the person whose records should be sealed.

- Item 3 is to memorialize the date and location of any hearing held.

- Item 4 allows the court to indicate whether it is granting or denying 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 is for the court to specify which records it has been requested to seal, as well as to indicate whether it is granting or denying the request for each record. The third is for the court to explain its reasoning for denying sealing of any of the requested records, if applicable.

- Item 5 allows the court to specify which agencies are in possession of the sealed records, order those agencies to seal the records listed in item 4, order the sealing of the JV-921 itself, and require the agencies to send notice to the court that it has complied with the order.

- Item 6 indicates the deadline for destruction of the sealed records.

- Item 7 reiterates that the sealed proceedings shall 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)**

This form is used by agencies to advise the court of their compliance with a juvenile record sealing order under Welfare and Institutions Code sections 781 and 786. Because section 788(c) also mandates agencies to comply with this requirement, the committee recommends that the form be modified to add section 788.

***Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-592)**

This form is used by prosecuting attorneys to request access to sealed juvenile case files when they have reason to believe that accessing, inspecting, or using those records may be necessary to discharge a duty to disclose favorable or exculpatory evidence to a defendant in a criminal case. Item 3 of the form authorizes its use when records are sealed under section 781, 793, 786, or Penal Code section 851.7. Because section 788(f)(C)(i) similarly permits access to sealed records, the committee recommends that the form include this section as well.

***How to Ask the Court to Seal Your Records* (form JV-595-INFO)**
This information form accompanies the *Request to Seal Juvenile Records* (form JV-595), which assists a person requesting sealing under sections 781 and 786. The committee recommends adding information about sealing under section 788 to the form as well.

In addition, the committee recommends other revisions to the form to more clearly explain the effect of sealing juvenile court records and the differences in eligibility requirements between sections 786 and 788. Further recommended revisions would clarify the generally disqualifying criteria for record sealing and streamline the description of situations in which otherwise sealed records may nevertheless be accessed. The committee also recommends making minor technical revisions to the form to enhance its readability.

***Sealing of Records After Completion of Probation* (form JV-596-INFO)**
This form is an information sheet explaining the juvenile record sealing process that occurs after juvenile probation is terminated. The current form only includes information about record sealing under section 786, which requires the court to find that probation was completed satisfactorily before records may be sealed. The committee recommends that the form be updated to also include record sealing procedures under section 788, which allows records to be sealed without this finding. Given the additional recommended content concerning section 788, which does not require the satisfactory completion of probation to seal records, the committee recommends that the title of the form be changed from *Sealing of Records for Satisfactory Completion of Probation* to *Sealing of Records After Completion of Probation*.

Additionally, the committee recommends adding information about the sealing of records maintained by certain agencies, revising information about situations in which otherwise sealed records may nevertheless be accessed, and including information about the expiration of probation after 12 months without any determination of successful or unsuccessful termination under section 602.05.

Policy implications
The proposed and revised forms and the amended court rules advance judicial branch strategic plan Goal IV, Quality of Justice and Service to the Public, by facilitating the implementation of AB 1877 and ensuring that rules of court and Judicial Council forms accurately reflect current law.

Comments
This proposal circulated for public comment from April 14 to May 18, 2026.[4] Comments were received from the Superior Courts of Los Angeles, Orange, Riverside, and San Diego Counties, the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, and two individuals. Three of the commenters agreed

[4] In addition to being posted on the Judicial Council website, the proposal was also sent directly to the California District Attorneys Association, the California Public Defenders Association, the Chief Probation Officers of California, the California Youth Defender Center, and the Office of the State Public Defender.

with the proposal as drafted, and one did not explicitly state a position. Three commenters agreed with the proposal if modified. A chart of the comments received, and the committee's responses thereto, is attached at pages 23–33.

The committee requested input as to (1) whether the one-year filing requirement under section 788(a)(2) should be included in the list of eligibility findings on proposed form JV-921, and (2) whether a section to list juvenile records sealed prior to the filing of a request for sealing under section 788 should be added to either proposed form JV-920 or JV-921. Although one commenter was in favor of including both possibilities, the four other commenters that provided input disagreed.

The committee decided not to add an additional finding to form JV-921 that the probation department filed the petition to seal "no later than one year after the termination of the juvenile court's delinquency jurisdiction." (§ 788(a)(2).) Section 788 is silent as to whether failure to comply with the requirement should be considered a basis to deny the request. In addition, the committee does not believe that an otherwise eligible person should be disqualified for sealing because of a delay by probation in making the request. Finally, the requirement would likely discourage probation departments from filing late petitions at all, depriving juvenile courts of the opportunity to determine an appropriate response for failure to comply.

The committee also decided not to add a table to forms JV-920 and JV-921 to list records that the court previously ordered sealed. Petitions to seal records under section 788 must be submitted in every case in which a petition to commence wardship proceedings was filed against a child, and including information regarding previously sealed records would increase the already substantial workload of both probation departments and juvenile courts in complying with the statute. In addition, the committee considered that the inclusion of such information would potentially create confusion because the information is not relevant to either a request to seal records or a determination as to whether records should be sealed.

Alternatives considered

In addition to the alternatives discussed above, the committee considered taking no action but concluded the proposal was appropriate to ensure rules and forms are legally accurate and because it will aid probation departments and juvenile courts in complying with the new record sealing process mandated by AB 1877. The proposed optional forms will assist county probation officers in complying with AB 1877 and assist the courts in making required findings and issuing orders to seal juvenile court records.

Fiscal and Operational Impacts

Fiscal and operational impacts are largely attributable to the legislation requiring county probation officers to petition the court to seal juvenile court records. Expected costs as identified by commenters include training, case management system updates, and the production of new forms. The proposal aims to mitigate workload by making the record sealing process more efficient and consistent and easier to comply with for county probation officers and the courts.

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. Chart of comments, at pages 23–33
4. Link A: Welf. & Inst. Code, § 602.05
5. Link B: Welf. & Inst. Code, § 788

Rules 5.830, 5.840, and 5.860 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Title 1. 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).

(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 section~~s~~ 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) ***

JV-591

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.

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):* _____

Fill in court name and street address:

Superior Court of California, County of

Juvenile 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 form JV-593 (*Notice of Prosecutor Request for Access to Sealed Juvenile Case File)* 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 already sealed my records when probation was terminated, do I need to ask for them to be sealed again?

No. 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 I satisfactorily completed a probation diversion program, do I need to ask the court to seal my records?

No. 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, the probation department 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.

For more information about when the court seals your records at the completion of probation, see form **JV-596-INFO** (*Sealing of Records After Completion of Probation*).

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.

JV-595-INFO How to Ask the Court to Seal Your Records

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.

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 in 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 the probation department, 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 the probation department, 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 at *http://oag.ca.gov/fingerprints/security*.

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 on the California Courts website at *https://selfhelp.courts.ca.gov/juvenile-justice/seal-record*.

5. The probation department 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 in the *Guide to Sealing Juvenile Records* on the California Courts website at *https://selfhelp.courts.ca.gov/juvenile-justice/seal-record*.

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 were not immediately sealed after you completed probation, you will need to ask the court to seal your records at a later date (**see form (JV-595-INFO *How to Ask the Court to Seal Your Records*)** 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, the probation department must ask the court to seal those records once you turn 18. If you are still on probation when you turn 18, the probation department 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 the probation department, the 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 needs 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, the probation department 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 under 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*):		
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.					

g. **Attachments** *(number of pages, if any):* _____

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.

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		
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. **Attachments** *(number of pages, if any):* _____

d. ☐ Reason for denying request to seal *(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

SPR26-24 Chart of Comments

Juvenile Law: Record Sealing Rules and Forms (amend Cal. Rules of Court, rules 5.830, 5.840, and 5.860, approve forms JV-920 and JV-921, and revise forms JV-591, JV-592, JV-595-INFO, and JV-596-INFO)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Kelly O'Brien	Position: Agree with proposed changes	No response required.
Orange County Bar Association by Shirin Forootan, President	Position: Agree	No response required.
Orange County Bar Association (continued)	Comments: We agree that form JV-921 does not need a box for the one-year requirement under WIC 788(a)(2), as the court is not required to find that the request was timely filed in order to grant the sealing request, and practically speaking the former ward would be the party prejudiced by the department's late filing.	The committee agrees with the commenter and accordingly has not added any reference to the one year deadline to either form JV-920 or form JV-921
Orange County Bar Association (continued)	We see no need to reference prior sealing requests unrelated to the request under section 788, as such requests/sealings are not relevant to whether the section 788 request is granted. Such references may even confuse the matter, as the court should not rely on any such prior actions in determining whether the statutory protection of section 788 is appropriate.	The committee agrees with the commenter and accordingly has not added any reference to previously sealed records, nor any other additional information, to either form JV-920 or form JV-921.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree with proposed changes The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee.	No response required.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	The Court agrees that the one-year filing requirement under section 788(a)(2) should be included in the list of eligibility findings on form JV-921. Including the one-year filing requirement would provide clarity and promote consistency. Adding this requirement to the eligibility findings would help ensure that Probation is meeting statutory timelines and provide the Court with a clear record of compliance.	The committee appreciates this comment. Although adding the requirement may help ensure that probation is meeting statutory timelines, section 788 is silent as to whether non-compliance with the deadline is a sufficient basis to deny a petition to seal. If it were a sufficient basis, youth could be prejudiced through no fault of their own.
Superior Court of Los Angeles County (continued)	The Court agrees that information should 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. Additionally, consideration should be given to add a section to identify any juvenile records that were previously sealed prior to the filing of a request under section 788. Including this information could assist the Court in maintaining a complete and accurate record and help avoid duplication or confusion regarding which records remain outstanding.	The committee appreciates this comment. Although including this information may assist the Court in maintaining a complete and accurate record of previously sealed records, such information is not relevant as to whether a petition to seal should be granted under section 788. Requiring the inclusion of such information would significantly increase the burden on both probation departments and courts attempting to comply with the section.
Superior Court of Los Angeles County (continued)	The proposal would not provide cost savings.	The committee appreciates the information and acknowledges the court's assessment.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to conduct a brief training for staff, update its internal procedures to incorporate the new section 788 sealing process, and do minor updates to its case management system (revising event codes and workflows). Courts may also need to allocate additional staff given Probation's routine initiation of sealing will increase the volume of cases.	The committee appreciates the comment and the court's identification of implementation activities.
Superior Court of Los Angeles County (continued)	Two months is sufficient time for implementation.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	Additionally, the proposal will work for courts of different sizes.	The committee appreciates the information.
Superior Court of Orange County by Marina Barragan, Operations Analyst	Position: not stated Request for Specific Comment In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:	No response required.
Superior Court of Orange County (continued)	Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the information.
Superior Court of Orange County (continued)	Should the one-year filing requirement under section 788(a)(2) be included in the list of eligibility findings on form JV-921? No, the one-year filing requirement under section 788(a)(2) should not be included in the list of eligibility findings on form JV-921. Orange County agrees with the current draft and does not believe this requirement needs to be identified as a separate eligibility finding.	The committee agrees with the commenter and accordingly has not added any reference to previously sealed records, nor any other additional information, to either form JV-920 or form JV-921.
Superior Court of Orange County (continued)	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? No, as the current forms already capture the necessary information.	The committee agrees with the commenter and accordingly has not added any reference to previously sealed records, nor any other additional information, to either form JV-920 or form JV-921.
Superior Court of Orange County (continued)	Would the proposal provide cost savings? If so, please quantify. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the information and acknowledges the court's assessment.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the information.
Superior Court of Orange County (continued)	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, and updating the case management system.	The committee appreciates the comment and the court's identification of implementation activities.
Superior Court of Orange County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County.	The committee appreciates the information.
Superior Court of Orange County (continued)	How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee appreciates the information.
Superior Court of Riverside County by Sarah Hodgson, General Counsel	Position: Generally, in support of this proposal	No response required.
Superior Court of Riverside County (continued)	Does the proposal appropriately address the stated purpose? Yes, the proposal will clarify the process for probation to request to seal per WIC 788.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	Should the one-year filing requirement under section 788(a)(2) be included in the list of eligibility findings on form JV-921? It doesn't seem like it is necessary. Even if the petition were filed past one-year from termination, the court would still consider the petition.	The committee agrees with the commenter and accordingly has not added any reference to the one year deadline to either form JV-920 or form JV-921.
Superior Court of Riverside County (continued)	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? No.	The committee agrees with the commenter and accordingly has not added any reference to previously sealed records, nor any other additional information, to either form JV-920 or form JV-921.
Superior Court of Riverside County (continued)	The clerk's certificate is not necessary on the JV-920 form.	The committee appreciates this comment but believes that the inclusion of the clerk's certificate is appropriate because the petition must be served on the person whose records are to be sealed, their counsel, and the prosecuting attorney, pursuant to sections 788(a)(1) and 788(j) and as indicated in item six of the form.
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? If so, please quantify. No.	The committee appreciates the information.
Superior Court of Riverside County (continued)	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 the case management systems, or modifying case management systems? Implementation requirements would be to inform judicial officers and court staff of the form updates and of the 2 new forms. Document filing codes would need to be created in the case management system for the two new documents. Coordinate with probation to make sure that they are aware of the new forms for filing the WIC 788 requests.	The committee appreciates the comment and the court's identification of implementation activities.

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes	The committee appreciates the information.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? This proposal would likely work for courts of any size.	The committee appreciates the information.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree with proposed changes if modified	No response required.
Superior Court of San Diego County (continued)	Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the information.
Superior Court of San Diego County (continued)	Q: Should the one-year filing requirement under section 788(a)(2) be included in the list of eligibility findings on form JV-921? A: No.	The committee agrees with the commenter and accordingly has not added any reference to the one year deadline to either form JV-920 or form JV-921.
Superior Court of San Diego County (continued)	Q: 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? A: No.	The committee agrees with the commenter and accordingly has not added any reference to previously sealed records, nor any other additional information, to either form JV-920 or form JV-921.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	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 forms, revising case management system, training judicial officers and staff; work with Probation on implementation.	The committee appreciates the comment and the court's identification of implementation activities.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates the information.
Superior Court of San Diego County (continued)	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 information and acknowledges the court's assessment.
Superior Court of San Diego County (continued)	General Comments JV-595-INFO: Page 1: In the new section on what happens when records are sealed, add a warning similar to the ones in the employer and application sections: "Consult with your attorney about when you should disclose information about the events."	The committee appreciates this comment but believes that adding this information would be extraneous, as the form already advises the reader to seek legal advice four times.
Superior Court of San Diego County (continued)	Page 2: Now that any adult felony conviction has been added as a separate bullet to the list of disqualifiers, murder can be removed from the list of moral turpitude crimes. Recommend that bullet just include "A violent crime."	The committee appreciates this comment but notes that it is a correct statement of law to say that murder is a crime involving moral turpitude and believes that it should not be removed from the list of moral turpitude crimes for that reason.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Page 2: A WIC 707(b) offense can be sealed under WIC 781, so the new language in the final disqualifier is not legally accurate for all situations covered by the form.	The committee appreciates this comment but notes that the form includes information about sealing under sections 781, 786, and 788. Although a 707(b) offense may be sealed in certain circumstances under section 781, such an offense may not be sealed under section 788 unless the offense is first dismissed or reduced to a misdemeanor.
Superior Court of San Diego County (continued)	JV-596-INFO: Instead of "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," recommend: "If the Probation Department asks the court to seal your records after jurisdiction has terminated and the court finds that you are eligible, the court's sealing order will include all private or public agencies that have records about your case."	The committee appreciates this comment but believes the implication of the phrase "[i]f Probation Department asks the court to seal your records," is that there are instances in which it may fail to submit the records to the court as required by section 788. The committee feels that the current language is appropriate because it has no reason to believe that the probation department will fail to comply with its statutory obligations, notwithstanding the rare situation in which an exemption from submission under section 788(e) might apply.
Superior Court of San Diego County (continued)	The new bullet on page 2 is not necessary because it is already covered by the second bullet on page 1.	The committee appreciates this comment but notes that the two bullets apply to separate situations. An application for benefits as a nonminor dependent under section 450 is not the same as a petition to resume juvenile court jurisdiction under section 388.
Superior Court of San Diego County (continued)	JV-920 and JV-921: We appreciate that these forms will be optional, as we have already developed local forms for San Diego County.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	WIC 788 does use the word "delinquency" but the Judicial Council has generally tried not to use it in rules and forms. Recommend replacing "delinquency" with "juvenile justice."	The committee appreciates this comment but does not believe the term "delinquency" should be replaced with the term "juvenile justice" on either form JV-920 or JV-921 because both forms are designed to implement section 788 and the text of 788 does not include the term "juvenile justice."
Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree with proposed changes The JRS notes the following impact to court operations: • Impact on local or statewide justice partners. o It may have a significant impact on local justice partners, as it shifts responsibility to probation to initiate record sealing requests. The JRS also notes that the proposal is required to conform to a change of law.	No response required.
JRS (continued)	Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the information.
JRS (continued)	Should the one-year filing requirement under section 788(a)(2) be included in the list of eligibility findings on form JV-921? No. The one-year filing requirement does not need to be included as a separate eligibility finding. The proposed language in item 4a(1) already encompasses the qualifying circumstances under section 788(a)(2). Adding a separate finding may be redundant and could unnecessarily complicate the form.	The committee agrees with the commenter and accordingly has not added any reference to the one year deadline to either form JV-920 or form JV-921.

Commenter	Comment	Committee Response
JRS (continued)	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? No. Including previously sealed records is not necessary, as those records have already been addressed and require no further action. Requiring this information would increase the burden on probation and may cause confusion regarding which records are requested for sealing versus those that have already been sealed. The form should focus on the action that needs to be taken and clearly identify the records relevant to the request.	The committee agrees with the commenter and accordingly has not added any reference to previously sealed records, nor any other additional information, either from JV-920 or form JV-921.
JRS (continued)	Would the proposal provide cost savings? Cost savings are not anticipated.	The committee appreciates the information.
JRS (continued)	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? Training - Given the limited scope of the changes, training requirements would be minimal and could be incorporated into routine form updates.	The committee appreciates the comment and the commenter's identification of implementation activities.
JRS (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes. Given the limited scope of the proposed changes and minimal system impact, two months should provide sufficient time for implementation. However, necessary changes or additions for electronic filing may be dependent on vendor timelines, which could impact full implementation.	The committee appreciates the information and acknowledges the assessment. The committee also acknowledges the possibility that vendor timelines may impact full implementation in two months. However, the committee does not recommend delaying the proposal's implementation because Assembly Bill 1877 will have already been in effect for a year under the current timeline.

Commenter	Comment	Committee Response
JRS (continued)	How well would this proposal work in courts of different sizes? This proposal would likely function effectively and similarly across courts of varying sizes. Larger courts may have an advantage in implementation due to their ability to distribute tasks among more specialized staff; however, courts of all sizes would benefit from increased consistency and reduction in improper filings.	The committee appreciates the information and acknowledges the assessment.
Phillip Ung, Deputy Public Defender, Santa Barbara Public Defender's Office	Position: Agree with proposed changes if modified	No response required.
Phillip Ung (continued)	Comments The proposed JV-596-Info does not seem to recognize that WIC 602.05 exists and that "completion" of probation may include wardship probation expiring as a matter of law when the probation terms expires after 12 months or at the end of an extension period. For example, the section on proposed page 16 of the JV-596-Info states, "if you did not follow all the court's orders...." In the post-602.05 juvenile probation can end without a satisfactory finding and after the juvenile has followed ALL the court's orders. The probation just simply ended without any finding or judgement on the juvenile's performance. Using the phrase "...After Completion of Probation" captures probation that expires after WIC 602.05. The information provided in the text doesn't seem to recognize that probation may end by expiration.	The committee appreciate this comment and agrees that the first sentence under the question "What if I did not complete probation satisfactorily?" on page one of JV-596-INFO does not take into account that, under section 602.05, when a term of a probation expires after 12 months, a juvenile court is not required to make a finding of either satisfactory or unsatisfactory completion of probation. The committee recommends that the sentence should instead read "If the court did not find that you completed probation satisfactorily, but you 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."

Rules Committee Action Request Form

Item number: 25

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory 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: October 16, 2025; Amended January 7, 2026
Project description from annual agenda: New Project Item 1s.

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 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-164

For business meeting on October 16, 2026

Juvenile Law: Transfer of Nonminor Dependents (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 5.613; approve form JV-549; revise forms JV-548 and JV-552

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 21, 2026

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

Executive Summary

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 of the California Rules of Court, adopting one Judicial Council form, and revising two Judicial Council forms.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Amend California Rules of Court, rule 5.613;

2. Adopt *Request for Transfer of County for Nonminor Dependent* (form JV-549);

3. Revise *Motion for Transfer Out* (form JV-548) and retitle it as *Request for Transfer of County*; and

4. Revise *Juvenile Court Transfer-Out Orders—Nonminor Dependent* (form JV-552) and retitle it as *Juvenile Court Transfer of County Order for Nonminor Dependent*.

The proposed amended rule and new and revised forms are attached at pages 7–21.

Relevant Previous Council Action

California Rules of Court, rule 5.613, form JV-548, and form JV-552 were adopted effective January 1, 2017, to implement new laws regarding the transfer of counties for nonminor dependents.[1]

Analysis/Rationale

This proposal is needed to implement the new provisions in Welfare and Institutions Code section 375[2] created by Assembly Bill 890. That section now allows 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. Before Assembly Bill 890 was enacted, nonminor dependents 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 has expressed an intent to stay in that county.

California Rules of Court, rule 5.613

The Family and Juvenile Law Advisory Committee recommends 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 heading title of paragraph(1) of subdivision (b) to reflect that the subparagraphs also apply to requests not based on residence.

- Reorder current paragraphs (3) as new paragraph (5) and current paragraph (4) as new paragraph (3) of subdivision (b) so they occur in the same order as section 375.

[1] See Judicial Council of Cal, Advisory Com. Rep., *Juvenile Law: Intercounty Transfer* (Sept. 14, 2016) https://jcc.legistar.com/View.ashx?M=F&ID=4733741&GUID=8C7B5CDF-375B-4BAD-9B62-49695A9CC3C6

[2] All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

- Add language to the headers of new paragraphs (3) and (4) of subdivision (b) to specify the type of request the paragraph governs.

- Add paragraph (5) to subdivision (b) the new requirement from section 375(b)(1)(A(ii) that the nonminor can request transfer of the case to a new county without establishing residency in that county.

- Add the new requirement from 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 in new subdivision (b)(3) 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 new subdivisions (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.

- Add new subdivision (b)(5) to reflect that the court can now transfer the residence of a nonminor dependent based on a request of the nonminor dependent.

- 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 recommends 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 recommends making this new form mandatory to ensure consistency when transferring a nonminor dependent's care and placement between counties.

***Request for Transfer of County* (form JV-548)**

Form JV-548 is used to ask the court to transfer the child's or nonminor's case to another county. The committee recommends revising this form to:

- Rename the form from *Motion for Transfer Out* to *Request for Transfer of County* to make the title easier to understand and to be consistent with the title of the new form JV-549.

- 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 several items to make them easier to understand.

- Remove references to nonminor dependents, as new form JV-549 is to be used for requesting transfers involving such individuals. 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 recommends 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 to:

- 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.

- Add county counsel and guardian ad litem to the choices of persons present at the hearing in item 1c of the recommended form.

- Remove the "Language" box from the header of the form and add a checkbox to the hearing date box in item 2 of the recommended form to allow the form to indicate if an interpreter is needed, and if so, for what language.

- Rewrite recommended item 2d to make the information about the scheduled court hearing easier to understand.

  Add the heading "Court Findings and Orders" to item 3 of the recommended form.

[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 to item 3a(2) of the recommended form 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]

Policy implications

The proposed rule amendments and form revisions advance Goal III, Modernization of Management and Administration, and Goal IV, Quality of Justice and Service to the Public, of the judicial branch's strategic plan.

Comments

This proposal circulated for public comment from April 13 through May 18, 2026, as part of the council's regular spring cycle. The proposal received seven comments. Four were from superior courts, one was from a bar association, one was from the Chief Probation Officers of California, and one was from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. Three agreed with the proposal, two agreed if modified, two did not indicate a position, and none disagreed.

The major substantive comments and the committee's responses are summarized below. A chart with the full text of the comments received and the committee's responses is attached at pages 22–31.

One commentor suggested adding a section to form JV-549 to share Regional Center information. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.

One commentor recommended removing the term "nonminor" from form JV-248. The committee prefers that the term "nonminor" remain on the form. 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." Rule 5.502(5) defines "child" as a person under the age of 18. If "nonminor" is removed from the form, it will no longer be usable for or by youth 18–21 years of age who are not nonminor dependents.

One commentor suggested adding a note to form JV-548 directing court users to complete form JV-549 when the transfer request involves a nonminor dependent. The committee agrees with this suggestion and has included instructions at the top of this form that it is recommending for adoption.

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[4]. Section 375(b)(2) and current rule 5.613 (b)(3) allow the court to make a residency determination and transfer the nonminor dependent's case to a new county when jurisdiction has been assumed or resumed after previously being dismissed. Under these provisions, a transfer may occur when the nonminor dependent has established a continuous physical presence in the county for one year as a nonminor dependent and expressed intent to remain in the county. Because the current form JV-552 lacks this required residency finding, the committee recommends adding one.

The committee received several comments suggesting minor edits for clarity and changes to improve readability and grammar. The committee agreed with most of those suggestions and has incorporated them into the revisions that it is recommending for adoption by the council.

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 recommending 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 not all required court considerations need to be on the form and that the form remains legally accurate without the addition of this finding. The committee chose to defer that revision until there were more substantial revisions needed for form JV-462.

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.

Attachments and Links

1. Cal. Rules of Court, rule 5.613, at pages 7–11
2. Forms JV-548, JV-549, and JV-552, at pages 12–21
3. Chart of comments, at pages 22–31
4. Link A: Assembly Bill 890

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 ~~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 ~~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 the filing of the petition under section 388(e).

(C) Regardless of the nonminor dependent's residence, the nonminor dependent may 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 dependent, 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 dependent is living if the nonminor establishes residency in that county as provided in (b)(1)(A) of this rule.

(4) *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.

~~(3)~~(5) *Transfer ~~to county~~ of nonminor~~'s~~ 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) of this rule. ~~and the court finds that the transfer is in the minor's best interest.~~

~~(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)*

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.

(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.

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** **Not approved by the Judicial Council**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S OR NONMINOR'S NAME:	CASE NUMBER:
HEARING DATE: TIME:	DEPARTMENT:

REQUEST FOR TRANSFER OF COUNTY

When to use this form: Use this form to ask the court to transfer the child's or nonminor's case to a different county.

Do not use this form when the transfer request is for a nonminor dependent; instead use form JV-449, *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 ☐ 750 ☐ Other:

2. **Facts of Case**
   a. Type of case ☐ Delinquency ☐ Dependency ☐ Dual Status
   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'S 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'S 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'S OR NONMINOR'S NAME:	CASE NUMBER:

PROOF OF SERVICE

I served a copy of the Request for Transfer of County 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:
   b. Date of service:
   c. Method of service:

2. ☐ Parent ☐ Legal Guardian ☐ Attorney
   a. Name: / Address:
   b. Date of service:
   c. Method of service:

3. ☐ Parent ☐ Legal Guardian ☐ Attorney
   a. Name: / Address:
   b. Date of service:
   c. Method of service:

4. ☐ Child or nonminor *(if 10 years of age or older)* ☐ 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.: 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:	
NONMINOR DEPENDENT 'S NAME:	NMD CASE NUMBER: UNDERLYING JUVENILE 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 receiving county for a year and expressed 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 nonminor dependent 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 (help) 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. Does the nonminor dependent qualify as a resident of the new county under another code section? *(If yes, specify section):*

☐ I do not know
☐ No
☐ Yes
(1) ☐ Government Code section 244 (lives in county when not away for work or other temporary reason)
(2) ☐ Vehicle Code section 12505 (presence more than temporary)
(3) ☐ Education Code section 48204.1 (meets requirements to attend school)

f. Describe any significant connections the nonminor dependent has in the proposed receiving (new) county:

g. 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:

h. 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 the applicable items below 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 or surrogate parent:

d. ☐ Name of proposed educational rights holder or surrogate parent:

e. ☐ The nonminor dependent has an Individual Education Plan (IEP).

f. ☐ The nonminor dependent has an Individualized Program Plan (IPP).

g. ☐ Name of regional center:

5. **Other**

a. ☐ The nonminor dependent has elected (chosen) not to be considered an Indian child.

b. ☐ Restitution has been determined in the amount of $:
See form CR-110/JV-790 *(Order for Victim Restitution).*

c. ☐ The nonminor dependent 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:	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:	
NONMINOR DEPENDENT'S 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'S 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 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 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).

(4) ☐ The nonminor dependent's request to transfer jurisdiction to a new county is denied. The court finds that the transfer is not 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

SPR26-164 Chart of Comments

Juvenile Law: Transfer of Nonminor Dependents (amend Cal. Rules of Court, rule 5.613; approve form JV-549; and revise forms JV-548 and JV-552)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Chief Proation Officers of California By Karen A. Pank, Executive Director Sacramento	Position: Not indicated Re: CPOC Comments Regarding SPR26-25: Juvenile Law: Transfer of Nonminor Dependents The Chief Probation Officers of California (CPOC) write to offer our public comment on the Amendments to Cal. Rules of Court, rule 5.613; approve form JV-549; and revise forms JV 548 and JV-552 Add a section in form JV-549 to share Regional Center information We request revising form JV-549 to add a section to indicate which Regional Center the youth is currently a consumer of. Question #4 on the form asks about "Education and Regional Center Services", and currently, it only has a space to share information on the school district. We suggest revising this section to create a space to provide information on the regional center as well. We respectfully submit these comments to the Judicial Council. Should you have any questions, I can be reached at (. . .)	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
Orange County Bar Association by Shirin Forootan, President	Position: Agree if modified Modify proposed language of Rule 5.613(b)(1)(C) to: "Regardless of the nonminor dependent's residence, the nonminor dependent can request the transfer of jurisdiction to an appropriate county under section 375(b)(l)(A)(ii)." This modification is meant to clarify that the transfer of jurisdiction may in fact be to the minor's current county of residence under section 375(b)(1)(A)(ii) even if such residence is not required, and address the possible confusion as to what constitutes a "new county" under the original language.	The committee prefers to use the term "new" as contained in the underlying statute. Even if the nonminor dependent is currently residing in the county, it is a new county for jurisdictional purposes.
Superior Court of California, County of Los Angeles by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do	No response required

Commenter	Comment	Committee Response
	not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-25 Juvenile Law: Transfer of Nonminor Dependents," the Court agrees the proposal appropriately addresses the stated purpose.	
Superior Court of Los Angeles (continued)	The proposal will not provide cost savings.	The committee appreciates the information.
Superior Court of Los Angeles (continued)	To implement the proposal, the Court would need to train its staff, which would take about three to four hours. It would also need to update its procedures and case management system to accommodate new macros, event codes, and forms. Two months should be sufficient time for implementation. Additionally, the proposal should work for courts of different sizes.	The committee appreciates the comment and the court's identification of anticipated implementation activities.
Superior Court of California, County of Orange	Position: Not indicated Juvenile Law: Transfer of Nonminor Dependents (SPR26-25) Comments Motion for Transfer Out (JV-548) Recommend removing any reference to the term "nonminor" within the JV-548 to reduce potential confusion for court users.	The committee prefers that the term "nonminor" remain on the form. California Rules of Court, 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." Rule 5.502(5) defines "child" as a person under the age of 18. If "nonminor" is removed from the form it will no longer be able to be used for youth 18 – 21 years of age who are not nonminor dependents.
Superior Court of Orange (continued)	Recommend adding a note to the JV-548 directing court users to complete form JV-549 when the transfer request involves a nonminor dependent, similar to the first information bubble in form JV-245.	The committee agrees with this suggestion and has incorporated instructions at the beginning of the form that it is recommending for adoption.
Superior Court of Orange (continued)	Should Item 7(L) ("Other") on page 3 of the JV-548 remain italicized, when Items 7(a)–(k) are not italicized?	To maintain readability the committee recommends keeping the letter "l" at item 7 italicized. Numerous standard forms that use a sans serif font italicize the lowercase letter "l" as a subitem since the

Commenter	Comment	Committee Response
		nonitalicized "l" can easily be misunderstood to be either a capital "i" or the number one.
Superior Court of Orange (continued)	Request for Transfer of County for Nonminor Dependent (JV-549) In item 5(a), should "continue" be plural? Or should the language reflect "The nonminor dependent has elected not to be considered an Indian child" to align with Welfare and Institutions Code §§ 366.24(a)(2) and 224.1(b)(2)? If so, should these statutes be cited within the footer of the form?	The committee agrees with these suggestions and has incorporated them, with minor alterations, into the form that it is recommending for adoption. Welfare and Institutions Code section 366.24(a)(2) states that "Indian child" includes a nonminor dependent unless the nonminor dependent has elected not to be considered an Indian child pursuant to section 224.1(b). The committee recommends revising item 5(a) to reflect this code section.
Superior Court of Orange (continued)	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? Yes, the proposal appropriately addresses the stated purpose.	No response required.
Superior Court of Orange (continued)	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. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the comment and acknowledges the court's assessment that the proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.
Superior Court of Orange (continued)	What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee appreciates the comment and the court's identification of anticipated implementation activities.

Commenter	Comment	Committee Response
	Implementation will require providing communication to judicial officers and court staff, revising current procedures, and updating the case management system.	
Superior Court of Orange (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? No, Orange County would recommend four (4) months for implementation.	The committee appreciates the comment and recognizes the concerns around implementation. However because many of the recommended revisions implement statutory requirements that have been in effect since January 2026 the committee does not recommend delaying the proposal's effective date.
Superior Court of Orange (continued)	How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	No response required.
Superior Court of California, County of Riverside	Position: Agree Does the proposal appropriately address the stated purpose? Yes, the proposal addresses the requirements of AB 890 and assists in outlining the process for a Nonminor Dependent to request a to change their residence to another county.	No response required.
Superior Court of Riverside (continued)	Would the proposal provide cost savings? If so, please quantify. No.	The committee appreciates the information.
Superior Court of Riverside (continued)	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 the case management systems, or modifying case management systems? The implementation requirements would be to inform judicial officers and court staff of the changes, to create one new filing code for the new JV-549 form, and create one new hearing type for the new request type.	The committee appreciates the comments and the court's identification of anticipated implementation activities.

Commenter	Comment	Committee Response
Superior Court of Riverside (continued)	Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates the information.
Superior Court of Riverside (continued)	How well would this proposal work in courts of different sizes? This proposal would likely work for courts of any size.	The committee appreciates the information.
Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	Position: Agree if modified Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the information.
Superior Court of San Diego (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.
Superior Court of San Diego (continued)	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 forms, revising case management systems, training judicial officers and staff.	The committee appreciates the comment and the court's identification of anticipated implementation activities.
Superior Court of San Diego (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates the information.
Superior Court of San Diego (continued)	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 information.

Commenter	Comment	Committee Response
Superior Court of San Diego (continued)	Rule 5.613 Subd. (b)(1)(B) – Add for clarity: … The period of continuous physical presence includes any period of continuous residence immediately before the filing of the petition under section 388(e).	The committee agrees with this suggestion and has incorporated it into the rule amendments that it is recommending for adoption.
Superior Court of San Diego (continued)	Rule 5.613 Subd. (b)(1)(C) – Change "can" to "may."	The committee agrees with this suggestion and has incorporated it into the rule amendments that it is recommending for adoption.
Superior Court of San Diego (continued)	Rule 5.613 Subd. (b)(3) –Add "dependent" and add "(i)" at the end. … in a county other than the county with jurisdiction over the nonminor dependent, the court may transfer … if the nonminor dependent establishes residency in that county as provided in (b)(1)(A)(i).	The committee agrees with the suggestion to add "dependent" and has incorporated it into the amendments that it is recommending for adoption. The committee prefers to not add an "(i)" to this subdivision as there is no "(i)" in (b)(1)(A) of the rule.
Superior Court of San Diego (continued)	Rule 5.613 Subd. (b)(4) & (b)(5) – Query: Should these two paragraphs switch places so that the transfer governed by § 375(b)(1)(A)(ii) follows immediately after the transfer governed by § 375(b)(1)(A)(i) [i.e., rule 5.613(b)(3)]? E.g.: (3) *Transfer of nonminor dependent's residence—physical presence in the county for one year (§ 375(b)(1)(A)(i))* (4) *Transfer of nonminor dependent's residence—assumption or resumption of jurisdiction (§ 375(b)(2)) request of nonminor dependent (§ 375(b)(1)(A)(ii))* (5) *Transfer of nonminor dependent's residence—request of nonminor dependent (§ 375(b)(1)(A)(ii)) assumption or resumption of jurisdiction (§ 375(b)(2))*	The committee agrees with this suggestion and has incorporated it into the rule amendments that it is recommending for adoption.
Superior Court of San Diego (continued)	Subd. (b)(8) – Delete period at end of subtitle.	The committee agrees with this suggestion and has incorporated it into the rule amendments that it is recommending for adoption.

Commenter	Comment	Committee Response
Superior Court of San Diego (continued)	Form JV-548 Page 1, heading – Should the box for NAME be changed to "CHILD'S OR NONMINOR'S NAME"?	The committee agrees with this suggestion and has incorporated it into the form revisions that it is recommending for adoption.
Superior Court of San Diego (continued)	Form JV-548 Page 1, item 2.a. – Should a check box be added for "Dual Status"?	The committee agrees with this suggestion and has incorporated it into the form revisions that it is recommending for adoption.
Superior Court of San Diego (continued)	Form JV-548 Page 1, items 2.a. & 2.c. – Change "Delinquency" to "Juvenile Justice." Page 3, item 7.k. - Change "Delinquency" to "Juvenile Justice" (5 times).	The committee prefers to maintain the phrase "Delinquency" on this form. This phrase makes it consistent with the Welfare and Institutions Code and other Judicial Council forms.
Superior Court of San Diego (continued)	Form JV-549 Page 1, heading – Should a box be added for "UNDERLYING JUVENILE CASE NUMBER:"? (See, e.g., form JV-552.)	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption. Welfare and Institutions Code section 362.5 requires the court to open a separate court file for nonminor dependents.
Superior Court of San Diego (continued)	Form JV-549 Page 1, item 2.b. – Suggest adding "receiving" before county. Add period at end of sentence. The nonminor dependent has lived in the receiving county for a year and expressed their intent to stay in the county**.**	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
Superior Court of San Diego (continued)	Form JV-549 Page 2, item 3, italicized sentence in parentheses – Change "child" to "nonminor dependent." … whether the request is in the best interests of the ~~child~~ <u>nonminor dependent</u> after considering all relevant evidence …	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
Superior Court of San Diego (continued)	Form JV-549 Page 2, item 3.e. – Delete "(*describe*):" at the end; it duplicates the "Describe" at the beginning of the sentence.	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.

Commenter	Comment	Committee Response
	Describe any significant connections … (new) county: (~~*describe*~~):	
Superior Court of San Diego (continued)	Form JV-549 Page 3, item 4, italicized instructions – Change "this" to "the items below." (*Complete ~~this~~ the items below if the nonminor dependent is in school … .*)	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
Superior Court of San Diego (continued)	Form JV-549 Page 3, item 4.c. & 4.d. – Should "or surrogate parent" be added at the end? (See WIC §§ 361, 726; Gov. Code, § 7579.5; 20 U.S.C. § 1415.) Name of current educational rights holder or surrogate parent: Name of proposed educational rights holder or surrogate parent:	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
Superior Court of San Diego (continued)	Form JV-549 Page 3, item 4.e. & 4.f. – Change "There is" to "The nondependent minor has." ~~There is~~ The nonminor dependent has an Individual Education Plan (IEP). ~~There is~~ The nonminor dependent has an Individualized Program Plan (IPP).	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
Superior Court of San Diego (continued)	Form JV-549 Page 3, item 5.c. - Add "dependent." The nonminor dependent has exceptional medical needs … Page 4, item 3 - Add "dependent." Nonminor dependent	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
Superior Court of San Diego (continued)	Form JV-552 Page 1, heading – Should the box for NAME read "NONMINOR DEPENDENT'S NAME:"?	The committee agrees with this suggestion and has incorporated it into the form revisions that it is recommending for adoption.

Commenter	Comment	Committee Response
Superior Court of San Diego (continued)	Form JV-552 Page 2, item 3.a. – Should a fourth check box be added that says, (4) [ ] The nonminor dependent's request to transfer jurisdiction to a new county is denied. The court finds that the transfer is not in the best interests of the nonminor dependent after considering all relevant information …	The committee agrees with this suggestion and has incorporated it into the form revisions that it is recommending for adoption.
Superior Court of San Diego (continued)	Form JV-552 Page 2, item 3.c. – Should a check box be added after "c." that can be left blank if the request is denied?	The committee agrees with this suggestion and has incorporated it into the form revisions that it is recommending for adoption.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree Request for Specific Comments Does the proposal appropriately address the stated purpose? Yes.	No response required.
JRS (continued)	Would the proposal provide cost savings? No.	. The committee appreciates the information.
JRS (continued)	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? Training - Given the limited scope of the changes, training requirements would be minimal and could be incorporated into routine form updates. Position: Supervisor Hours of Training: .5 Position: Senior Clerk Hours of Training: .5 Position Clerk Processing (2 clerks) Hours of Training: 1 Total Hours Est.: 2 Processes & Procedures	The committee appreciates this information on the implementation requirements fr this proposal.

Commenter	Comment	Committee Response
	• Form packet copies and copier configurations Case Management Configuration • None needed. Events already exist in CMS and there is no need for monitoring newly imposed deadlines based on anticipated filing volume. Electronic Filing Configurations • None needed. Options for filing already exist in eFile.	
JRS (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	No response required.
JRS (continued)	How well would this proposal work in courts of different sizes? Courts of a larger size with a greater volume of filings of this type would have more of an impact on operations due to a need for monitoring compliance with newly imposed deadlines. However, if these courts are using Odyssey EJ, time standards and automated reporting through job schedules may be utilized to streamline this process and minimize this impact.	The committee appreciates this information on the impact of this proposal on courts.

Rules Committee Action Request Form

Item number: 26

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory 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: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-165

For business meeting on October 16, 2026

Juvenile Law: Probation Time Limits (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Revise forms JV-624, JV-625, and JV-665

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 26, 2026

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

Executive Summary

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 recommends revisions to three Judicial Council forms to implement new and amended Welfare and Institutions Code sections.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Revise form JV-624, *Terms and Conditions*;

2. Revise form JV-625, *Notice of Hearing—Juvenile Delinquency Proceeding*; and

3. Revise form JV-665, *Disposition—Juvenile Delinquency.*

The proposed revised forms are attached at pages 8–15.

Relevant Previous Council Action

The Judicial Council approved form JV-624 for optional use effective January 1, 2006. It was last revised effective January 1, 2012, as part of a comprehensive delinquency forms proposal because of changes in state law, to respond to suggestions from the courts and their justice partners to make the forms easier to use and more comprehensive, and to facilitate electronic filing.

The Judicial Council approved form JV-625 for optional use, effective January 1, 1993. Form JV-625 was converted to an optional form, effective January 1, 2012. It has been revised multiple times since the initial effective date. Form JV-625 was most recently revised effective September 1, 2018, as part of a proposal to update advisements to parents of a child who is the subject of juvenile court delinquency proceedings, in order to provide these parents with accurate information about the limits of their responsibility to pay for the costs of services and support provided to their child by the court and county.

Form JV-665 was adopted for mandatory use effective January 1, 2006. It has been revised several times since the initial effective date. Form JV-665 was converted to an optional form, effective January 1, 2012. It was most recently revised effective July 1, 2023, as part of a proposal to reflect the closure of the Department of Juvenile Justice and create new procedures to assist courts in using the new secure youth treatment facility disposition.

Analysis/Rationale

This proposal is needed to implement the new and amended sections of the Welfare and Institutions Code[1] created by Assembly Bill 1376.

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.[2] Adult probation is generally limited to one year for misdemeanors and

[1] All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

[2] 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.

two years for felonies, except as specified in statute.[3] Juvenile probation, however, can last as long as the juvenile court has jurisdiction over the ward.[4]

AB 1376 added section 602.05 and limits the time period a court may place a ward on probation to 12 months when the ward is ordered placed in the home of a parent, 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."[5] Conditions of probation may include, among other things, electronic monitoring, drug testing, completion of education programs or other types of programs, or community service. AB 1376 amended section 730(b) to require conditions of probation for a ward to be individually tailored, developmentally appropriate, and reasonable. Amendments to this section additionally require that the burden imposed by those conditions is proportional to the legitimate interests served by the conditions.

Terms and Conditions **(form JV-624)**

The Family and Juvenile Law Advisory Committee recommends revising form JV-624 as follows:

- Number the dispositional options at the top of the form as item 1, and add "Type of supervision (*check all that apply*)" to clarify this item;
- At new item 1, remove "Home Supervision/Electronic Monitoring" as an option as these are not types of dispositions but are terms and conditions of probation;
- Add to new item 1 "Formal Probation Without Wardship" as an additional option for the court to order at disposition;
- Add new item 2 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;[6]
- Add "other sample" to the list of chemical testing methods at item 4*l*;

[3] Pen. Code, §§ 1203, 1203.1.

[4] § 607(a)–(c).

[5] § 730(b).

[6] *Ibid.*

- Add parenthetical instructions describing the information requested in some items;[7]

- Add "Other *(describe)*" to several items to indicate that the blank fields are to order additional terms and conditions of probation;[8]

- Remove "his or her" or replace with "your" to make items gender neutral; [9]

- 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.[10] The committee recommends 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" 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 recommends replacing that reference with an optional item in new item 4s(2)(b) that states: "Persons listed in the attachment titled 'JV-624, item 4s, List of Victims.' ".

Notice of Hearing—Juvenile Delinquency Proceeding **(form JV-625)**
The committee recommends 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;

- 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 [11];

- 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 new item 5, which lists the hearing types for which this form can be used to provide notice.

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[7] See items 4h, 4j, and 4m on proposed form.

[8] See items 4k and 4w–z on proposed form.

[9] See items 4c, 4m, and 4p on proposed form.

[10] § 607(a).

[11] § 730.7.

***Disposition—Juvenile Delinquency* (form JV-665)**

The committee recommends revising form JV-665 as follows:

- Add subitem 13a(1) 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 13a(2) 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 counties set progress reviews and probation termination hearings less than a year after disposition;[12]
- Remove checkboxes for "mother" and "father" in proposed item 13a because "parent" is gender neutral and adequate without additional information;
- Move current item 11b to proposed item 13b so that the placement options for the child or youth are together in one item;
- Add headings and instructions to proposed items 15 and 16 regarding restitution and fines and penalties to make those items clearer and easier to understand;
- Add checkboxes and text in proposed items 15 and 16 for the court to order only the child or youth as the person responsible to pay rather than the current option of the child with the child's parents;
- Move the checkbox in current item 21, which requires the child or youth to attend both hearings listed above the item, to two checkboxes after each hearing date in proposed item 12 so the court can indicate whether the child or youth needs to attend either hearing;
- For the reasons discussed above, remove the reference to a "Victim Identification Form" from the list of possible attachments in proposed item 21;
- Add references to "or youth" when the form specifies "child," as discussed above; 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),[13] and two existing

[12] AB 1376, section 1(d): "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."

[13] See Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Implementation of AB 383 Regarding Firearms Relinquishment* (date of report) {insert link to JC report when available}. That proposal would revise *Prohibited*

forms, *Temporary Restraining Order Against a Child* (form JV-260) and *Juvenile Restraining Order Against a Child—Order After Hearing* (form JV-265).

Policy implications

The proposed form revisions advance Goal IV, Quality of Justice and Service to the Public, of the judicial branch's strategic plan.

Comments

This proposal circulated for public comment from April 13 through May 18, 2026, as part of the council's regular spring cycle. The proposal was sent to trial court presiding judges, trial court executive officers, judges, trial court administrators and clerks, attorneys, legal services attorneys, probation officers, Court Appointed Special Advocates (CASA) programs, and other juvenile and family law professionals. The committee received eight comments on the proposal. Four were from superior courts, one was from a bar association, two were from attorneys who practice juvenile law, and one was from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. Four agreed with the proposal, one agreed if modified, three did not indicate a position, and none disagreed.

The substantive comments and the committee's responses are summarized below. A chart with the full text of the comments received and the committee's responses is attached at pages 16–21.

One commentor stated that item 1 on form JV-624 references types of disposition, and the options include both "informal probation" and "nonwardship probation," noting that this seemed redundant as they both appeared to be referring to probation pursuant to section 725(a) rather than 725(b). The committee concluded that they are different, with informal probation being governed by section 654.2 and nonwardship probation by section 725(a). However, since informal probation occurs before disposition and form JV-624 is used as an attachment at the dispositional hearing, the committee recommends removing "Informal Probation" from this form. The committee further recommends removing "Home Supervision/Electronic Monitoring Program" from proposed item 1 as these are not types of dispositions but rather are terms and conditions of probation. The committee also recommends adding "Formal Probation Without Wardship as an additional option for the court to order at disposition.

One commentor asked whether the Judicial Council would be promulgating rules to clarify how far in advance an extension hearing should be filed or which existing notice rule should be used. The committee is not recommending a rule. AB 1376 does not address when or how notice should be given and the committee concluded it should not recommend a rule that creates extra-statutory requirements at this time. Additionally, all the relevant forms are optional so a rule is not necessary to mandate their use.

Persons Relinquishment Form (form CR-210) into a joint criminal and juvenile form. If a juvenile form is approved to implement Assembly Bill 383 (Stats. 2025, ch. 362), either as a joint or stand-alone form, JV-665 would be revised to include it.

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 recommends 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.[14] 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 recommended form revisions 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 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.

Attachments and Links

1. Forms JV-624, JV-625, and JV-665, at pages 8–15
2. Chart of comments, at pages 16–21
3. Link A: Assembly Bill 1376

[14] § 602.05(g).

CHILD'S OR YOUTH'S NAME:	CASE NUMBER:

TERMS AND CONDITIONS

(Attach to form JV-665 (Disposition—Juvenile Delinquency)*.)*

1. Type of supervision (*check all that apply):*
   a. ☐ Deferred Entry of Judgment
   b. ☐ Wardship Probation
   c. ☐ Formal Probation Without Wardship

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 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 your 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 your 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 attachment titled "JV-624, item 4s, 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's 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):*

JV-625

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'S OR YOUTH'S NAME:		
NOTICE OF HEARING—JUVENILE DELINQUENCY PROCEEDING		CASE NUMBER:
Welfare and Institutions Code section ☐ 601 ☐ 602 ☐ 725 ☐ 777(a)		

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'S 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

12. ☐ **The next hearing will be:**

Date:	Time:	Dept:	☐ The child or youth is ordered to attend.
Date:	Time:	Dept:	☐ The child or youth is ordered to attend.

CHILD'S OR YOUTH'S NAME:	CASE NUMBER:

13. The child or youth is placed with *(check a or b):*

a. ☐ A parent or legal guardian *(names):*

(1) Probation will terminate on *(date):* unless modified or extended under Welfare and Institutions Code section 602.05.

(2) ☐ Probation progress review is scheduled for *(date):* and *(check one):*

(a) ☐ The child or youth is not required to attend.

(b) ☐ The child or youth is required to attend.

b. ☐ The probation department for out-of-home placement or confined commitment.

Form JV-667 *(Custodial and Out-of-Home Placement Disposition Attachment)* is completed and attached.

14. ☐ **DNA collection**

The child or youth is ordered to submit to DNA collection under Penal Code section 296.

15. ☐ **Restitution**

a. Persons responsible *(check one):*

(1) ☐ The child or youth, with the child's or youth's parents

(2) ☐ The child or youth

b. Amount and how it must be paid

(1) ☐ As described on the attached restitution order

(2) ☐ To each victim, as described below:

(a) Pay *(name of victim):*
Amount *(check one):*
☐ $
☐ Amount and manner determined by probation. If the child, youth, or parent disagrees, the court may review.

(b) Pay *(name of victim):*
Amount *(check one):*
☐ $
☐ Amount and manner determined by probation. If the child, youth, or parent disagrees, the court may review.

(c) Pay *(name of victim):*
Amount *(check one):*
☐ $
☐ Amount and manner determined by probation. If the child, youth, or parent disagrees, the court may review.

16. ☐ **Fine and penalty**

a. Persons responsible *(check one):*

(1) ☐ The child or youth, with the child's or youth's parents

(2) ☐ The child or youth

b. Amount

The persons in item 15a must pay *(check all that apply):*

(1) ☐ A fine of $

(2) ☐ A penalty assessment of $

(3) ☐ For a total of $

CHILD'S OR YOUTH'S NAME:	CASE NUMBER:

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.

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)*
   ☐ Form JV-535 *(Order Designating Educational Rights Holder)*
   ☐ Form JV-501 *(Parentage—Findings and Judgment)*
   ☐ Indian Child Welfare Act responses from tribes or Bureau of Indian Affairs
   ☐ Form JV-135 *(Order for Repayment of Cost of Legal Services)*
   ☐ Form CR-210/JV-623 *(Prohibited Persons Relinquishment Form Findings)*
   ☐ Probation officer's case plan approved by the court ☐ As submitted ☐ As amended and stated on the record
   ☐ Other *(describe):*
   ☐ Other *(describe):*

Date:

Judicial Officer

SPR26-26 Chart of Comments

Juvenile Law: Probation Time Limits (revise forms JV-624, JV-625 and JV-665)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Linda L. Currey Attorney at Law San Luis Obispo	Position: Not indicated Form JV-624 Item #1 on this form references types of disposition, and the options include both 'informal probation' and 'nonwardship probation'. This seems redundant to me, as 'informal probation' and 'nonwardship probation' both seem to be referring to probation pursuant to 725(a) rather than 725(b). I could be wrong, and the worst that could happen is that probation or the court will be required to check two boxes meaning the same thing, but wanted to mention it. Thank you.	The committee concluded that informal probation and nonwardship probation are different. Informal probation is governed by Welfare and Institutions Code section 654.2 and nonwardship probation is governed by section 725(a). However, the committee has removed "informal probation" from the form as it occurs before Disposition and form JV-624 is used as an attachment at the Dispositional hearing.
Orange County Bar Association by Shirin Forootan, President	Position: Agree The proposed forms appropriately addresses the stated purpose.	The committee acknowledges OCBA's agreement with the proposal and appreciates the response.
Superior Court of California, County of Los Angeles by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-26 Juvenile Law: Probation Time Limits," the Court agrees the proposal appropriately addresses the stated purpose.	The committee acknowledges the court's agreement with the proposal and appreciates the information.
Superior Court of Los Angeles (continued)	The proposal will not provide cost savings.	The committee appreciates the information.
Superior Court of Los Angeles (continued)	To implement the proposal, the Court would need to train its staff, which would take about three to four hours. It would also need to update its procedures and case management system to accommodate new macros, event codes, and forms. Two months should be sufficient time for implementation. Additionally, the proposal should work for courts of different sizes.	The committee appreciates the comment and the court's identification of implementation activities.

Commenter	Comment	Committee Response
Superior Court of California, County of Orange	Position: Not indicated 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? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the information.
Superior Court of Orange (continued)	Would the proposal provide cost savings? If so, please quantify. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the information.
Superior Court of Orange (continued)	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, and updating the case management system.	The committee appreciates the comment and the identification of implementation activities.
Superior Court of Orange (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County	The committee appreciates the information.
Superior Court of Orange (continued)	How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee appreciates the information.
Superior Court of California, County of Riverside	Position: Agree	The committee appreciates the information.

Commenter	Comment	Committee Response
	Does the proposal appropriately address the stated purpose? Yes, the proposal will address the new requirements for time limits on juvenile probation per AB 1376.	
Superior Court of Riverside (continued)	Would the proposal provide cost savings? Is so, please quantify. No.	The committee appreciates the information.
Superior Court of Riverside (continued)	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 the case management systems, or modifying case management systems? Informing judicial officers, court staff, and Probation of the updates to the forms. There would be no other implementation requirements at this time.	The committee appreciates the comment and the court's identification of implementation activities.
Superior Court of Riverside (continued)	Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates the information.
Superior Court of Riverside (continued)	How well would this proposal work in courts of different sizes? This proposal would likely work for courts of any size.	The committee appreciates the information.
Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	Position: Agree if modified Q: Does the proposal appropriately address the stated purpose? A: In part. It does not include findings and orders for a review hearing when extension of probation is being considered and/or ordered.	Because this would be an important substantive change to the proposal, the committee believes public comment should be sought before a findings and orders for a review hearing form is considered for adoption. The committee will consider this suggestion during a future rules cycle as time and resources permit.
Superior Court of San Diego (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of San Diego (continued)	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: We do not currently use these optional forms in San Diego County. If we move to these forms, we would have to train judges and staff, update our case management system, and work with our juvenile justice partners to implement the change.	The committee appreciates the comment and the court's identification of implementation activities.
Superior Court of San Diego (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates the information.
Superior Court of San Diego (continued)	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 information.
Superior Court of San Diego (continued)	JV-624 Item 4s(2)(b) should refer to item 4s, not 3s.	The committee agrees with this suggestion and has incorporated it into the form that it is recommending for adoption.
Superior Court of San Diego (continued)	All forms Consider changing "juvenile delinquency" to "juvenile justice."	The committee has chosen to maintain the phrase "Delinquency" on this form. This phrase makes it consistent with the Welfare and Institutions Code and other Judicial Council forms.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree Request for Specific Comments The JRS notes the following impact to court operations:	The committee acknowledges the JRS's agreement with the proposal and appreciates this information on the implementation requirements for this proposal.

Commenter	Comment	Committee Response
	• Impact on existing automated systems. Case management systems will need to be updated. • Trial court labor or employment related issues and/or concerns • Results in additional training, which requires the commitment of staff time and court resources. Revision of forms and amendment of rule to conform to law will create a need to train staff and judicial officers.	
JRS (continued)	The JRS also notes that the proposal is required to conform to a change of law.	No response required.
Philip Ung Juvenile Practice Attorney Santa Maria	Position: Not indicated WIC 602.05(b) requires a noticed hearing. The Legislature left unwritten any specific notice period or procedure. I like that the judicial council is updating the Notice form to include an extension hearing. However, the Welfare and Institutions Code includes several different notice periods depending on what is being filed with the court with many having no enumerated deadline. Examples: - Rule of Court 5.785(a)(2) requires a dispositional social study filed at least 48 hours before disposition hearing. - WIC 727.4(a)(1) includes notice of 30 to 15 days for permanency hearings. - Rule of Court 5.544 has deadlines for pre-hearing motions (700.1) Will the Judicial Council be promulgating rules to clarify how far in advance an extension hearing should be filed or which existing notice rule should be used? Some counties have been including 602.05 "notice" within WIC 777 violations of probation and filed less than 5 days before a WIC 777 hearing. Others have fallen back on the CCP or 5.544 filing requirements of 10 court days which allows parties to respond and prepare. If no such rule is adopted for a adequate notice	The committee is not recommending a rule at this time. Because AB 1376 does not address when or how notice should be given, the committee declined creating extra-statutory requirements, especially given numerous unanswered legal questions. Additionally, since the forms are optional, a rule mandating their use is unnecessary.

Commenter	Comment	Committee Response
	requirements, I think every county will have a different practice.	

Rules Committee Action Request Form

Item number: 27

Rules Committee Meeting Date: September 9, 2026

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

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, retitle, and renumber form CR-210/JV-623

Advisory 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: October 16, 2025; Amended January 7, 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

Item No.: 26-151

For business meeting on October 16, 2026

Juvenile Law: Implementation of AB 383 Regarding Firearms Relinquishment (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Revise, retitle, and renumber form CR-210

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 17, 2026

Contact
Kristen Schmit, Attorney
415-865-7712
kristen.schmit@jud.ca.gov

Executive Summary

Assembly Bill 383 (Stats. 2025, ch. 362) amended Penal Code section 29810 to extend existing firearms relinquishment procedures to minors adjudicated for various offenses. To implement AB 383, the Family and Juvenile Law Advisory Committee, with approval from the Criminal Law Advisory Committee, recommends revising form CR-210 (*Prohibited Persons Relinquishment Form Findings*) into a joint criminal and juvenile form because the findings required under Penal Code section 29810 are now the same in criminal cases and juvenile cases.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027, revise, retitle, and renumber form CR-210. The recommended revised form is attached at page 5.

Relevant Previous Council Action

The Judicial Council approved optional form CR-210 effective January 1, 2018, for courts to make appropriate findings concerning firearms relinquishment in criminal cases. The form was last revised effective January 1, 2025.

Analysis/Rationale

Effective January 1, 2026, Penal Code section 29810 requires persons adjudicated for various offenses to relinquish all firearms they own, possess, or have under their control within 48 hours of the adjudication if the person is out of custody, or within 14 days of the adjudication if the person is in custody.[1] Prior to final disposition in a case, a judicial officer is required to confirm that the person has relinquished all firearms as required and that the court has received a completed Prohibited Person Relinquishment Form.[2]

To implement AB 383, the revised form replaces the criminal caption with one that works for both case types and the term "defendant" with "prohibited person" because the latter term works in both case types and matches the language used in the Prohibited Persons Relinquishment Form. In addition to implementing AB 383, the recommendation includes revisions intended to improve form usability and clarity for courts and court users. These revisions include:

- Revising item 1b to state "relinquished all firearms under the alternative method" instead of "an alternative method";
- Revising item 2a(1) to say the probation officer's report "indicates there are no firearms in the prohibited person's possession" to provide further clarity about the information included in the report;
- Replacing the semicolon with a period after each checkbox option (finding) in the Compliance and Noncompliance items, given that a semicolon implies there is more to the finding when, actually, the sentence should conclude at the end of each finding because the options are mutually exclusive;

[1] A person must also relinquish ammunition and ammunition feeding devices, including but not limited to magazines. (Pen. Code, § 29810(a)(2)). 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 Pen. Code, § 16531.)

[2] Pen. Code, § 29810(c)(4). The Prohibited Person Relinquishment Form is a form that is developed and maintained by the Department of Justice.

- Adding 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;

- Adding a checkbox item in item 3 to allow courts to attach additional pages to incorporate additional orders and findings, if needed;

- Changing 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; and

- Changing the code citation in the first paragraph from "section 16351" to "section 16531" to correct the code citation to match the code section cited in the Prohibited Person Relinquishment Form.

Policy implications

The recommended revisions will implement statutory changes and are intended to improve form usability, organization, and clarity. These revisions are consistent with the judicial branch's strategic plan goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

This proposal circulated for comment from April 13 through May 18 as part of the Judicial Council's spring 2026 invitation-to-comment cycle. In general, commenters supported the changes to implement AB 383. Four commenters agreed with the proposal, and one did not indicate a position. No commenters disagreed with the proposal. A chart of comments is attached at pages 6–10.

The majority of the commentators provided no substantive comments. The Superior Court of Orange County suggested adding a "Court Action" section to the revised form to include orders authorized by Penal Code section 29810(c)(3). The committee does not recommend making this change to the form because courts may differ in their preferences for having these orders on the form versus making separate orders to compel compliance with the firearms relinquishment statutory requirements. Courts may prefer to use the revised form only once to make definitive findings about whether a person complied with firearms relinquishment requirements under Penal Code section 29810. For courts that prefer to include these orders in the revised form, the "Other Orders and Findings" section can be utilized for that purpose.

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 criminal cases 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 across both case types.

Fiscal and Operational Impacts

Costs would be limited to producing new forms but are minimized by revising the current form CR-210 into a joint form rather than creating a standalone juvenile form. Even absent a form for this purpose, AB 383 is legislatively mandated and would likely require additional judicial training and education, as well as case management system updates.

Attachments and Links

1. Form CR-210/JV-623, at page 5
2. Chart of comments, at pages 6–10
3. Link A: Assem. Bill 383 (Stats. 2025, ch. 362)
4. Link B: Pen. Code, § 29810

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	*FOR COURT USE ONLY*
CASE NAME:	
PROHIBITED PERSONS RELINQUISHMENT FORM FINDINGS **(Pen. Code, § 29810)**	CASE NUMBER: *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 using 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.

(2) ☐ the probation officer's report indicates that the prohibited person has firearms. The firearms were*:*

(a) ☐ Recovered *(explain):* _____

_____

(b) ☐ 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

SPR26-27 Chart of Comments (DRAFT)

Juvenile Law: Implementation of AB 383 Regarding Firearms Relinquishment (Revise, retitle, and renumber form CR-210)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Orange County Bar Association by Shirin Forootan, President	Position: Agree The proposed forms appropriately addresses the stated purpose.	The committee appreciates the comment and acknowledges the commenter's agreement with the proposal.
Superior Court of California, County of Los Angeles by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-27 Juvenile Law: Implementation of AB 383 Regarding Firearms Relinquishment," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the comment and acknowledges the commenter's agreement with the proposal.
Superior Court of Los Angeles County (continued)	The proposal will not provide cost savings.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train its staff, which would take about three to four hours. It would also need to update its procedures and case management system to accommodate new macros, event codes, and forms. Two months should be sufficient time for implementation. Additionally, the proposal should work for courts of different sizes.	The committee appreciates the comment and the court's identification of implementation activities.
Superior Court of California, County of Orange by Marina Barragan	Position: Not identified *Does the proposal appropriately address the stated purpose?* The proposal partially addresses the stated purpose, as it	The committee is not recommending revisions in response to this suggestion. Courts may differ in their preferences for having orders authorized by Penal Code 29810(c)(3) included on the form, as some courts may prefer to only use the form once to make definitive findings about whether a person is in compliance with the firearms relinquishment statutory requirements. For courts that prefer to include section 29810(c)(3)

Commenter	Comment	Committee Response
	outlines compliance and noncompliance scenarios, but it appears that it does not fully address required court actions in cases of noncompliance. Including a "Court Action" section (see below) may help align the proposal with Penal Code section 29810(c)(3). Example: COURT ACTION (If Noncompliant – Check all that apply) ☐ The Court finds probable cause and orders issuance of a search warrant pursuant to Penal Code §§ 1524 and 29810(c)(3)(A). ☐ The Court sets a hearing to confirm relinquishment of all firearms as follows: Date: _ Time: ____Dept.: ☐ The Court finds good cause to extend time for compliance and sets a review hearing within 14 days as follows: Date: _ Time: Dept.: ☐ The Court refers the matter to the prosecuting attorney for further investigation and sets a status review within 14 days as follows: Date: _____Time:____Dept.: Incorporating this structure would allow the form to serve as a single, authoritative record of compliance, enabling the court to efficiently confirm whether the firearm relinquishment process has been completed without reliance on multiple sources.	orders on the form, the orders can be written into the "Other Findings and Orders" section of the form.
Superior Court of Orange County (continued)	*Would the proposal provide cost savings? If so, please quantify.* The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the comment and acknowledges the court's assessment.
Superior Court of Orange County (continued)	*What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and*	The committee appreciates the comment and the court's identification of implementation activities.

Commenter	Comment	Committee Response
	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, and updating the case management system.	
Superior Court of Orange County (continued)	*Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?* Yes, two months would provide sufficient time for Orange County. However, any website updates or other technology related changes may require additional time.	The committee appreciates the information.
Superior Court of Orange County (continued)	*How well would this proposal work in courts of different sizes?* Our court is a large court, and this could work for Orange County.	The committee appreciates the information.
Superior Court of California, County of Riverside	Position: Agree Does the proposal appropriately address the stated purpose? Yes, revising and retitling the CR-210 form (JV-623) will make it clear that the form is to be used in juvenile cases and language updates now make the form more appropriate for use in juvenile cases.	The committee appreciates the comment and acknowledges the commenter's agreement with the proposal.
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? If so, please quantify. None	The committee appreciates the information.
Superior Court of Riverside County (continued)	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	The committee appreciates the comment and the court's identification of implementation activities.

Commenter	Comment	Committee Response
	describe), changing docket codes in the case management systems, or modifying case management systems? Implementation requirements would be to alert judicial officers and court staff of the updated form. Minimal training would be required. May need to update document filing codes in the case management system.	
Superior Court of Riverside County (continued)	Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates the information.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? This proposal would likely work for courts of any size.	The committee appreciates the information.
Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	Position: Agree Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the comment and acknowledges the commenter's agreement with the proposal.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.
Superior Court of San Diego County (continued)	Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Training judicial officers and staff, update our case management system, and work with Probation to implement the change.	The committee appreciates the comment and the court's identification of implementation activities.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates the information.
Superior Court of San Diego County (continued)	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 information.
Superior Court of San Diego County (continued)	We were working on a similar form for the San Diego Juvenile Court. This revised form should work for us.	The committee appreciates the information.

Rules Committee Action Request Form

Item number: 28

Rules Committee Meeting Date: September 9, 2026

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

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, Appendix F

Advisory 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: 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-136

For business meeting on October 24, 2026

Juvenile Dependency: Guidelines for Counsel Collections Program (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, Appendix F

Effective Date
January 1, 2027

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Date of Report
July 28, 2026

Contact
Corby Sturges, 415-865-4507
corby.sturges@jud.ca.gov

Report Type
Action Required

Executive Summary

Welfare and Institutions Code section 903.47 requires the Judicial Council to establish a program to collect reimbursement from the person responsible for the cost of counsel appointed to represent a parent or child in a juvenile dependency proceeding. As part of establishing that program, the council adopted California Rules of Court, Appendix F (Guidelines for the Juvenile Dependency Counsel Collections Program). The Family and Juvenile Law Advisory Committee recommends amending Appendix F to remove references to a superseded method of calculating the court cost of providing dependency-related legal services. The proposal would also reformat the appendix to conform more closely to the style of the rules of court and make additional technical and stylistic changes.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027, amend California Rules of Court, Appendix F.

The text of the recommended rule amendments is attached at pages 5–16.

Relevant Previous Council Action

The Judicial Council adopted Guidelines for the Juvenile Dependency Counsel Collections Program as Appendix F of the California Rules of Court, effective January 1, 2013, to formally establish the Juvenile Dependency Counsel Collections Program (JDCCP).[1] The JDCCP fulfills the council's mandate in Welfare and Institutions Code section 903.47 to establish a program to collect reimbursement from responsible persons of the cost of dependency-related legal services.[2] The council has amended the guidelines several times since their adoption; the most recent amendment was effective April 1, 2024.[3]

As part of the collections program, the statute required the council to adopt a statewide standard for determining a responsible person's ability to pay reimbursement for the cost of counsel.[4] This requirement prompted the council—consistent with the condition that a court's determination of the cost of dependency-related legal services must either use procedures adopted by the Judicial Council or be approved directly by the council—to include in the guidelines three methods for courts to use to determine that cost. (See Cal. Rules of Court, Appendix F, § 5.) 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 may determine the actual cost of legal services provided to a client by allocating a portion of the overall cost to each event in a proceeding, each hour billed, or each client represented. (*Id.*, § 5(a).)

Second, the current guidelines authorize a court to apply the caseload funding model (CFM) then in effect to determine the cost.[5] (*Id.*, § 5(b).) Section 5(b) provides detailed instructions on how

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[1] Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency: Counsel Collections Program* (Sept. 14, 2012). 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)). These and later minor amendments are not related to the current proposal.

[2] Welf. & Inst. Code, § 903.47(a), added by Assem. Bill 131 (Stats. 2009, ch. 413).

[3] Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Counsel Collections Program Guidelines* (Aug. 23, 2023).

[4] *Id.*, § 903.47(a)(1)(A).

[5] In October 2007, the Trial Court Budget Working Group developed and the Judicial Council approved a need-based compensation or caseload funding model 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).

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 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.*, § 5(c); see generally Welf. & Inst. Code, § 901.)

Analysis/Rationale

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 that model to determine their cost for dependency-related legal services. Continued use of the method in section 5(b) will lead to an inaccurate cost determination. Even if no courts use the CFM, retaining it is potentially misleading. The committee therefore recommends repealing section 5(b) of the guidelines as well as footnotes 3–5 and 7, which also refer to the CFM.

The committee recommends not replacing the method in section 5(b) with a method that applies the current funding methodology because almost no courts used the previous method and none indicated that they would use a replacement. This recommendation leaves courts with the option of determining their *actual cost* of providing dependency-related legal services to specific clients in particular cases or adopting a *flat-rate fee structure*. (Compare Cal. Rules of Court, Appendix F, § 5(a) with *id.*, § 5(b), relettered from 5(c) in this proposal.) Most courts that participate in the JDCCP have already chosen to adopt a flat-rate fee structure.

In addition to the amendments recommended to respond to the inaccurate language in current section 5(b), the committee recommends amending section 11 to replace the requirement for monthly reporting of recovered program costs on a specified Cost Recovery Template with the current ad hoc reporting requirement. The committee also recommends reformatting the guidelines to conform more closely to the style of the rules of court and making additional technical and stylistic changes.

Policy implications

The recommended action will promote modernization of court management and administration (Goal III of *The Strategic Plan for California's Judicial Branch*) by bringing the guidelines into

[6] Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (Apr. 1, 2016). The council has since updated the funding methodology twice. The first update addressed the funding needs of smaller courts (Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency: Small Court Dependency Workload Working Group Final Recommendations* (May 5, 2017)). The second update simply recognized changes to county counsel average salary, one of the factors in the methodology.

conformity with the current Judicial Council policy and funding methodology for court-appointed dependency counsel.

Comments

The proposal circulated for comment from April 13 to May 18, 2026, as part of the spring 2026 rules and forms cycle to the regular mailing list as well as the probate listserv. The committee received five comments on the proposal. Three commenters—the Superior Court of Los Angeles County, the Executive Committee of the Family Law Section of the California Lawyers Association, and the Orange County Bar Association—agreed with the proposal as circulated. The Superior Court of Riverside County expressed its general support and did not suggest any changes. The Superior Court of San Diego County agreed with the proposal subject to specified technical changes, which the committee agreed with and recommends.

A chart with the full text of the comments received and the committee's responses is attached at pages 17–20.

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. In addition, the committee considered taking no action, as the model used in current section 5(b) of the guidelines has been obsolete for almost 10 years and has not led to any known confusion. However, the committee chose to propose repealing the methodology contained in section 5(b) and related language because it is inaccurate and could be misleading.

In response to an informal suggestion, the committee also considered removing all links and email addresses from the guidelines to prevent confusion and avoid the need to update the guidelines again in the event that the URLs or the email addresses changed. The committee determined, however, that the guidelines should retain links to the homepage of the California Courts website and the program email address as a point of contact for court staff who might not otherwise be able to find the program information.

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 5(b) to calculate their costs. The trial courts that submitted comments did not identify any fiscal or operational effects of the recommended amendments. The effect of the change on other stakeholders would flow from a change in court practices and is therefore also expected to be minimal.

Attachments and Links

1. Cal. Rules of Court, Appendix F, at pages 5–16
2. Chart of comments, at pages 17–20

Appendix F of the California Rules of Court is 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~~ individuals 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.

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[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]~~

~~(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.

~~[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.~~

~~[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).~~

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 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*~~ "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.[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

* * *

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[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 these guidelines, 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 vendor agreements for comprehensive collection services available ~~at *jrn.courts.ca.gov/programs/collections/mva.htm*~~ on the California Courts website, *courts.ca.gov*.

(3) *Court Option for Judicial Council Agreement with Collection-Services Provider*

* * *

(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 *jrn.courts.ca.gov/* or by request from *jdccp@jud.ca.gov*.~~ The court must document all recovered program costs and, upon request, report the recovered costs to the Judicial Council using a template provided by council staff.

~~(a) *Delinquent Reimbursement* Defined~~

For purposes of this section, ~~*delinquent reimbursement*~~ "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). 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 section 6(d)–(g) of these guidelines, and the number of judicial hearings necessary under section 7(b)–(c).

14. Allocation of Collected Funds to Trial Courts

(a) Eligibility for Allocation

* * *

(1) *Participation*

The court has demonstrated its participation in the JDCCP by

(A) * * *

(B) submitting annual reports under section 13 of these guidelines.

(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]

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[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~~

(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) * * *

~~dependency proceedings under sections 317(e) and 317.5, as well as rule 5.660(d) of the California Rules of Court.~~

SPR26-28 Chart of Comments

Juvenile Dependency: Guidelines for Counsel Collections Program (amend Cal. Rules of Court, Appendix F)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Lawyers Association Executive Committee of the Family Law Section by Shanon Quinley, Legislation Chair Saul Bercovitch, Chief Governmental Affairs Officer Sacramento	Position: Agree. No specific comment.	The committee acknowledges the commenter's agreement with the proposal.
Orange County Bar Association by Shirin Forootan, President	Position: Agree. The [proposal] appropriately addresses the stated purpose.	The committee acknowledges the commenter's agreement with the proposal and appreciates this comment.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree. [T]he Court agrees the proposal appropriately addresses the stated purpose.	The committee acknowledges the commenter's agreement with the proposal and appreciates this comment.
Superior Court of Los Angeles County (continued)	It is unclear if the proposal will provide cost savings. Cost savings would be contingent on whether the courts determine their actual cost of providing services or adopt a flat rate fee structure.	The committee appreciates this comment.
Superior Court of Los Angeles County (continued)	There would be minimal impact on court operations and implementing the proposal should be simple. Two months is sufficient time for implementation, and the proposal will work for courts of different sizes.	The committee appreciates this comment.
Superior Court of Riverside County by Sarah Hodgson, General Counsel	Position: Generally, in support of this proposal.	The committee appreciates this comment.
Superior Court of Riverside County (continued)	Does the proposal appropriately address the stated purpose? The update to Cal. Rules of Court, appen. F would remove superseded methods of calculating costs and replace the gender-specific language.	The committee appreciates this comment.

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? If so, please quantify. No.	The committee appreciates this comment.
Superior Court of Riverside County (continued)	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 the case management systems, or modifying case management systems? Implementation requirements would be to alert the dependency judicial officers and court-appointed counsel of the update. No other training or case management system updates would be needed.	The committee appreciates this comment and the court's identification of implementation activities.
Superior Court of Riverside County (continued)	Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates this information.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? This proposal would likely work for courts of any size.	The committee appreciates this information.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree with proposed changes if modified.	The committee appreciates this comment.
Superior Court of San Diego County (continued)	Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates this comment.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates this comment.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	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: Probably none.	The committee appreciates this comment.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates this information.
Superior Court of San Diego County (continued)	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 this information.
Superior Court of San Diego County (continued)	Section 1, par. 1 – Change "people" to "individuals." This standard must "at a minimum include the family's income, their necessary obligations, the number of ~~people~~ individuals dependent on this income, and the cost-effectiveness of the program."	The committee agrees with this suggestion and has revised its recommendation accordingly.
Superior Court of San Diego County (continued)	Section 6(d)(1) – Change italics to Roman and use quotation marks. Title V of the California Rules of Court uses Roman font and quotation marks for terms that are being defined. (See, e.g., rules 5.502, 5.518(b), 5.522(a).) Italics seem to be reserved for titles of forms or other documents, hyperlinks, and URLs. ~~*Qualifying public benefits*~~ "Qualifying public benefits" include benefits under any of the programs listed in Government Code section 68632(a).	The committee agrees with this suggestion and has revised its recommendation accordingly.
Superior Court of San Diego County (continued)	Section 9 – Insert "of these guidelines" to distinguish from sections of California statutes (see, e.g., sections 6(a)(3), 12):	The committee agrees with this suggestion and has revised its recommendation accordingly.

Commenter	Comment	Committee Response
	… assess an amount up to the full cost, as determined under section 5 of these guidelines, 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.	
Superior Court of San Diego County (continued)	Section 11 – Change italics to Roman and use quotation marks: For purposes of this section, ~~*delinquent reimbursement*~~ "delinquent reimbursement" means any reimbursement payment not received within one business day of the date it is due.	The committee agrees with this suggestion and has revised its recommendation accordingly.
Superior Court of San Diego County (continued)	Section 13(b) – Insert "section" and "of these guidelines" (see, e.g., sections 6(a)(3), 12): 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 section 6(d)–(g) of these guidelines, and the number of judicial hearings necessary under section 7(b)–(c) of these guidelines.	The committee agrees generally with this suggestion and has revised its recommendation accordingly.
Superior Court of San Diego County (continued)	Section 14(a)(1)(B) – Insert "of these guidelines" (see, e.g., sections 6(a)(3), 12): submitting annual reports under section 13 of these guidelines.	The committee agrees with this suggestion and has revised its recommendation accordingly.

Rules Committee Action Request Form

Item number: 29

Rules Committee Meeting Date: September 9, 2026

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

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

Advisory committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)**:**
Sarah Saria, 916-643-7078, sarah.saria@jud.ca.gov

Annual agenda approved by Rules Committee on: October 16, 2025; Amended January 7, 2026
Project description from annual agenda: New Project Item 1p

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 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-144

For business meeting on October 16, 2026

Juvenile Law: Incarcerated Parents and Nonminor Dependents (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 5.530 and 5.900; revise forms JV-450 and JV-451

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 26, 2026

Contact
Sarah Namnama Saria, 916-643-7078
Sarah.Saria@jud.ca.gov

Executive Summary

Assembly Bill 651 (Stats. 2025, ch. 274) amended Penal Code section 2625 to require courts to include wards in secure youth treatment facilities when sending notice to incarcerated parents and allowing 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

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Amend California Rules of Court, rule 5.530;

2. Amend California Rules of Court, rule 5.900;

3. Revise form JV-450, *Order for Prisoner's Appearance at Hearing Affecting Parental Rights*; and

4. Revise form JV-451, *Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights*.

The proposed amended rules and revised forms are attached at pages 9–19.

Relevant Previous Council Action

The council adopted rule 5.530 as rule 1410, effective July 1, 1989, and renumbered the rule effective January 1, 2007. The council approved form JV-450 for optional use effective January 1, 1993, and adopted the form for mandatory use effective January 1, 2006, at the recommendation of the Probation Services Task Force.

In 2011, the Judicial Council approved the recommendations of the Family and Juvenile Law Advisory Committee to amend rule 5.530, revise form JV-450, and adopt form JV-451.[1] These recommendations were made to implement amendments to Penal Code section 2625 and Welfare and Institutions Code section 388(e), which required procedures to facilitate the appearance of nonminor former dependents or juvenile justice youth and incarcerated parents in juvenile court proceedings by telephone.

The amendments to rule 5.530 reflected a parent's right to be physically present for hearings involving jurisdiction, disposition, and possible termination of parental rights. For other hearings such as detention or status review hearings, a parent could request in-person attendance, but a court was not required to order the parent's production. The revisions to form JV-450 provided a mechanism for a court to order an incarcerated parent's temporary removal from the institution and production; inform the parent that they had a right to be physically present at a hearing involving jurisdiction, disposition, or possible termination of parental rights; and inform the parent whether the court could accommodate remote participation by videoconference or telephone. The adoption of form JV-451 provided a way for an incarcerated parent to

[1] Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Appearance by Incarcerated Parents and Other Parties in Juvenile Court Proceedings* (Oct. 28, 2011).

communicate to a court their desire to attend a hearing or to participate by videoconference or telephone.

Analysis/Rationale

Incarcerated parents, including those who are confined in juvenile facilities, are entitled to notice of dependency proceedings concerning their children. Following the closure of the Division of Juvenile Justice in 2023, AB 651 amended Penal Code section 2625 to include a parent who is a ward confined in a secure youth treatment facility. Section 2625 was also amended to require notice to incarcerated parents of several additional types of juvenile court proceedings: hearings under Welfare and Institutions Code sections 355, 358, 361, 366.21, 366.22, 366.25, and 366.25; petitions under section 388 when the parent is the petitioner; and any hearing to determine the parentage of a prisoner's child. If a parent requests to attend these hearings in person, a court is required to order the parent's production.

Additionally, AB 651 amended section 2625 to prohibit a court from proceeding with a hearing involving jurisdiction, disposition, or possible termination of parental rights unless the parent is physically present or waives their physical presence. For other types of hearings, including detention, a court has the discretion to order the parent's production. When a parent waives their physical presence or is not ordered to be produced, the court is required to give the parent the opportunity to participate by videoconference, if the technology is available, and by telephone if not.

By mandating a remote participation option, AB 651 helps resolve the recurring issue of custodial institutions failing to produce parents in court despite explicit transport orders—a problem most prevalent when a parent is incarcerated in another county. This legislation also benefits parents who may have the right to an in-person appearance, but elect to waive it and appear remotely instead to avoid the loss of job and rehabilitative programming opportunities associated with court travel.

The amendments to rules 5.530 and 5.590 and the revisions to forms JV-450 and JV-451 are required to help courts implement amendments to Penal Code section 2625.

California Rules of Court, rule 5.530

The Family and Juvenile Law Advisory Committee recommends amending rule 5.530 to:

- Add wards in secure youth treatment facilities as parents, remove detention hearings under section 319, and include hearings added to subdivision (b) of Penal Code section 2625.

- Include notice requirements for dependency hearing types added by AB 651.

- Clarify that a court may proceed in the absence of a parent or a waiver, if the hearing does not involve jurisdiction, disposition, or possible termination of parental rights, and reflect that courts are required to give parents the opportunity to participate remotely.

- Provide information about constructive custody when a parent is removed from the institution.

- Delete subdivision (f)(7), 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. County-level collaboration has not led to statewide uniformity in the way incarcerated parents are transported and produced for juvenile court proceedings.

California Rules of Court, rule 5.900

AB 651 amended Welfare and Institutions Code 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. The committee recommends amending rule 5.900 to state that nonminor dependents are entitled to receive notice and attend hearings concerning themselves and allow nonminors to have an attorney of their choice appear on their behalf.

***Notice and Order for Appearance of Prisoner or Ward at Hearing Affecting Parental Rights* (form JV-450)**

The committee recommends revising form JV-450 as follows:

- Rename the form from *Order for Prisoner's Appearance at Hearing Affecting Parental Rights* to reference the notice section and include wards.

- Label the notice section and update and revise the information to improve comprehension and readability.

- Add options for in-person or remote appearance and modify instructions for the order to be consistent with the requirements.

- Add clarification that courts cannot proceed with a hearing involving certain hearing types unless a parent is physically present or has submitted a signed waiver or affidavit from the person in charge of the facility where the parent is confined. This change was made to avoid inadvertently giving parents an expectation of the right and need to attend all hearings in person and informs parents that courts can proceed with most hearings even if parents are not physically present and have not submitted a waiver or affidavit.

***Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights* (form JV-451)**

The committee recommends revising form JV-451 as follows:

- Rename the form from *Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights* to include wards.

- Add new sections for instructions for the parent, translator or reader, and warden or person in charge of the facility.

- Add new sections explaining that the parent can have an attorney appear for them at the hearing.

- For the reasons discussed above, add information that for some hearing types, a court might not be able to move forward with the hearing if the parent does not state a preference for their appearance and for all other types of hearings, a court can proceed without the parent or their waiver, but the parent must have the opportunity to participate remotely.

Policy implications

The proposed amendments to rule 5.530 and revisions to forms JV-450 and JV-451 maximize opportunity for incarcerated parents to participate in hearings regarding their children while ensuring that continuances will not severely impede the progress of cases. An incarcerated parent's opportunity to participate remotely when they waive their physical presence for hearings involving jurisdiction, disposition, and possible termination of parental rights, or when a court exercises its discretion and does not order their production for other types of hearings, decreases the amount of time and resources that will be devoted to the transportation of parents and keep continuances from unduly burdening the court system.

The proposed amendments to rule 5.900 will implement the amendments to Welfare and Institutions Code section 349 to extend to nonminor dependents the rights to notice, participation, and continuances if notice is not provided. This will include the right to be represented by counsel of their choice and to be informed of their right to address the court.

Comments

This proposal circulated for public comment from April 13 through May 18, 2026, during the council's regular spring cycle. A total of seven comments were received from three superior courts, a local bar association, a dependency law firm, the Chief Probation Officers of California, and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. Three commenters agreed with the proposal, two agreed if modified, two did not indicate a position, and none disagreed.

Key substantive comments and the committee's responses are summarized below. A chart with the full text of the comments received and the committee's responses is attached at pages 20–38.

A superior court and the dependency law firm suggested the proposal clarify whether parents indeed have a right to attend all hearings described in subdivision (b) of Penal Code section 2625. Subdivision (d) requires a court to order a parent's production upon receipt of the parent's request for in-person attendance. However, subdivision (d) prohibits a court from proceeding only with hearings involving jurisdiction, disposition, or possible termination of parental rights absent a parent's physical presence or waiver. Although the legislative history of Assembly Bill

651 was not dispositive, the committee and Judicial Council have interpreted Penal Code section 2625 to require a parent's physical presence at hearings involving jurisdiction, disposition, and possible termination of parental rights while giving courts discretion to order production of parents for other hearings.[2] This clarification was included in the amendments recommended for adoption.

A superior court suggested the proposal clarify which probation department would be responsible for producing a ward placed in an out-of-county secure youth treatment facility (SYTF). Because the court ordering the parent's production would send the order to the probation department in the same county, the committee made this modification.

A superior court suggested revising the proposal to clarify that one copy of form JV-451 is sent to both the parent and the person in charge of the facility. Because rule 5.530 requires that the parent and the person in charge each receive a copy, the committee declined to make this change.

The Chief Probation Officers of California (CPOC) suggested adding "Chief Probation Officer or facility administrator" to references to the warden, superintendent, or other person in charge of the institution. The committee incorporated this suggestion into the amendments recommended for adoption. CPOC also suggested including references to chief probation officers or facility administrators in rules of court related to secure juvenile facilities. Because this is beyond the scope of this proposal, the committee did not make this modification.

The proposal asked for comments regarding whether paragraph (7) of subdivision (f) of rule 5.530 should be deleted. CPOC and the dependency law firm did not state an opinion; the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee stated it was unknown; the local bar association and two superior courts disagreed with deletion; and one superior court agreed. The committee decided to delete the paragraph because it has not resulted in uniformity of practice among the counties.

Several comments suggested minor edits for clarity or consistency and improved readability and grammar. The committee agreed with most of these suggestions and incorporated them into the revisions it is recommending for adoption by the council.

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

[2] Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Appearance by Incarcerated Parents and Other Parties in Juvenile Court Proceedings* (Oct. 28, 2011).

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 recommends deleting subdivision (f)(7) because that provision has not led to uniformity or consistency throughout the state.

The committee deliberated over its response to comments from parents' dependency counsel that forms JV-450 and JV-451 could lead parents to believe they must be physically present for all hearings described under subdivision (b) of Penal Code section 2625. The committee evaluated ways to reconcile language in subdivision (d) of section 2625 that requires a court to order production of a parent who requests physical appearance at hearings described in subdivision (b) but only prohibits a court from proceeding with hearings involving jurisdiction, disposition, or possible termination of parental rights unless the parent is physically present or has waived their physical appearance. Balancing clarity with simplicity, the committee revised the forms to inform parents that they have the option to choose remote participation. Language was added to inform parents that a court cannot move forward with some proceedings if a parent has not waived their physical appearance.

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 result in 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 courthouses for hearings. County probation departments will incur such costs for wards in SYTFs. All these costs are unavoidable given statutory mandates.

Attachments and Links

1. Cal. Rules of Court, rules 5.530 and 5.900, at pages 9–13

2. Forms JV-450 and JV-451, at pages 14–19
3. Chart of comments, at pages 20–38
4. Link A: Assem. Bill 651 (Stats. 2025, ch. 274)

Rules 5.530 and 5.900 of the California Rules of Court are amended, effective January 1, 2027, to read:

Rule 5.530. Persons present

(a)–(e) * * *

(f) Participation ~~of~~ in dependency proceedings by a parent who is 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 (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 that they may request to be physically present at the hearing, in which case the court will issue an order for their appearance, or they may choose to waive their physical appearance 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.

(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.~~

~~(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 or parental rights is at issue~~ hearing described in (1).

(A) ~~(5)~~ When issuing an order under (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 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 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. For all other types of hearings described in (1), the court may proceed in the absence of the parent without a waiver, if the parent is absent despite being ordered to be produced and the parent has been given the opportunity to participate remotely pursuant to (3).

(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 (1) has either waived ~~his or her~~ their right to be physically present at a hearing described in ~~(2)~~ (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~~ the 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 ~~available~~ 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.

(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 transmitted to the probation department of the county in which the order is made. The probation department in the county where the order

is made 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.~~

(g) * * *

Rule 5.900. Nonminor dependent—preliminary provisions (§§ 224.1(b), 295, 303, 349, 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 ~~his or her~~ 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.

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:		
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 may attend the court hearing in person, by videoconference, or by telephone, and have your lawyer attend 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.

5. **To the parent:** It is important to let the court know if you want to attend the court hearing. You have the option of attending in person, by telephone, or by videoconference if it is available. Complete the attached form JV-451 to tell the court which option you choose. In some situations, the court cannot move forward with the case if you do not select one of the options in form JV-451.

ORDER

6. **To warden, superintendent, chief probation officer, facility administrator, or other person in charge of institution, including manager of SYTF**

   a. Name of institution where parent is confined:

   b. You are ordered to deliver *(name of prisoner or ward and ID number):*

   who is a party and confined in a locked county or state institution or in a 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 requests not to attend in person on the attached form JV-451 (*Statement of Prisoner or Ward Regarding Appearance at Hearing Affecting Parental Rights*).

   c. If the prisoner or ward does not want to attend the hearing in person, you are not required to release the prisoner or ward.

   d. If the prisoner or ward does not want to attend the hearing in person 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 California 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 California Rules of Court, rule 5.531, if the institution **does not** have the means to provide appearance by videoconference but does have the means to provide appearance by 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 7 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.

7. **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 a SYTF.

   b. The probation department is ordered to return the parent to the institution listed in item 5a, if the institution is a SYTF.

CASE NAME:	CASE NUMBER:

8. **Instructions to clerk of the court, social worker, and probation officer**

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, chief probation officer or facility administrator, 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.

b. ☐ Hearing under Welfare and Institutions Code section 366.26 at which termination of parental rights is at issue.

The following person 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, chief probation officer or facility administrator, 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.

(Check one):

☐ Social worker

☐ Probation officer

c. ☐ Review hearing under Welfare and Institutions Code sections 366.21, 366.22, or 366.25.

The following person must attach this form and a copy of form JV-451 *(Statement of Prisoneror 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, chief probation officer or facility administrator, 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.

(Check one):

☐ Clerk of the court

☐ Social worker

☐ Probation officer

d. ☐ 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 following person 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, chief probation officer or facility administrator, 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 on the parent and the parent's attorney (if any).

(Check one):

☐ Clerk of the court

☐ Social worker

Date: _____

_____

Judicial Officer

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:		
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, and warden, superintendent, chief probation officer, facility administrator, or person in charge of the institution.
2. The warden, chief probation officer, or facility administrator (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, chief probation officer, or facility administrator (or person in charge).
5. The warden, chief probation officer, or facility administrator (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. **To the parent:** It is important to let the court know if you want to attend the court hearing. You have the option of attending in person, by telephone, or by videoconference if it is available. Complete the sections below to tell the court which option you choose. In some situations, the court cannot move forward with the case if you do not select one of the options below.

   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, I want to attend but 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 California 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, 3, 4, and 5 of this form?

☐ Yes

☐ No *(If no, complete (1)–(3) if the prisoner or ward 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 does not want to attend in person.

☐ 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

DRAFT SPR26-29 Chart of Comments

Juvenile Law: Incarcerated Parents and Nonminor Dependents (amend Cal. Rules of Court, rules 5.530 and 5.900, and revise forms JV-450 and JV-451)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Chief Probation Officers of California (CPOC) by Karen Pank	Position: Not indicated.	No response required.
CPOC (continued)	**Consider if a formal "temporary removal" is not consistent with juvenile delinquency court practices** Request Judicial Council reconsider if the requirement for "courts to issue an order for the parent's temporary removal and production upon a request from the parent or the parent's attorney" is necessary and amend to "temporary transfer of custody for purposes of court proceedings" so that the individual may be transferred to the county court in which proceedings will take place. The concern is that granting a "removal" takes on a greater meaning than intended. We suggest revising the verbiage to allow the court to facilitate the youth's physical appearance at the proceeding upon notification that the youth wishes to attend in person without temporarily terminating custody via a removal.	The committee appreciates this suggestion but does not recommend modifying this language because it is consistent with the statutory language.
CPOC (continued)	**Add "Chief Probation Officer and facility administrator" to where "warden, superintendent or other person in charge of the institution" is referenced**	The committee appreciates this suggestion and has incorporated them, with minor alterations, into the amendments in item 6 of form JV-450 and in the instructions for form JV-451that it is recommending for adoption.
CPOC (continued)	Lastly, we request revising rules of court to specifically include probation as a designated person in charge of the institution to reflect who is responsible for secure juvenile facilities and mirror the language provided for in adult correctional settings. We suggest revising the verbiage to add, "Chief Probation Officer, facility administrator" where "warden, superintendent or other person in charge of the institution" is referenced.	The committee appreciates this comment, but revising other rules of court is beyond the scope of this proposal.

Commenter	Comment	Committee Response
Los Angeles Dependency Lawyers (LADL) by Katherine Mitchell, Attorney	Position: Not indicated.	No response required.
LADL	My organization, Los Angeles Dependency Lawyers, spearheaded this bill. It was never our intention to expand the number of hearings at which a parent was required to be present *in person*. The only goal of the bill was to expand the hearings for which a parent is required to be made present *remotely*. This is reflected in the language of Penal Code 2625(g): that it applies when a prisoner has waived their presence or not been ordered before the Court, showing that there is discretion for the Court to not order physical presence at hearings and only order remote appearance (apart from jurisdiction/disposition and 366.26 hearings).	The committee appreciates the information.
LADL (continued)	Therefore, our committee's suggestion is that Form 451 differentiate between when an order has been made for physical presence vs. remote appearance. There are many hearings at which a parent's presence is not required and it is in the Court's discretion whether to order them physically present, and we do not want clients to be misled to their detriment about their right to appear. We would also recommend that the form not reflect that the prisoner has a right to be present, as that is not necessarily true. #4 might read (changes in bold): 4. Right to attend the hearing You **may** have the right to be physically present at the hearing listed on item 3 on the form JV-450 you received. **If the Court has not ordered you to be physically present, you have the right to appear by videoconference or telephone if the technology is available.** If you **have** the right to be physically present **and waive it**, you may ask the court to appear by videoconference or telephone.	The committee agrees with this suggestion and has incorporated it, with modifications, into the amendments that it is recommending for adoption. The committee deliberated on how best to balance clarity, understanding, and simplicity of use by the parent. The committee chose to revise item 4 of form JV-451 so a parent can choose whether they want to appear physically or remotely and whether they waive remote or physical appearance. This way, a court can determine whether a hearing can move forward if a parent is not present. This item was also revised to inform a parent that the court may move forward with a hearing without the parent.

Commenter	Comment	Committee Response
	If you do not want to appear, the court may move forward with the case without you. **The Court [ ] has [ ] has not ordered you to be physically present.** Do you want to attend the hearing regarding your parental rights? **If the Court has ordered physical presence:** (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. **If the Court has not ordered physical presence:** **(Check one)** **a. Yes, I want to participate by videoconference or telephone.** **b. No, I do not want to participate by videoconference or telephone. I understand that the court may move forward with the case without me.**	
LADL (continued)	I'm reaching out to provide further comment as to our position. LADL is of course supportive of our clients attending in person, and drafting and passing this bill is an extension of our demonstrated commitment to access to justice. The purpose of this bill was to allow for participation for clients who are currently not able to participate – for instance, clients in local custody in other counties are never	The committee appreciates this information.

Commenter	Comment	Committee Response
	transported to court, and as a general rule have not been allowed to participate remotely in the past. Additionally, clients in state custody regularly choose to waive their presence in person because of the travel and loss of privileges associated with attending court. Before AB 651, remote participation was completely discretionary. The stated purpose of AB 651 was to remove that discretion and make remote participation mandatory. Additionally, parents were regularly not ordered to be present, even remotely, for important hearings like reviews of their reunification services. Parents must now be included in these crucial hearings. The only reason we were able to have this bill pass is because we assured stakeholders, including CWDA, that we were not increasing the number of hearings for which parents were required to be present in person. Had that been the intent, the bill very likely would not have passed, because there would have been vociferous opposition due to the significant fiscal impact. We believe mandatory remote participation will be extremely beneficial for our clients, and it was the belief of the sponsoring legislator, all co-sponsoring organizations, and possible opponents that AB 651 would only affect remote participation. Please contact me with any questions.	
Orange County Bar Association (OCBA) by Shirin Fotooran, President	Position: Agree if modified.	The committee appreciates this information.
OCBA (continued)	Both proposed forms JV-450 and JV-451 adequately identify the person to/from whom the order/request is directed.	The committee appreciates this comment and acknowledges the assessment.
OCBA (continued)	Rule 5.530(f)(7) should not be deleted – while this rule has not been successful in promoting uniformity throughout the state in the way incarcerated parents are transported and produced for juvenile court proceedings, different counties may often have unique obstacles or complicating factors in effectuating transportation and/or waivers. This subdivision seems even more important with the latest amendments to Penal Code section 2625, as one can assume that there will be more	The committee appreciates this suggestion but recommends deleting paragraph (7) of subdivision (f) since it has not been effective in promoting uniformity.

Commenter	Comment	Committee Response
	transfers required now that additional hearings are included within that section.	
Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	Position: Agree.	The committee appreciates the comment.
Superior Court of Los Angeles County (continued)	In response to the Judicial Council of California's ITC, "SPR26-29 Juvenile Law: Incarcerated Parents and Nonminor Dependents," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the information and acknowledges the court's assessment.
Superior Court of Los Angeles County (continued)	State prisons and SYTFs generally have the ability to provide telephone conferencing for participation in hearings, including dependency proceedings. However, availability may vary depending on the facility, staffing, and scheduling constraints. County jails may have more limited capability to reliably provide telephone conferencing, which could present challenges in ensuring consistent participation. Overall, while telephone access is often feasible, courts may still encounter logistical issues in coordinating timely participation.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	In regard to proposed form JV-450, the Court agrees that item 5 clearly explains who must read and comply with the court order. It generally explains who must read and comply with the court order, including the warden, superintendent, or other person in charge of the institution. The instructions are clear in identifying responsible parties in the context of dependency proceedings.	The committee appreciates the information and acknowledges the court's assessment.
Superior Court of Los Angeles County (continued)	In regard to proposed form JV-451, the Court agrees that Instruction number 1 clearly explains who must receive the form, including the parent and the guardian in charge of the institution. The instructions provide sufficient guidance for distribution within the context of dependency proceedings.	The committee appreciates the information and acknowledges the court's assessment.
Superior Court of Los Angeles County (continued)	In regard to subdivision (f)(7) of rule 5.530, the Court agrees that it should be deleted. While local collaboration in dependency matters can be beneficial, the lack of statewide uniformity suggests that reliance on local protocols alone has	The committee appreciates the information and recommends deleting subdivision (f)(7).

Commenter	Comment	Committee Response
	not resulted in consistent implementation. Removing this provision aligns with the goal of establishing clearer, standardized procedures through rule and statutory requirement.	
Superior Court of Riverside County by Sarah Hodgson, General Counsel	Position: Generally, in support of this proposal.	The committee appreciates the information.
Superior Court of Riverside County (continued)	Does the proposal appropriately address the stated purpose? Yes, the CRC revisions and revisions to JV-450 and JV-451 do seem to assist in implementation of AB 651 to clarify the specific hearing types parents may attend, and to include Wards who may be in an STRTP.	The committee appreciates the information and acknowledges the court's assessment.
Superior Court of Riverside County (continued)	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? Historically, the court has not had any issues with prisons and SYTFs providing at a minimum telephone conferencing. There may be issues in the local jails which can be addressed. The jails have always been willing to transport, so the lack video/telephone conferencing has not been an issue with juvenile court.	The committee appreciates the information.
Superior Court of Riverside County (continued)	Does proposed form JV-450, item 5, clearly explain who must read and comply with the court order? Yes.	The committee appreciates the information.
Superior Court of Riverside County (continued)	Does proposed form JV-451, Instruction number 1, clearly explain who must receive the form? Yes.	The committee appreciates the information.
Superior Court of Riverside County (continued)	Should subdivision (f)97) [stet] of rule 5.530 be deleted because collaboration at the county level has not led to	The committee appreciates this assessment but recommends deleting paragraph (7) of subdivision (f) since it has not been effective in promoting

Commenter	Comment	Committee Response
	uniformity throughout the state in the way incarcerated parents are transported and produced for juvenile court proceedings? No this should be kept. Having the rule as reference will assist in working towards more cooperation and uniformity at a local level.	uniformity. Over time, practices have become increasingly diverse among counties, and current conditions do not indicate movement toward uniformity. Future collaboration can still occur without a suggestion in rule 5.530.
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? Is so, please quantify. No.	The committee appreciates the information.
Superior Court of Riverside County (continued)	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 the case management systems, or modifying case management systems? Clerk's office and courtroom staff training of the additional requirements may be required. Alerting judicial officers of the updates to the CRC and forms. No updates to the case management system will be required. Coordination with the child welfare agencies and parents/minors counsel may be needed.	The committee appreciates the comment and the court's identification of implementation activities.
Superior Court of Riverside County (continued)	Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates the information.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? This proposal would likely work for courts of any size.	The committee appreciates the information.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree if modified.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the information.
Superior Court of San Diego County (continued)	Are county jails, state prisons, and SYTFs able to provide, at a minimum, telephone conferencing for a parent to participate in a hearing? Unknown.	No response required.
Superior Court of San Diego County (continued)	Does proposed form JV-450, item 5, clearly explain who must read and comply with the court order? Yes.	The committee appreciates the information.
Superior Court of San Diego County (continued)	Does proposed form JV-451, Instruction number 1, clearly explain who must receive the form? Query: Is one blank copy sent to the parent and one blank copy sent to the person in charge? Or is one blank copy sent to both?	The committee appreciates this comment. Rule of court 5.530 requires copies to be sent to the parent and the person in charge.
Superior Court of San Diego County (continued)	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? Since subdivision (f)(7) uses "should" instead of "must," it is not mandatory. Nonetheless, it should remain in the rule to encourage counties to develop procedures and protocols described in paragraphs (A) and (B).	The committee appreciates this assessment but recommends deleting paragraph (7) of subdivision (f) since it has not been effective in promoting uniformity. Over time, practices have become increasingly diverse among counties, and current conditions do not indicate movement toward uniformity. Future collaboration can still occur without a suggestion in rule 5.530.
Superior Court of San Diego County (continued)	Would the proposal provide cost savings? If so, please quantify. Probably. More importantly, it will facilitate compliance with the amended version of PC § 2625.	The committee appreciates the information and acknowledges the court's assessment.
Superior Court of San Diego County (continued)	What would the implementation requirements be for courts for example, training staff (please identify position and expected	The committee appreciates the information and the court's identification of implementation activities.

Commenter	Comment	Committee Response
	hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Updating internal procedures and forms, training judicial officers and staff, and updating filings in the court's case management system.	
Superior Court of San Diego County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates the information.
Superior Court of San Diego County (continued)	How well would this proposal work in courts of different sizes? It appears that the proposal would work for courts of all sizes.	The committee appreciates the information.
Superior Court of San Diego County (continued)	Rule 5.530: Subd. (f), title – Delete "of" before "incarcerated": "Participation in dependency proceedings by a parent who is ~~of~~ incarcerated or a ward …"	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
Superior Court of San Diego County (continued)	Subd. (f), title & first paragraph – Query: When spelled out, should Secure Youth Treatment Facility be entirely in lower case? (See, e.g., PC §2625(a) ["a ward confined in a secure youth treatment facility"].)	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
Superior Court of San Diego County (continued)	Subd. (f), first paragraph – Should the new sentence at the end, which defines "parent" for the subdivision, include a parent "who, upon a verdict or finding that the individual was insane at the time of committing an offense, or mentally to be tried or adjudged to punishment, is confined in a state hospital for the care and treatment of persons with mental health disorders or in any other public or private treatment facility"? (See PC §2625(a).)	The committee appreciates this comment, but has decided not to incorporate this language into the amendment of rule 5.530 because it is beyond the scope of this proposal.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Subd. (f)(1) – Should a detention hearing under §319 be removed? It is not listed in PC §2625(b). (Note: The proposal memo does state that the committee recommends amending 5.530(f) to … [¶¶] … Remove detention hearings under section 319 from court notice requirements; …" (Proposal memo, p. 3.)	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
Superior Court of San Diego County (continued)	Subd. (f)(1)(A) & (B) – Is it correct to say the parent "has the right to be physically **present"** at all of the hearings listed in § 2625(b) (i.e., the hearings listed in subd. (f)(1) of the rule)? Subdivision (b) requires only that the court "shall order **notice** … transmitted to the prisoner." Under an alternative interpretation, it would be more accurate to write, "Notice of the hearings set forth in Penal Code section 2625, subdivision (b) must inform the parent of their right to be physically present…" and "Notice of the hearings set forth in Penal Code section 2625, subdivision (b) must inform the parent that they can waive their right to be physically present…." In other words: PC § 2625**(b)** requires **notice** to be transmitted to the prisoner for --FC § 7800 et seq. (freedom from custody) --WIC § 366.26 seeking termination of parental rights --WIC § 300 to adjudicate child as dependent (includes §§ 342, 358, 387) -- WIC § 388 (modification petition if prisoner is petitioner) --WIC 361, 366.21, 366.22, 366.25 (educational/dev'l services rights or review) --Parentage determination PC § 2625**(d)** requires **physical presence** of prisoner, absent waiver --FC § 7800 et seq. (freedom from custody) --WIC § 366.26 seeking termination of parental rights	The committee agrees with this suggestion and amended the rule to reflect the distinction between hearings involving jurisdiction, disposition, and termination of parental rights and the hearings added to subdivision (b) of Penal Code section 2625 by AB 651. The committee acknowledges that based on a plain reading of subdivision (d) of Penal Code section 2625, a court could arguably be required to order production of a parent who requests to appear in person at a hearing described in subdivision (b). However, it also agrees that subdivision (d)'s statement — that a court must not proceed with a hearing involving jurisdiction, disposition, or possible termination of parental rights without the parent's physical appearance or waiver of physical presence — appears to limit the right to appear to those specific hearing types. Accordingly, the committee concludes that a parent's physical appearance or waiver is required only for hearings involving jurisdiction, disposition, or possible termination of parental rights.

Commenter	Comment	Committee Response
	--WIC § 300 to adjudicate child as dependent (includes §§ 342, 358, 387) Arguably, a right to be physically present at all of the hearings listed in § 2625(b) might be inferred from the first sentence of PC § 2625(d) ("Upon receipt by the court of a statement from the prisoner or the prisoner's attorney indicating the prisoner's desire to be present during the court's proceedings, the court shall issue an order for the temporary removal of the prisoner from the institution, and for the prisoner's production before the court"). On the other hand, it can be argued that a right to be physically present (absent waiver) applies only to the proceedings listed in PC § 2625(d): a free-from-custody-and-control hearing (FC § 7800 et seq.), a WIC § 300 jurisdiction/disposition hearing, or a WIC § 366.26 hearing: "A proceeding shall not be held … and a petition … **shall** not be adjudicated without the physical presence of the prisoner or the prisoner's attorney…," but it does not include review hearings (§§ 366.21, 366.22, 366.25), modification petition hearings (§ 388), or hearings where parentage is at issue. The latter hearings are referred to in subdivision (e) with the permissive "may" [an OTP "*may* be made by the superior court…"] as opposed to the "*shall* not" in subdivision (d). (See also PC § 2625(g) ["the right to physical presence at the hearing *pursuant to subdivision (d)*…"], indicating that the right applies only in the proceedings listed in subdivision (d); see also proposed revision of rule 5.530(2)(B) [describing parent's right to physical presence as limited to three types of hearings: jurisdiction, disposition, and § 366.26 to terminate parental rights].) "Penal Code section 2625, **subdivision (d)** requires that a prisoner be permitted to participate in certain dependency proceedings regarding the prisoner's child, if he or she desires. Specifically, it provides that a	

Commenter	Comment	Committee Response
	"petition to adjudge the child of a prisoner a dependent child of the court pursuant," inter alia, to section 300, subdivision (b), "**may not be adjudicated without the physical presence** of the prisoner or the prisoner's attorney, unless the court has before it a knowing waiver of the right of physical presence signed by the prisoner or an affidavit signed by the warden, superintendent, or other person in charge of the institution, or a designated representative stating that the prisoner has, by express statement or action, indicated an intent not to appear at the proceeding.'" (*In re Christopher L.* (2020) 56 Cal.App.5th 1172, 1184.) "Penal Code section 2625 does not apply to each and every hearing in a dependency case. It applies only to hearings adjudicating a child a dependent of the court or hearings terminating parental rights. (In re Barry W. (1993) 21 Cal.App.4th 358, 369–370 … ; Pen. Code, § 2625.) **In any other dependency proceeding**, as indicated in section 2625, subdivision (e), **the production of a prisoner is discretionary**. (See *Barry W.,* at pp. 369–370, ….)" (*In re A.J.* (2022) 77 Cal.App.5th 7, 19, partially superseded by legislative amendment (Stats. 2025, ch. 274, AB 651.)	
Superior Court of San Diego County (continued)	Subd. (f)(2): Consider changing "hearing described in subdivision (1)" to "hearing described in Penal Code section 2625, subdivision (b)."	The committee appreciates this suggestion but prefers to keep the reference to paragraph (1) of the rule to keep it consistent with other references in the rule.
Superior Court of San Diego County (continued)	Subd. (f)(3): Consider changing "hearing described in subdivision (1)" to "hearing described in Penal Code section 2625, subdivision (b)."	The committee appreciates this suggestion but prefers to keep the reference to paragraph (1) of the rule to keep it consistent with other references in the rule.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Subd. (f)(4)(B): Should text be added to require transmission of the order to the probation department of the county in which the ward resides if the ward is in a SYTF in another county? In such cases, which probation department will have the duty to bring the parent to and from court?	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
Superior Court of San Diego County (continued)	Rule 5.900: Consider adding §349 to the parenthetical list of statutes cited in the title of the rule.	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
Superior Court of San Diego County (continued)	Form JV-450: P. 1: See legal arguments above re the limits of a parent's right to be physically present (the hearings listed in subd. (d) rather than the hearings listed in subd. (b). If the parent's right to be physically present is interpreted to apply only to the hearings listed in PC §2625(d), then item 2.b. should be revised (i.e., delete (2), (3), (5), (6).)	The committee appreciates this suggestion and amended the form to reflect the distinction between hearings involving jurisdiction, disposition, and termination of parental rights and the hearings added to subdivision (b) of Penal Code section 2625 by AB 651.
Superior Court of San Diego County (continued)	Form JV-450: P.1: Also, some items use "child" and others use "children." For consistency, "child(ren)" may be used for all items. For example: 2. Court hearing regarding custody of the following child(ren): 2.b.(1) … the court will take authority over your child(ren) if the court finds … 2.b.(2) … will decide whether to limit your control over your child(ren)'s educational or developmental services …	The committee appreciates this suggestion but decided not to make this modification to keep it stylistically consistent with other forms.

Commenter	Comment	Committee Response
	2.b.(3) & (4) … an existing juvenile case for the child(ren) listed above …	
Superior Court of San Diego County (continued)	Form JV-450 P. 2: Item 5.a. uses "where parent is **housed**," but item 7 on page 3 uses "where the parent is "**confined**." Is one preferable to the other? Should the same term be used for both items?	The committee agrees with this suggestion and incorporated the term "confined" in the recommended amendments for renumbered item 6.a. and item 8 of form JV-450.
Superior Court of San Diego County (continued)	Form JV-450 P. 2: Item 5.d.(2): Insert "appearance by" as shown. … of the institution does not have the means to provide appearance by videoconference but does have the means to provide appearance by telephone.	The committee agrees with this suggestion and incorporated it in the recommended amendments for renumbered item 6.d.(2).
Superior Court of San Diego County (continued)	Form JV-450 P. 3: Item 7.a.: Delete "not" before "at least 15 days before the hearing… ." " … in which this order is issued ~~not~~ at least 15 days before the hearing… ."	The committee agrees with this suggestion and incorporated it in the recommended amendments for renumbered item 8.a.
Superior Court of San Diego County (continued)	Form JV-450 P. 3: Item 7.d.: Add "on the parent" or "on the parent and the parent's attorney (if any)" at the end. "… form JV-505 should also be served on the parent." "… form JV-505 should also be served on the parent and the parent's attorney (if any)."	The committee agrees with this suggestion and has incorporated it into the amendments to renumbered item 8.d. that it is recommending for adoption.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Form JV-451 P. 1: Instruction 1: Query -- Is one blank copy sent to the parent and one blank copy sent to the person in charge? Or is one blank copy sent to both? Assuming one blank copy is sent to both, a few suggested revisions: 1. A blank copy of this form is sent to ~~the parent, including a parent in a … (SYTF), and~~ the warden, superintendent, or person in charge of the institution for delivery to the parent, including a parent in a … (SYTF). 2. The warden, superintendent, ~~(~~or person in charge~~)~~ gives ~~a copy of this~~ the blank form to the parent to complete items 1, 3, 4, and 5. 3. … 4. The parent returns the form to the warden, superintendent, ~~(~~or person in charge~~)~~. 5. The warden, superintendent, ~~(~~or person in charge~~)~~ completes item 7 and files this form …. 6. A blank copy of this form is sent to ~~the parent, including a parent in a … (SYTF), and~~ the warden, superintendent, or person in charge of the institution for delivery to the parent, including a parent in a … (SYTF). 7. The warden, superintendent, ~~(~~or person in charge~~)~~ gives ~~a copy of this~~ the blank	The committee appreciates this comment. Rule of court 5.530 requires copies to be sent to the parent and the person in charge.

Commenter	Comment	Committee Response
	form to the parent to complete items 1, 3, 4, and 5. 8. … 9. The parent returns the form to the warden, superintendent, ~~(~~or person in charge~~)~~. 10. The warden, superintendent, ~~(~~or person in charge~~)~~ completes item 7 and files this form ….	
Superior Court of San Diego County (continued)	Form JV-451 P. 2: Item 4: Delete colon after sentence in parentheses.	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
Superior Court of San Diego County (continued)	Form JV-451: P. 2: Item 5: Use boldface for question (for consistency with other items).	The committee agrees with this suggestion and has incorporated it into the amendments that it is recommending for adoption.
Superior Court of San Diego County (continued)	Form JV-451 P. 3: Item 7 & signature line at bottom of page: Should "Official" be replaced with "Warden, Superintendent, or Person in Charge of the Institution"? Declaration of ~~Official~~ Warden, Superintendent, or Person in Charge of the Institution Title of ~~Official~~ Warden, Superintendent, or Person in Charge of the Institution	The committee appreciates this comment but has decided not to make these modifications so the official can state their exact title.
Superior Court of San Diego County (continued)	Form JV-451 P. 3: Item 7.b.: For accuracy. Has the prisoner or ward completed items ~~1–5~~ 1, 3, 4, and 5 of this form?	The committee appreciates this comment and has incorporated it into the revisions it is recommending for approval.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Form JV-451 P. 3: Item 7.b.: Suggested changes. [] No. *(~~If no, c~~Complete (1)-(3) below if the prisoner or ward has indicated their intention to you.)*	The committee agrees with this suggestion and has incorporated it, with modifications, into revisions that it is recommending for approval.
Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee (TCPJAC/CEAC) Joint Rules Subcommittee	Position: Agree with proposed changes.	No response required.

TCPJAC/CEAC Joint Rules Subcommittee	The JRS notes the following impact to court operations:
	
	• Impact on existing automated systems.
	  o New notice requirements that are generated and sent automatically by case management systems will need to be modified. This is a result of new legislation, and not of the proposal.
	• Results in additional training, which requires the commitment of staff time and court resources.
	  o Courts would need to train staff to implement new notice requirements. Staff will need to install and use videoconferencing and teleconferencing systems and maintain and update these systems, which will be recurring costs.
	• Increases court staff workload.
	  o Staff workload increased by increased notice requirements and use of videoconferencing and teleconferencing systems.
	• Impact on local or statewide justice partners.
	  o County jails, state systems and Secure Youth Treatment Facilities could incur costs of
		The committee appreciates this information.

Commenter	Comment	Committee Response
	installing, maintaining and updating videoconferencing and teleconferencing systems, which will be recurring costs. County Sheriff 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 SYFTs. These costs are a result of new legislation, and not of the proposal. The JRS also notes that the proposal is required to conform to a change of law.	
TCPJAC/CEAC Joint Rules Subcommittee	Does the proposal appropriately address the stated purpose? Yes, the proposal adequately meets the new mandates of the new legislation.	The committee appreciates this information.
TCPJAC/CEAC Joint Rules Subcommittee	Does proposed form JV-450, item 5, clearly explain who must read and comply with the court order? Yes.	The committee appreciates this information.
TCPJAC/CEAC Joint Rules Subcommittee	Does proposed form JV-451, Instruction number 1, clearly explain who must receive the form? Yes.	The committee appreciates this information.
TCPJAC/CEAC Joint Rules Subcommittee	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? Unknown.	The committee appreciates this information and recommends deleting paragraph (7) of subdivision (f) since it has not been effective in promoting uniformity.

Commenter	Comment	Committee Response
TCPJAC/CEAC Joint Rules Subcommittee	Would the proposal provide cost savings? If so, please quantify. Very doubtful.	The committee appreciates this information and acknowledges the assessment.
TCPJAC/CEAC Joint Rules Subcommittee	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? Likely, courtroom clerks will need to be trained on the new notice requirements, and case management systems will need to be updated to implement the changes.	The committee appreciates this information and acknowledges the assessment.
TCPJAC/CEAC Joint Rules Subcommittee	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes	The committee appreciates the information.
TCPJAC/CEAC Joint Rules Subcommittee	How well would this proposal work in courts of different sizes? Courts with more complex transportation networks will likely have a more difficult time implementing the housing and transportation requirements of the new legislation. Smaller courts that lack videoconferencing and teleconferencing systems will likely be more impacted. This is a result of the mandatory legislation and not the proposal.	The committee appreciates the information and acknowledges the assessment.

Rules Committee Action Request Form

Item number: 30

Rules Committee Meeting Date: September 9, 2026

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

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; adopt form CIV-180/JV-568; and approve form JV-566.

Advisory committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email)**:**
Stephanie Lacambra, 415-865-7564, stephanie.lacambra@jud.ca.gov

Annual agenda approved by Rules Committee on: October 16, 2025; Amended January 7, 2026
Project description from annual agenda: Item 1 (p.4): 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.

x. (pg.9) 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.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on October 16, 2026

Juvenile Law: Updating Access Rules for Juvenile Case Files Under Senate Bill 413 (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 5.552; adopt form CIV-180/JV-568; approve form JV-566

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
July 21, 2026

Contact
Stephanie Lacambra, 415-865-7564
stephanie.lacambra@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending the California Rules of Court, as well as adopting and approving new forms to implement Senate Bill 413 (Allen; Stats. 2025, ch. 221). The legislation authorizes 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. (See Welf. & Inst. Code, § 827.)

Recommendation

To implement Senate Bill 413 (SB 413), the Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Amend California Rules of Court, rule 5.552[1];

2. Adopt *Proof of Destruction of Juvenile Case File Records* (form CIV-180/JV-568); and

3. Approve *Request to Access Juvenile Case File by Parties Authorized Under Welfare and Institutions Code Section 827* (form JV-566).

The proposed amended rule and new forms are attached at pages 9–17.

Relevant Previous Council Action

The Judicial Council last amended rule 5.552 of the California Rules of Court on January 1, 2026, to clarify the difference between the legal standards for requesting (1) any juvenile delinquency case file or a living child's juvenile dependency case file and (2) a deceased child's juvenile dependency case file under Welfare and Institutions Code section 827.

Analysis/Rationale

Rule 5.552

The Family and Juvenile Law Advisory Committee recommends amending rule 5.552 to clarify the "appropriate steps"[2] 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. The amendments establish clear safeguards to protect confidential juvenile information. Under the proposed changes, civil attorneys must:

1. **File records under seal** when submitting juvenile case file materials in a civil proceeding while representing anyone other than the person who is the subject of those records, unless the court orders otherwise;

2. **Track and recover all copies shared with staff**, including logging who accessed the records and in what format, when access occurred, and when copies were returned; and

3. **Destroy all copies and file proof of destruction** with the court within 60 calendar days after the civil judgment becomes final and no longer subject to appeal.

60-day destruction deadline

The committee recommends a 60-day destruction deadline from the date judgment becomes final because that time period is both sufficient for civil attorneys to comply with their statutory obligations and consistent with confidentiality practices. Under California law, a judgment generally does not become final until the 60-day period for filing a notice of appeal[4] has expired,

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

[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).

an appeal is withdrawn, or (if an appeal proceeds) a remittitur is issued—which may occur years after the judgment is first entered. For this reason, the date of entry of judgment is not a reliable date for starting the destruction timeline.

California law commonly uses a 60-day timeline for handling juvenile records. For example, section 786.5 allows law enforcement and the Department of Justice 60 days to seal juvenile justice records. The committee's recommended approach aligns with this established structure.

Form CIV-180/JV-568

The committee recommends adopting a mandatory 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 60 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 juvenile case number be included in item 3. In response to public comment, the committee recommends that the deadline for filing proof of the destruction date with the court be no later than 60 calendar days after civil judgment becomes final and no longer subject to appeal.

The committee recommends mandatory use of form CIV-180/JV-568 to ensure that both civil and juvenile courts receive consistent notice when juvenile case file records are destroyed. Public commenters urged that the proof of destruction form be filed in both the civil and the juvenile court, and a mandatory form provides a uniform, reliable method for filing this proof with the court. Making the form mandatory also promotes statewide consistency, reduces confusion for filers, and supports accurate recordkeeping across courts. Additionally, because this form will be used in both civil and juvenile courts, the committee recommends the form be cross-numbered as CIV-180/JV-586.

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 recommends optional use of form JV-566 because many counties already use comparable local forms and adopting a statewide optional form preserves flexibility while still promoting clarity and consistency for those authorized to access juvenile case files. In addition, the form is intended only for use by individuals presumptively entitled under section 827. The committee recognized that the more complex access rules for nonminor dependent files under section 362.5 will require additional review and future public comment before any mandatory statewide approach is adopted.

Policy implications

In addition to the changes required by statute for which the policy choices have been made by the Legislature, the committee's recommendations reflect a core policy judgment that the expanded access authorized under SB 413 must be implemented in a manner that protects juvenile confidentiality, promotes statewide consistency, and provides clear procedures for attorneys and courts. By specifying sealing, tracking, and destruction requirements—and by proposing a new optional form for logging access and a mandatory form for filing proof of destruction with courts—the committee seeks to ensure that civil attorneys can fulfill their statutory duties while minimizing the risk of unauthorized disclosure of sensitive information from the juvenile case file. These measures balance expanded access with strengthened safeguards and advance the council's strategic goals of improving access, fairness, diversity and inclusion and the quality of justice and service to the public.

Comments

The proposal circulated for public comment between April 13 and May 18, 2026, as part of the regular spring comment cycle. Ten commenters provided feedback: four superior courts, a county bar association, two professional associations, a legal advocacy organization, an attorney, and an internal joint rules subcommittee. Six commenters agreed with the proposal as proposed, two commenters agreed if modified, and two commenters did not indicate a position.

A chart with the full text of the comments received during the spring 2026 rules cycle and the committee's responses is attached at pages 18–35. The comments focused on proposed revisions to rules and forms designed to streamline procedures, clarify attorney obligations, strengthen confidentiality safeguards, and resolve concerns about accurately identifying, managing, and destroying sensitive juvenile case file records.

Support for statewide forms and strengthened confidentiality protections

Many commenters, including the California Child Support Association (CCSA), the Orange County Bar Association (OCBA), and the Superior Courts of Los Angeles, Orange, Riverside, and San Diego Counties, expressed general support for creating statewide forms to standardize processes for accessing juvenile case file records and filing proof of destruction. They agreed that the proposal improves clarity and accountability through new logging requirements, tracking of distributed copies, and mandatory destruction and proof of destruction.

In response to the Superior Court of San Diego County's concern that rule 5.552 should include explicit references to electronic or digital copies of juvenile file records, the committee incorporated this suggestion into amendments to rule 5.552(f)(2). By clarifying that rule 5.552(f)(2) covers electronic and digital copies, the amendment ensures that SB 413's statewide access and destruction forms apply uniformly across all formats while closing confidentiality gaps by requiring consistent tracking, sealing, and timely destruction of every copy of juvenile records.

Destruction deadline: 60-day period after final judgment
One of the most frequently discussed questions was whether the proposed 90-day destruction deadline is appropriate and reasonable. The Children's Law Center of California (CLC) and the California Lawyers Association, Family Law Section Executive Committee (FLEXCOM) suggested shortening the timeline to 60 days for consistency with other postjudgment deadlines. All court commenters, the Superior Courts of Los Angeles, Orange, Riverside, and San Diego Counties, and the OCBA agreed with the 90-day period. The Superior Court of Orange County suggested clarifying when the destruction window begins.

Public comment prompted the committee to reevaluate the original proposed 90-day destruction period. That timeline was initially selected when the destruction clock was tied to the entry of judgment: 60 days for the appeal period, plus 30 days for administrative tasks. Once the committee determined that the destruction period should instead begin only after the judgment is final, the additional 30 days was no longer necessary. The committee concluded that 60 days from final judgment provides enough time for civil attorneys to complete their statutory duties while still ensuring prompt destruction of records. To promote clarity, the committee recommends revising item 4 on form CIV-180/JV-568 to specify that the destruction period begins when the judgment is "not subject to further appeal and became final."

Filing proof of destruction deadline: 60-day period after final judgment
Commenters proposed various approaches to setting the deadline for filing proof of destruction with the court. Suggestions ranged from a 5–10 day window after destruction (Superior Court of San Diego County), 10–15 day window after destruction (Superior Courts of Los Angeles and Orange Counties), 15–30 day window after destruction (Superior Court of Riverside County), or 60 days after destruction (CLC, FLEXCOM, and OCBA). The committee recommends two parallel 60-day deadlines, starting from when the civil judgment becomes final, for (1) destroying juvenile case file records and (2) filing proof of destruction with the court. Aligning these timelines will ensure consistency, prevent unnecessary delay, and promote reliable compliance monitoring.

Retaining JV-566 as a general statewide form
Commenters who supported maintaining form JV-566 as a general statewide form argue that it promotes uniformity and efficiency because many counties already use similar local forms, making a single statewide form appropriate for all parties authorized under section 827. In contrast, commenters urging that the form be limited to civil attorneys argue that a narrower form would reduce confusion and avoid duplication, pointing to form JV-570 as the existing general mechanism for seeking juvenile records. However, this position overlooks that JV-570 is designed for individuals not authorized under section 827(a)(1), whereas JV-566 is intended for authorized parties and therefore serves a distinct function.

The committee recommends using JV-566 as a general statewide form because it is intended to facilitate access for all parties presumptively authorized under section 827. Many counties already use similar local forms, and adopting a uniform form would promote consistency—

especially in smaller counties that lack resources to create their own. Form JV-570 will continue to serve individuals *not* authorized under section 827(a)(1).

Revisions to proposed form JV-566

Consolidating item 7
The Superior Court of San Diego County suggested adding four subcategories from form JV-566 item 7.b into item 7.a to avoid requiring requestors to seek the agency file when the same documents appear in the court file. This raised the question of whether all categories would then need to be duplicated. To eliminate this confusion, the committee recommends consolidating item 7 into a single checklist of the most common juvenile case file records requested. The committee also recommends including a field for requestors to specify the relevant dates of the records they need to prevent overbroad requests. Because the form is intended for court use, distinctions between court and agency files are unnecessary. Agencies may create their own internal versions as needed. A unified checklist improves clarity and statewide consistency, reduces training and processing burdens, and prevents overly broad requests by encouraging requestors to identify the specific records and relevant dates they need.

Adding nonminor dependent categories
The Superior Court of Orange County suggested adding parties authorized to access a nonminor dependent court file under section 362.5 to form JV-566. However, the committee noted that access rules differ for nonminor dependent files under section 362.5 and may require future review and separate public comment before integration. Thus, the committee does not recommend this change.

Technical changes
Several commenters, including the Superior Courts of Orange and San Diego Counties, suggested adding omitted authorized parties or clarifying certain items. The committee accepted numerous technical suggestions, such as adding persons conducting child custody evaluations, adding "nonminor" where required by statute, correcting typographical errors, clarifying terminology, and revising the description of findings and orders. These changes were incorporated into the final recommended amendments.

Cross-numbering form CIV-180/JV-568 and inclusion of juvenile case number
CLC, FLEXCOM, OCBA, and the Superior Courts of Los Angeles, Orange (in part), and San Diego Counties supported keeping form CIV-180/JV-568 cross-numbered to reflect the connection between the civil proceeding and the confidential source juvenile case file. Several commenters recommended continuing to include the juvenile case number in the caption to ensure accurate identification and tracking. However, some courts—Superior Courts of Riverside and (in certain scenarios) San Diego Counties—expressed concerns about confidentiality if the form is placed in a civil file.

The committee determined that maintaining the juvenile case number in the caption is appropriate because the juvenile case number is already required in item 3 and keeping it in the

caption helps ensure accurate record identification and supports proper tracking and accountability for the required records destruction. To address confidentiality concerns, the committee recommends incorporating a "Confidential" banner and explicit confidentiality instructions in the introduction box of *Proof of Destruction of Juvenile Case File Records* (form CIV 180/JV 568).

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 amending the rule, adopting the new, mandatory form, *Proof of Destruction of Juvenile Case File Records* (form CIV-180/JV-568), and approving the new, optional form, *Request to Access Juvenile Case File by Parties Authorized Under Welfare and Institutions Code Section 827* (form JV-566), would provide significant benefits. These benefits include 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 responsibilities, and confirming that civil attorneys comply with their duty to collect and destroy juvenile case file records obtained in a timely manner upon the conclusion of the civil proceeding. 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 amending rule 5.552 and creating the new forms outweighed any benefits of taking no action.

Restricting juvenile court proof of destruction filing requirement

The committee examined whether to clarify rule 5.552(f)(2)(C) to address when proof of destruction must be filed with the juvenile court, particularly in situations where no juvenile petition—and therefore no juvenile court file—exists. The group considered limiting the requirement to cases with an existing juvenile petition to reduce the administrative burden of creating juvenile court files where none exist, applying the requirement universally to ensure consistent treatment of youth regardless of whether a juvenile petition has been filed, and allowing filing "as appropriate" to preserve judicial discretion in handling form CIV-180/JV-568 submissions without a case number. The committee ultimately decided to require proof of destruction only when a juvenile petition exists to avoid creating new juvenile case numbers solely for the purpose of requiring proof of destruction, thereby reducing the administrative burden on juvenile courts.

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, after reviewing public comment by stakeholders, it decided to recommend form JV-566 as a general form intended to serve as a statewide tool to facilitate access for all parties presumptively authorized under section 827. Many counties already use local forms similar to proposed form JV-566. Adopting a uniform

form will promote clarity and consistency statewide, especially for smaller counties that lack resources to create their own local forms.

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 recommend revising 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. While no substantial ongoing costs are anticipated, courts may incur some one-time operational impacts associated with implementation. Commenters noted that courts will need to update system processes and internal procedures, provide training to judicial officers and staff, and communicate changes to relevant court personnel.

Several courts also identified the need to update case management systems, including creating new filing codes for forms JV-566 and CIV-180/JV-568. Any operational impact should 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 databases and websites, training staff, and distributing the new forms—are expected to be minimal. These changes do not require new technology or infrastructure.

Attachments and Links

1. Cal. Rules of Court, rule 5.552, at pages 9–10
2. Forms JV-566 and CIV-180/JV-568, at pages 11–17
3. Chart of comments, at pages 18–35
4. Link A: Welf. & Inst. Code, § 827
5. Link B: Senate Bill 413

Rule 5.552 of the California Rules of Court is amended, effective January 1, 2027, to read: **(DRAFT)**

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, the 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, including paper, electronic, or digital copies, 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 and in what format,

(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; and

(C) Collecting and destroying all copies of records from the juvenile case file (including the access log), logging the date of destruction, filing proof of the date of destruction with the civil court, and, if a juvenile petition has been filed, with the juvenile court, no later than 60 calendar days from the date of final judgment not subject to further appeal.

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.

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 (4) and (5) for a list of who is allowed access. People listed in (4) can only look at the records. People listed in (5) can look at the records and make copies of them.

If you are a lawyer for a party who is allowed access under section 827, 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) Person making this request

a. Name: _____

b. I am *(check one):*

(1) ☐ A lawyer and have attached a copy of my state bar card and *(check one):*

(a) ☐ Letter of representation.

(b) ☐ Order appointing counsel.

(2) ☐ Not a lawyer and *(check one):*

(a) ☐ Do not have one for this case.

(b) ☐ Have a lawyer for this case *(give your lawyer's information below):*

Lawyer's name: _____

State Bar No.: _____

Firm Name:

_____

c. Contact Information *(Give your lawyer's information if you have one for this case.)*

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Child's name: _____ **Case Number:**

(2) Child's Information

a. Name of child: _____

b. Child's date of birth *(if known):* _____

(3) ☐ 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

(4) 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 *(check all that apply):*

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, or hearing officer) handling custody or visitation issues about the child, and active participants in that family law case (the assigned family court mediator, a court-appointed evaluator or person conducting a court-connected child custody evaluation, investigation, or assessment, 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

Child's name: _____ **Case Number:**

5 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) *(check all that apply):*

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 whose parental rights have not been terminated

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

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 or nonminor, 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 sections 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

Child's name: _____ **Case Number:**

6 The records I want are *(check all that apply and specify date or date range, if known):*

a. ☐ Findings and Orders — from *(date):* _____ to *(date):* _____

b. ☐ Petitions, applications, motions, oppositions, replies, and accompanying memoranda of points and authorities and exhibits — from *(date):* _____ to *(date):* _____

c. ☐ Reports by CASA volunteers — from *(date):* _____ to *(date):* _____

d. ☐ Restraining or protective orders — from *(date):* _____ to *(date):* _____

e. ☐ Reports by social workers — from *(date):* _____ to *(date):* _____

f. ☐ Reports by probation officers — from *(date):* _____ to *(date):* _____

g. ☐ Letters of guardianship — from *(date):* _____ to *(date):* _____

h. ☐ Resource Family Approval records — from *(date):* _____ to *(date):* _____

i. ☐ Emergency response logs — from *(date):* _____ to *(date):* _____

j. ☐ Delivered service logs — from *(date):* _____ to *(date):* _____

k. ☐ Investigative narratives — from *(date):* _____ to *(date):* _____

l. ☐ Relative home assessments — from *(date):* _____ to *(date):* _____

m. ☐ Other *(Specify additional documents or information and the date or date range for each):*

_____

_____

_____

_____

7 I am asking for access to the records in item **6** because there is a *(check all that apply):*

a. ☐ Civil court case pending in *(name of county):* _____

Case Number: _____ Hearing Date: _____

b. ☐ Criminal court case pending in *(name of county):* _____

Case Number: _____ Hearing Date: _____

Child's name: _____ **Case Number:**

7 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: _____

8 ☐ 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 of any individual in the juvenile case file, and information about a sibling or a minor who is not the subject of the juvenile case file, shall 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, and file *Proof of Destruction of Juvenile Case File Records* (form CIV-180/JV-568) with the court **no later than 60 days from the date 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. If you represent a party *other than the subject of the juvenile case file* and you plan to submit juvenile records to the civil court, you must ask the civil court to file those records under seal unless the court gives you permission to file them openly. The person whose records are involved can later ask the court to unseal them, and the court must do so unless there are exceptional circumstances.

Child's name: _____ **Case Number:**

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 use them only 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 are not 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 defined in Welfare and Institutions Code section 827(a)(1)(W)(vii).

(9) 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

CONFIDENTIAL

Clerk stamps date here when form is filed.

Attorneys authorized under Welfare and Institutions Code section 827(a)(1)(W) must use this form to file proof of destruction of the juvenile case file records received with the court, as required by California Rules of Court, rule 5.552(f)(2)(C). This form must be kept confidential and filed within 60 days of the date in item (4).

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:

(1) a. Name: _____ State Bar No.: _____

Firm Name: _____

b. Contact information

Address: _____

City: _____ State: ____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

(2) Name of attorney who requested records:

_____

(3) The request for records from juvenile case *(case no.):*

was made on *(date):*

(4) The judgment in the civil proceeding is not subject to further appeal and became final 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*

SPR26-30 Chart of Comments (DRAFT)

Juvenile Law: Updating Access Rules for Juvenile Case Files Under Senate Bill 413 (amend Cal. Rules of Court, rule 5.552, adopt form CIV-180/JV-568, and approve form JV-566).

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Child Support Association Judicial Council Forms Committee by Michael Smitsky, Executive Director Sacramento	Position: Agree The Committee agrees with the proposal for a general form for optional use by all entities identified under WIC section 827.	The committee appreciates the comment.
Children's Law Center of California (CLC) by Ann Quirk, Policy Attorney	Position: Not indicated. 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? We would suggest keeping a 60-day period as this would keep time limits in line with other final judgment time periods. Given the sensitivity of juvenile records, it is also important to resolve the status of the records as quickly as possible, particularly following the end of a case when it is easy to turn to the next emerging crisis and forget about completed cases.	The committee recommends shortening the destruction deadline to 60 days. The 90-day timeline had been based on the date of entry of judgment, allowing 60 days for the appeal period and 30 additional days for administrative tasks. Once the committee determined that the destruction period should begin only when the judgment is truly final, the extra 30-day administrative buffer was no longer necessary. A 60-day deadline measured from the actual date of final judgment provides sufficient time for civil attorneys to complete required administrative steps while ensuring that confidential records are destroyed promptly.
CLC (continued)	Should proposed form CIV-180/JV-568 remain a cross-numbered civil/juvenile form, or should it be limited to a civil form only? We believe it is best to leave the form cross numbered as this will clarify the form's relevance to the juvenile case. We also suggest that the form be filed both in the civil court and the juvenile court to ensure the juvenile court (and by extension counsel for juvenile clients) can more easily track the use of records outside the juvenile court and also verify destruction of the records at the appropriate time.	The committee agrees with the commenter's suggestion and recommends revising rule 5.552 and form CIV-180/JV-568 to require its mandatory use in civil and, if a juvenile petition has been filed, in juvenile courts to ensure consistent tracking and destruction of juvenile case file records. Making the form mandatory will also promote statewide consistency, reduces confusion for filers, and supports accurate recordkeeping across courts.
CLC (continued)	Should the juvenile case number box be removed from the caption of form CIV-180/JV-568?	The committee appreciates the comment.

Commenter	Comment	Committee Response
	As the body of the form also contains the juvenile case number it does not seem necessary to remove the juvenile case number from the caption. Given a preference that this form be cross-filed in the juvenile and civil cases, the presence of the juvenile case number in the caption will also assist in filing.	
CLC (continued)	Should there be a deadline for filing proof of destruction with the court? If so, what should that deadline be? The proof of destruction should be filed within 60 days to keep it consistent with other post-judgment deadlines and to ensure that this critical step is not overlooked once a case is effectively closed.	The committee agrees with the commenter's suggestion and recommends adopting a 60-day deadline from the date judgment becomes final for filing proof of destruction with the court because that time period provides sufficient time for civil attorneys to comply with their statutory obligations while ensuring records are destroyed promptly based on feedback from stakeholders.
CLC (continued)	Form JV-566: 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). The JV-566 should be limited to civil attorneys under section 827(a)(1)(W). Given the addition of 827(a)(1)(W) and the addition of Rule 5.552(f), a form focused specifically on those requests will limit confusion of the civil case requirements and avoid unnecessary duplication. Form JV-570 already provides a general form for seeking juvenile records and has functioned to provide the information needed to allow for responses when necessary. Additionally many jurisdictions have created protocols, including local forms, for use by other parties entitled to access the records. Making Form JV-566 a general form is likely to add new confusion to a system that already functions well in providing the court and counsel with notice of requested access to juvenile records and allows timely access to the file for parties to the Juvenile Court matter for time-sensitive issues.	The committee considered limiting use of form JV-566 to civil attorneys but ultimately does not recommend doing so under section 827(a)(1)(W) because form JV-566 is intended to serve as a statewide tool to facilitate access for all parties presumptively authorized under section 827. Many counties already use similar local forms, and adopting a uniform form will promote consistency statewide. A mandatory form will also assist smaller courts that lack resources to create their own. In addition, form JV-570 will continue to serve individuals who are not authorized under section 827(a)(1).
California Lawyers Association, Family Law Section Executive Committee (FLEXCOM), by Shanon Quinley, Legislation Chair,	Position: Agree FLEXCOM suggests retaining the 60-day period after the entry of final judgment not subject to further appeal for civil attorneys to fulfill their obligation to destroy juvenile records	The committee recommends shortening the destruction deadline to 60 days. The 90-day timeline had been based on the date of entry of judgment, allowing 60 days for the appeal period and 30

Commenter	Comment	Committee Response
Saul Bercovitch, Chief Governmental Affairs Officer Sacramento	as this would keep the time limit in line with other deadlines that run from entry of the final judgment. Given the sensitivity of juvenile records, it is also important to resolve the status of the records as quickly as possible, particularly following the end of a case when it is easy to turn to the next emerging crisis and forget about completed cases.	additional days for administrative tasks. Once the committee determined that the destruction period should begin only when the judgment is truly final, the extra 30-day administrative buffer was no longer necessary. A 60-day deadline measured from the actual date of final judgment provides sufficient time for civil attorneys to complete required administrative steps while ensuring that confidential records are destroyed promptly.
FLEXCOM (continued)	FLEXCOM suggests that proposed form CIV-180/JV-568 remain a cross-numbered civil/juvenile form as this will clarify the form's relevance to the juvenile case.	The committee appreciates the comment.
FLEXCOM (continued)	It is also suggested that the form be filed both in the civil court and the juvenile court to ensure the juvenile court (and by extension counsel for juvenile clients) can more easily track the use of records outside the juvenile court and verify destruction of the records at the appropriate time.	The committee agrees with the commenter's suggestion and recommends revising rule 5.552 and form CIV-180/JV-568 to require its mandatory use in civil and, if a juvenile petition has been filed, in juvenile courts to ensure consistent tracking and destruction of juvenile case file records. Making the form mandatory will also promote statewide consistency, reduces confusion for filers, and supports accurate recordkeeping across courts.
FLEXCOM (continued)	FLEXCOM supports maintaining the juvenile case number box in the caption of form CIV-180/JV-568. As the body of the form also contains the juvenile case number it does not seem necessary to remove the juvenile case number from the caption. Given a preference that this form be cross-filed in the juvenile and civil cases, the presence of the juvenile case number in the caption will also assist in filing.	The committee appreciates the comment.
FLEXCOM (continued)	FLEXCOM suggests that proof of destruction should be filed within 60 days to keep it consistent with other post-judgment deadlines and to ensure that this critical step is not overlooked once a case is effectively closed.	The committee agrees with the commenter's suggestion and recommends adopting a 60-day deadline from the date judgment becomes final for filing proof of destruction with the court because that time period provides sufficient time for civil attorneys to comply with their statutory obligations while ensuring records are destroyed promptly based on feedback from stakeholders.

Commenter	Comment	Committee Response
FLEXCOM (continued)	FLEXCOM suggests that JV-566 should be limited to civil attorneys under section 827(a)(1)(W). Given the addition of 827(a)(1)(W) and the addition of Rule 5.552(f), a form focused specifically on those requests will limit confusion of the civil case requirements and avoid unnecessary duplication. Form JV-570 already provides a general form for seeking juvenile records and has functioned to provide the information needed to allow for responses when necessary. Making Form JV-566 a general form could add new confusion to a system that already functions well in providing the court and counsel with notice of requested access to juvenile records.	The committee considered limiting use of form JV-566 to civil attorneys but ultimately does not recommend doing so under section 827(a)(1)(W) because form JV-566 is intended to serve as a statewide tool to facilitate access for all parties presumptively authorized under section 827. Many counties already use similar local forms, and adopting a uniform form will promote consistency statewide. A mandatory form will also assist smaller courts that lack resources to create their own. In addition, form JV-570 will continue to serve individuals who are not authorized under section 827(a)(1).
Catrina Griffin Griffin Dependency Advocates, Attorney Stockton	Position: Agree This would drastically improve judicial proceedings and reduce the lengthy and unnecessary litigation currently spent fighting over access.	The committee appreciates the comment.
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree if modified The logging/tracking requirements added to rule 5.552 appear sufficient as "appropriate steps" to protect the information. The 90-day period for destruction of such documents also appears appropriate.	The committee recommends shortening the destruction deadline to 60 days. The 90-day timeline had been based on the date of entry of judgment, allowing 60 days for the appeal period and 30 additional days for administrative tasks. Once the committee determined that the destruction period should begin only when the judgment is truly final, the extra 30-day administrative buffer was no longer necessary. A 60-day deadline measured from the actual date of final judgment will provide sufficient time for civil attorneys to complete required administrative steps while ensuring that confidential records are destroyed promptly.
OCBA (continued)	The addition of new form JV-566 is appropriate, as there should be a statewide form to facilitate the process of providing juvenile case files to those presumptively entitled under section 827 (numerous counties, including Orange County, currently have local forms that are similar to the proposed JV-566).	The committee appreciates the comment.

Commenter	Comment	Committee Response
OCBA (continued)	Proposed form CIV-180/JV-568 should remain a cross-numbered civil/juvenile form, and should retain the box for inputting the juvenile case number.	The committee appreciates the comment.
OCBA (continued)	A 60-day deadline for filing the proof of destruction (measured from date of destruction discussed above per rule 5.552) would be reasonable.	The committee recommends requiring proof of destruction to be filed no later than 60 days from the final judgment to ensure that the filing is contemporaneous with the destruction of records and aligned with the updated timeline.
Superior Court of California, County of Los Angeles by Stephanie Kuo, Legislative Analyst	Position: Agree. The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-30 Juvenile Law: Updating Access Rules for Juvenile Case Files Under Senate Bill 413," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the comment.
Superior Court of Los Angeles County (continued)	The proposed safeguards, including logging access, tracking distribution, and requiring proof of destruction, appear sufficient to ensure accountability. Additional steps may not be necessary. However, providing clear guidance or reminders to attorneys regarding compliance expectations may further support consistent adherence to these requirements.	The committee appreciates the comment. The committee recommends revising rule 5.552 to set out clear guidance for civil attorneys on the appropriate steps required for compliance with statutory obligations under section 827(a)(1)(W).
Superior Court of Los Angeles County (continued)	The Court agrees that a 90-day period after the entry of final judgement not subject to further appeal is sufficient for civil attorneys to fulfill their obligation to destroy juvenile records. It aligns with the appellate timeline and provides a reasonable administrative window for attorneys to collect, verify, and destroy all copies of the records while ensuring confidentiality is maintained.	The committee recommends shortening the destruction deadline to 60 days. The 90-day timeline had been based on the date of entry of judgment, allowing 60 days for the appeal period and 30 additional days for administrative tasks. Once the committee determined that the destruction period should begin only when the judgment is truly final, the extra 30-day administrative buffer was no longer necessary. A 60-day deadline measured from the actual date of final judgment will provide sufficient time for civil attorneys to complete required

Commenter	Comment	Committee Response
		administrative steps while ensuring that confidential records are destroyed promptly.
Superior Court of Los Angeles County (continued)	In regard to proposed form CIV-180/JV-568, the Court believes the form should remain a cross-numbered civil/juvenile form. Given the records originate from juvenile proceedings but are used in civil matters, maintaining a cross-numbered form promotes clarity and consistency between court types.	The committee appreciates the comment.
Superior Court of Los Angeles County (continued)	In regard to the caption on form CIV-180/JV-568, the Court does not believe the juvenile case number box should be removed. The juvenile case number should remain in the caption because it ensures accurate identification of the records and supports proper tracking and accountability.	The committee appreciates the comment.
Superior Court of Los Angeles County (continued)	The Court agrees that there should be an established deadline for filing proof of destruction with the court. It would promote consistency and accountability. Proof of destruction should be filed within 120 days after final judgment, with a 10–15-day window after actual destruction for submitting the form.	The committee recommends requiring proof of destruction to be filed no later than 60 days from the final judgment to ensure that the filing is contemporaneous with the destruction of records and aligned with the updated timeline.
Superior Court of California, County of Orange by Marina Barragan, Operations Analyst	Position: Not indicated	No response required.
Superior Court of Orange County (continued)	**Request to Access Juvenile Case File by Parties Authorized Under Welfare and Institutions Code Section 827 (form JV-566)** It appears that some parties entitled to inspect and/or receive copies of juvenile case files may not have been included in the form. Orange County would consider adopting the Judicial Council form in lieu of our local form if all entitled parties are captured.	The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amendments that it is recommending for adoption as specified below.
Superior Court of Orange County (continued)	For example, counsel appointed for the minor in a family law case pursuant to Family Code § 3150, referenced in Welfare and Institutions Code (WIC) § 827(a)(1)(L), does not appear to be included.	The committee notes that form JV-566, item 5.c., already includes "counsel appointed for the child" within the parenthetical listing the active participants in the family law case, consistent with the statutory language referenced in Welfare and Institutions Code section 827(a)(1)(L).

Commenter	Comment	Committee Response
		The committee recommends revising the second parenthetical in item 5.c. to include "or person conducting a court-connected child custody evaluation, investigation, or assessment," to conform to statute.
Superior Court of Orange County (continued)	Additional potentially omitted parties include the nonminor (WIC § 362.5) and the Indian child's tribe, whether or not the tribe has intervened (WIC § 224(f)).	The committee does not recommend adding nonminor dependents to form JV-566. The form is intended to list only those persons authorized to access a juvenile case file under section 827 and does not address the narrower categories permitted to access a nonminor dependent court file under section 362.5. Although section 362.5(d) requires individuals without authorized access to petition under section 827, form JV-566 is limited to parties expressly identified as authorized parties in section 827. The committee recognizes that integrating the distinct access rules for nonminor dependent records will require further review by subject-matter experts and juvenile law stakeholders, as well as an opportunity for public comment in a future cycle. The committee notes that form JV-566, items 5.h. and 6.p. already include a "Person serving in a role similar to those enumerated … 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" consistent with Welfare and Institutions Code section 224(f).
Superior Court of Orange County (continued)	Recommend clarifying in Item #6(d) that the parent(s) or legal guardian(s) rights have not been terminated.	The committee agrees with this suggestion and has incorporated it, with a minor alteration, into the amendments that it is recommending for adoption by revising form JV-566, item 6.d. to read "Child's parent or legal guardian whose parental or guardianship rights have not been terminated."
Superior Court of Orange County (continued)	In addition to comments on the proposal as a whole, the Family and Juvenile Law Advisory Committee is interested in comments on the following:	The committee appreciates the comment.

Commenter	Comment	Committee Response
	• Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose. However, suggest targeted refinements to the appeal/finality language as described in comment #3 below.	
Superior Court of Orange County (continued)	• 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? Yes, additional steps may be needed to ensure compliance, such as the civil court having the discretion to set a date to verify that the civil attorney has submitted proof of return and destruction of juvenile case file records.	The committee appreciates the comment and notes that nothing in the proposed recommendations impinges upon the civil court's discretion to set a date to verify that the civil attorney has submitted proof of return and destruction of juvenile case file records received. The committee does not recommend requiring the civil court to set a compliance date because the committee prefers to maintain court discretion to adopt practices that best align with local procedures.
Superior Court of Orange County (continued)	Suggest expressly clarifying that "copies" include electronic copies and working copies maintained in email, shared drives, document-management platforms, expert files, deposition/exhibit files, and vendor systems.	The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption so that rule 5.552(f)(2) reads: <u>Track and ensure the return and destruction of records</u> 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<u>, including paper, electronic or digital copies</u>, 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 <u>and in what format</u>, … The committee notes that rule 5.552(f)(2)(C) already requires that "all copies of records from the

Commenter	Comment	Committee Response
		juvenile case file (including the access log)" be collected and destroyed "no later than 60 calendar days from the date of final judgment not subject to further appeal."
Superior Court of Orange County (continued)	• 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? Yes, a 90-day period after final judgment not subject to appeal appears sufficient. Recommend clarifying that the 90-day period begins after the judgment is no longer subject to further appellate review, rather than from the date judgment is entered. As drafted, the phrase "after the entry of final judgment not subject to further appeal," together with the current wording of CIV-180/JV-568, could be read to start the 90-day period from the judgment-entry date. That reading could create confusion in cases where the time to appeal has not yet expired, the appeal period has been extended, or an appeal remains pending. Recommend revising the rule and CIV-180/JV-568 to state that the destruction period begins when appellate rights have fully expired or appellate review has concluded.	The committee recommends shortening the destruction deadline to 60 days. The committee agrees with the commenter's suggestion to clarify that the destruction deadline begins after the judgment is no longer subject to further appellate review. The 90-day timeline had been based on the date of entry of judgment, allowing 60 days for the appeal period and 30 additional days for administrative tasks. Once the committee determined that the destruction period should begin only when the judgment is truly final, the extra 30-day administrative buffer was no longer necessary. A 60-day deadline measured from the actual date of final judgment will provide sufficient time for civil attorneys to complete required administrative steps while ensuring that confidential records are destroyed promptly.
Superior Court of Orange County (continued)	Civil also recommends that CIV-180/JV-568 include separate fields for: • the date the judgment was entered; and • the date the judgment became no longer subject to further appeal. This clarification would help avoid premature destruction of juvenile case file records and promote consistent implementation across civil case types, including unlimited civil matters governed by CRC 8.104 and 8.108 and limited civil matters governed by CRC 8.822 and 8.823.	The committee does not recommend adding separate fields for the date the judgment was entered and the date it became final because only the latter is used to calculate the destruction deadline for juvenile case file records. Including an additional field would introduce unnecessary complexity without improving the form's clarity or accuracy. However, the committee appreciates the commenter's suggestion and recommends revising item 4 on form CIV-180/JV-568 to read: "The judgment in the civil proceeding is not subject to further appeal and became final on," to more clearly identify the operative date for determining the destruction timeline.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	• Should proposed form CIV-180/JV-568 remain a cross-numbered civil/juvenile form, or should it be limited to a civil form only? Recommend CIV-180/JV-568 remain a cross-numbered civil/juvenile form in case there are juvenile courts that want to receive it. A cross-numbered form better preserves the connection between the civil case and the source juvenile file, improves traceability, and reduces ambiguity about which records were obtained and destroyed.	The committee appreciates the comment.
Superior Court of Orange County (continued)	• Should the juvenile case number box be removed from the caption of form CIV-*180/JV-568?* Yes, as the form would primarily be filed in the civil case rather than the juvenile case.	The committee considered the suggestion to remove the juvenile case number box from the caption of form CIV-180/JV-568 but does not recommend removal because the juvenile case number is already required in item 3, and keeping it in the caption will help ensure accurate record identification and support proper tracking and accountability for the required records destruction.
Superior Court of Orange County (continued)	• Should there be a deadline for filing proof of destruction with the court? If so, what should that deadline be? Yes, recommend a short, clear deadline, such as within 15 calendar days from date of destruction. Without a filing deadline, civil attorneys may destroy on time but file proof inconsistently, which weakens uniform compliance and creates avoidable follow-up questions.	The committee recommends that proof of destruction be filed with the court no later than 60 calendar days from the date judgement becomes final. Aligning the deadlines for records destruction and filing proof of destruction with the court ensures prompt and contemporaneous compliance with statutory duties mandated by section 827(a)(1)(W).
Superior Court of Orange County (continued)	The Family and Juvenile Law Advisory Committee also seeks comments from courts on the following cost and implementation matters: • Would the proposal provide cost savings? If so, please quantify. The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the information.
Superior Court of Orange County (continued)	• What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising	The committee appreciates the comment and the court's identification of implementation activities.

Commenter	Comment	Committee Response
	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, and updating the case management system.	
Superior Court of Orange County (continued)	• Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County.	The committee appreciates the information.
Superior Court of Orange County (continued)	How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee appreciates the information.
Superior Court of California, County of Riverside by Sarah Hodgson, Chief Deputy of Legal Services/General Counsel	Position: Agree Does the proposal appropriately address the stated purpose? Yes, the updates to CRC 5.552, the JV-566, and the CIV-180/JV-568 forms will appropriately address the stated purpose of strengthening the confidentiality protections, clarifying the responsibilities of the civil attorneys, and promote fairness in the civil proceedings.	The committee appreciates the comment.
Superior Court of Riverside County (continued)	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? No, as officers of the court, and as a condition for receiving the confidential juvenile case files, it is the responsibility of the civil attorneys to collect and destroy any juvenile case files obtained. The attorneys will be declaring, under the penalty of perjury, by filing the CIV-180/JV-568 that they have destroyed all files.	The committee appreciates the comment.
Superior Court of Riverside County (continued)	Is a 90-day period after the entry of final judgment not subject to further appeal sufficient for civil attorneys to fullfill [sic]	The committee recommends shortening the destruction deadline to 60 days. The 90-day timeline had been based on the date of entry of judgment,

Commenter	Comment	Committee Response
	their obligation to destroy juvenile records? If not, what should the deadline be, and why? This seems reasonable and follows the models used in federal litigation.	allowing 60 days for the appeal period and 30 additional days for administrative tasks. Once the committee determined that the destruction period should begin only when the judgment is truly final, the extra 30-day administrative buffer was no longer necessary. A 60-day deadline measured from the actual date of final judgment will provide sufficient time for civil attorneys to complete required administrative steps while ensuring that confidential records are destroyed promptly.
Superior Court of Riverside County (continued)	Should proposed for[m] CIV-180/JV-568 remain a cross-numbered civil/juvenile form, or should it be limited to a civil form only? Generally, on other cross-filed documents our court prefers not to display the juvenile case number due to confidentiality reasons. Perhaps this should be filed as a confidential document in the civil case.	The committee agrees that protecting the confidentiality of juvenile case information is essential. To address this concern, the committee recommends that form CIV-180/JV-568 be filed as a confidential document and has included a "Confidential" banner above the caption box and the following language in the introduction box at the top of form CIV-180/JV-568: "This form must be kept confidential." This approach preserves juvenile confidentiality while still allowing the necessary cross-reference to the juvenile case from which the records were obtained.
Superior Court of Riverside County (continued)	Should the juvenile case number box be removed from the caption of form CIV-180/JV-568? Yes.	The committee considered the suggestion to remove the juvenile case number box from the caption of form CIV-180/JV-568 but does not recommend removal because the juvenile case number is already required in item 3 and keeping it in the caption helps ensure accurate record identification and supports proper tracking and accountability for the required records destruction.
Superior Court of Riverside County (continued)	Should there be a deadline for filing proof of destruction with the court? If so, what should that deadline be? Yes. The deadline should be a reasonable time after the 90-day destruction deadline has passed. Perhaps 15-30 court days.	The committee recommends that proof of destruction be filed with the court no later than 60 calendar days from the date judgement becomes final. Aligning the deadlines for records destruction and filing proof of destruction with the court will ensure prompt and contemporaneous compliance

Commenter	Comment	Committee Response
		with statutory duties mandated by section 827(a)(1)(W).
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? Is so, please quantify. No.	The committee appreciates the information.
Superior Court of Riverside County (continued)	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 the case management systems, or modifying case management systems? Implementation requirements would be training court staff, and alerting juvenile and civil judges of the new rules and forms, creating new document filing codes in the case management system for the JV-566 and CIV-180/JV-568. Coordination with the custodian of records of the child welfare agencies to ensure that they are familiar with the law and CRC change, as well as the JV-566 may also be required.	The committee appreciates the comment.
Superior Court of Riverside County (continued)	Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates the information.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? This proposal would likely work for courts of any size.	The committee appreciates the information.
Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	Position: Agree if modified. Q: Does the proposal appropriately address the stated purpose? **A: Yes.**	The committee appreciates the comment.
Superior Court of San Diego County (continued)	Q: Are there any other "appropriate steps" needed to ensure that all copies of the juvenile case file records are returned to	The committee agrees with these suggestions and has incorporated them, with minor alterations, into

Commenter	Comment	Committee Response
	the attorney and destroyed upon conclusion of the civil proceeding? If so, what are they? **A: Should the rule provide for steps needed to ensure that both paper and electronic or digital copies of records are returned and destroyed?**	the amendments that it is recommending for adoption so that rule 5.552(f)(2) reads: 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, including paper, electronic or digital copies, 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 and in what format, …
Superior Court of San Diego County (continued)	Q: 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? **A: Yes.**	The committee recommends shortening the destruction deadline to 60 days. The 90-day timeline had been based on the date of entry of judgment, allowing 60 days for the appeal period and 30 additional days for administrative tasks. Once the committee determined that the destruction period should begin only when the judgment is truly final, the extra 30-day administrative buffer was no longer necessary. A 60-day deadline measured from the actual date of final judgment will provide sufficient time for civil attorneys to complete required administrative steps while ensuring that confidential records are destroyed promptly.
Superior Court of San Diego County (continued)	Q: Should proposed form CIV-180/JV-568 remain a cross-numbered civil/juvenile form, or should it be limited to a civil form only? **A: It should remain cross-numbered for ease of reference in both divisions (civil and juvenile) of the court.**	The committee appreciates the comment.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Q: Should the juvenile case number box be removed from the caption of form CIV-180/JV-568? **A: If this form is to be maintained only in the subject juvenile case file – and not in the civil case file as well – the juvenile case number box should not be removed, but if copies of this form will be in both divisions' files, the juvenile case number box should be removed to protect confidentiality.**	The committee agrees that protecting the confidentiality of juvenile case information is essential. To address this concern, the committee recommends that form CIV-180/JV-568 be filed as a confidential document and has included a "Confidential" banner above the caption box and the following language in the introduction box at the top of form CIV-180/JV-568: "This form must be kept confidential." This approach preserves juvenile confidentiality while still allowing the necessary cross-reference to the juvenile case from which the records were obtained. The committee considered the suggestion to remove the juvenile case number box from the caption of form CIV-180/JV-568 but does not recommend removal because the juvenile case number is already required in item 3 and keeping it in the caption will help ensure accurate record identification and support proper tracking and accountability for the required records destruction.
Superior Court of San Diego County (continued)	Q: Should there be a deadline for filing proof of destruction with the court? If so, what should that deadline be? **A: Yes. Perhaps the deadline to file should be within 5 or 10 days of the destruction of the files.**	The committee recommends that proof of destruction be filed with the court no later than 60 calendar days from the date judgement becomes final. Aligning the deadlines for records destruction and filing proof of destruction with the court will ensure prompt and contemporaneous compliance with statutory duties mandated by section 827(a)(1)(W).
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. **A: No.**	The committee appreciates the information.
Superior Court of San Diego County (continued)	Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee appreciates the comment and the court's identification of implementation activities.

Commenter	Comment	Committee Response
	A: Updating internal procedures, training judicial officers and staff, and updating filings in the court's case management system.	
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? **A: Yes.**	The committee appreciates the information.
Superior Court of San Diego County (continued)	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 information.
Superior Court of San Diego County (continued)	General Comments **Rule 5.552(f):** First sentence: Replace "or" with "the" – … in which the defendant is either the child welfare agency, ~~or~~ the probation department, or an employee of one of those entities, …	The committee agrees with this suggestion and has incorporated it into its recommendations.
Superior Court of San Diego County (continued)	**JV-566:** P. 3, item 6.k.: Should "or nonminor" be inserted after "child"? Per § 827(a)(1)(S)(i), "The attorneys in an administrative hearing involving the child or nonminor … ."	The committee agrees with this suggestion and has incorporated it into its recommendations.
Superior Court of San Diego County (continued)	**JV-566:** P.3, item 7: Include check boxes for reports by social workers, reports by probation officers, psychological or psychiatric reports, and letters of guardianship. These documents are in the court file. Allowing a petitioner to request them from the court file would save the time of having to request the agency file.	The committee recommends consolidating item 7 into a single checklist of juvenile case file components because the form is intended for court use, and distinctions between court and agency files are unnecessary. Agencies may create their own internal versions as needed. The revised item will also include a field for requestors to specify relevant dates. A unified checklist will improve clarity and statewide consistency, reduce training and processing burdens, and encourage requestors to identify the specific records and relevant dates they need and prevent overly broad requests.
Superior Court of San Diego County (continued)	**JV-566:** P. 3, item 7.a.(1): Should "Orders" be changed to "Court Findings and Orders"?	The committee agrees with this suggestion and has incorporated it, with a minor alteration, into the amendments that it is recommending for adoption.

Commenter	Comment	Committee Response
		The committee recommends including "Findings and Orders" in item 7.a.(1) of form JV-566.
Superior Court of San Diego County (continued)	**JV-566:** P. 3, item 7.a.(8): Delete "*of information*" as unnecessary?	The committee appreciates the comment and has corrected "of information" to "or information."
Superior Court of San Diego County (continued)	**JV-566:** P. 4, item 7.b.(15): Delete "*of information*" as unnecessary?	The committee appreciates the comment and has corrected "of information" to "or information."
Superior Court of San Diego County (continued)	**JV-566:** P. 5, item 9.a.: Per WIC § 827(a)(1)(W)(iii): "Immigration status of any individual in the juvenile case file and information about a siblings or ~~other~~ a minors ~~in~~ who is not the subject of the juvenile case file remain confidential unless … "	The committee agrees with this suggestion and has incorporated it, with a minor alteration, into the amendments that it is recommending for adoption so that form JV-566, item 9.a. will read: "Immigration status of any individual in the juvenile case file, and information about a sibling or a minor who is not the subject of the juvenile case file, shall remain confidential unless the juvenile court orders release"
Superior Court of San Diego County (continued)	**JV-566:** P. 5, item 9.c.: Replace period at the end of the sentence with a semicolon for consistency.	The committee agrees with this suggestion and has incorporated it into its recommendations.
Superior Court of San Diego County (continued)	**JV-566:** P. 6 first bullet point: Change to "You can ~~only~~ use them only as California law allows."	The committee agrees with this suggestion and has incorporated it into its recommendations.
Superior Court of San Diego County (continued)	**JV-566:** P. 6 third bullet point: Change "aren't" to "are not a part of this case…"	The committee agrees with this suggestion and has incorporated it, with a minor alteration, into the amendments that it is recommending for adoption.
Superior Court of San Diego County (continued)	**JV-566:** P. 6 fifth bullet point: Change "allowed under" to "described in" and change "(vi)" to "(vii)"	The committee agrees with this suggestion and has incorporated it, with a minor alteration, into the amendments that it is recommending for adoption so that the fifth bullet point on page 6 will read: "defined in"
Superior Court of San Diego County (continued)	**CIV-180/JV-568:** Boxed instructions: Suggested changes – ~~Civil a~~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 California Rules of Court, rule 5.552(f)(2)(E).	The committee agrees with this suggestion and has incorporated it into its recommendations.

Commenter	Comment	Committee Response

TCPJAC/CEAC Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	Position: Agree
	The JRS notes the following impact to court operations:
	• Impact on existing automated systems.
	  o Case management systems will need to be updated.
	• Trial court labor or employment related issues and/or concerns
	• Results in additional training, which requires the commitment of staff time and court resources.
	  o Revision of forms and amendment of rule to conform to law will create a need to train staff and judicial officers.
	
	The JRS also notes that the proposal is required to conform to a change of law.
		The committee appreciates the comment.

Rules Committee Action Request Form

Item number: 31

Rules Committee Meeting Date: September 9, 2026

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

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; revise form JV-710; approve form JV-711

Advisory 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: January 7, 2026
Project description from annual agenda: New Project #3, 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)

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council *of* California

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courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on October 16, 2026

Juvenile Law: Physical Transfer of a Party in Custody (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 5.770; approve form JV-711; revise form JV-710

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
July 28, 2026

Contact
Eric Divine, 415-865-4903
eric.divine@jud.ca.gov

Executive Summary

Senate Bill 823 (Stats. 2020, ch. 337) established a new statutory process governing when and how a party whose juvenile case has been transferred to criminal court may be physically transferred from a juvenile facility to an adult facility. The Court of Appeal decision in *Gabriel M. v. Superior Court* (2024) 107 Cal.App.5th 446 highlighted conflicts between Welfare and Institutions Code section 208.5 and the rule and form implementing that statute. The Family and Juvenile Law Advisory Committee recommends amendments to California Rules of Court, rule 5.770, revisions to *Order to Transfer Juvenile to Criminal* Court (form JV-710), and adoption of new form *Order Regarding Housing in Adult Facility* (form JV-711) to align them with statutory requirements and ensure statewide consistency.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Amend California Rules of Court, rule 5.770,[1] to remove provisions authorizing physical transfer at the time of the juvenile transfer hearing and clarify that the party remains in a juvenile facility unless transferred under Welfare and Institutions Code section 208.5;[2]

2. Revise *Order to Transfer Juvenile to Criminal Court Jurisdiction* (form JV-710) to remove obsolete statutory references, delete outdated detention-related orders, and improve clarity through structural and terminology updates; and

3. Approve new optional form *Order Regarding Housing in Adult Facility* (form JV-711) to provide a standardized format for the hearing and findings required under section 208.5.

The proposed amended rule and the new and revised forms are attached at pages 5–9.

Relevant Previous Council Action

No previous council action on these forms has bearing on the current recommendations. The present proposal is the first requiring alignment of rule 5.770 and forms JV-710 and JV-711 with the new statutory scheme.

Analysis/Rationale

The Family and Juvenile Law Advisory Committee recommends amending rule 5.770, revising JV-710, and approving JV-711 to comply with section 208.5. Senate Bill 823 (Stats. 2020, ch. 337) repealed statutory provisions allowing courts to order physical transfer of a party at the same time their case was transferred from juvenile court to adult court. It replaced these provisions with section 208.5, which creates a presumption of continued juvenile housing and limits physical transfer to situations where the probation department petitions the juvenile court, and the juvenile court makes written findings after considering statutory criteria. As outlined in *Gabriel M*,[3] rule 5.770 and form JV-710 currently conflict with section 208.5 because both provide for an order physically transferring a person to an adult facility at the time their juvenile case is transferred, which is no longer permitted.

Rule 5.770

The committee recommends that rule 5.770 be amended to remove the clause allowing the juvenile court to make orders regarding the appropriate facility for the youth at the same hearing where the juvenile court considers transferring the juvenile case to criminal court, and add a

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

[2] All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

[3] *Gabriel M. v. Superior Court, supra,* 107 Cal.App.5th at pp. 454–456.

clause specifying that the youth must be housed in a juvenile facility unless moved to an adult facility consistent with section 208.5.

Form JV-710

The committee recommends revising form JV-710 to eliminate the order for physical transfer at the time of the court is considering transferring jurisdiction of proceedings from juvenile to criminal, since this is no longer permitted by law. Additional recommended form revisions improve consistency, clarity, completeness, and structural elements.

Form JV-711

The committee recommends approving new optional form JV-711 to help courts properly record the findings required by section 208.5. This form will support uniform practices across the state and minimize the chance of failing to meet statutory requirements.

Policy implications

The recommendations advance statewide consistency in implementation of section 208.5 and reduce the risk of unlawful or premature transfers of youth to adult facilities. They ensure courts accurately document findings required by statute and respond to appellate concerns outlined in *Gabriel M*. They also clarify procedural expectations for parties and agencies, particularly the probation department, district attorney, and juvenile court.

Comments

The proposal circulated for comment from April 13 to May 18, 2026, as part of the spring 2026 rules and forms cycle. Five organizations submitted comments: two superior courts, one local bar association, the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, and the California Court Appointed Special Advocate (CASA) Association. Three commenters agreed with the proposal as drafted, and two agreed if modified. No commenters disagreed with the proposal. A chart containing the full text of all comments received and the committee's responses is attached at pages 10–15.

General support

Most commenters agreed that the proposed amendments are necessary to align rule 5.770 and forms JV-710 and JV-711 with the statutory requirements of section 208.5 and the Court of Appeal decision in *Gabriel M.* Commenters noted that the proposal appropriately removes obsolete authority for physical transfer at the jurisdiction-transfer stage and clarifies the respective responsibilities of the court and probation department in transfer determinations.

Comments on documenting statutory criteria

Several commenters addressed whether form JV-711 should include separate fields for describing the circumstances considered under each of the five statutory criteria in section 208.5, rather than a single combined field. Two commenters supported separate fields to ensure complete documentation of each required factor; one commenter preferred a single combined field. After reviewing the feedback,

the committee recommends revising the form to create separate fields, promoting statewide consistency and ensuring judicial officers address each criterion individually.

Comments regarding detention findings
Commenters disagreed on whether form JV-711 should include an explicit finding that the court previously ordered the party detained. The Joint Rules Subcommittee indicated that such a finding is unnecessary, while the Superior Court of Los Angeles County thought including the finding would clarify the procedural posture. The committee considered both views and concluded that the additional finding would not have an adverse impact on the use of the form. Therefore, the finding has been added to form JV-711.

Comments on transportation-related orders
Multiple commenters suggested that form JV-711 include space for orders directing the agency responsible for the party's house to physically transport the party between locations. These commenters noted that clear direction is necessary to avoid miscommunication between juvenile and adult court–based transportation units. The committee agreed with these comments and incorporated revisions to ensure that orders can be directed to the responsible agency.

Comments suggesting clarity for juvenile housing orders
The Superior Court of Riverside County expressed concern that the revised form JV-710 could inadvertently lead to confusion about the proper housing location of a party whose case is transferred to criminal court, and recommended explicit language confirming continued detention in a juvenile facility unless a transfer is ordered under section 208.5. The committee agrees that clarity is essential and has included clarifying language affirming the statutory presumption of continued housing in a juvenile facility.

Alternatives considered
The committee considered declining to amend the rules and forms but concluded that such inaction would leave Judicial Council materials in conflict with current law, creating significant legal and practical risks. The committee also considered not adopting form JV-711 but determined that the courts and justice partners would benefit from a standardized form to ensure complete and consistent documentation of findings statewide.

Fiscal and Operational Impacts

Courts will need to conduct training for judicial officers and court staff on the amended rule, revised form, and approved form, and incur minor costs related to printing, distributing, and integrating the forms. However, no significant long-term fiscal impacts are anticipated.

Attachments and Links

1. Cal. Rules of Court, rule 5.770, at page 5
2. Forms JV-710 and JV-711, at pages 6–9
3. Chart of comments, at pages 10–15
4. Link A: Senate Bill 823

Rule 5.770 of the California Rules of Court would be amended, effective January 1, 2027, to read:

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) ***

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*
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:

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) ☐ Other relevant evidence *(describe):*

b. The party was previously ordered detained, and 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 and detained in a juvenile facility.

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:

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***
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, the party was previously ordered detained, 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 all relevant evidence. For each of the criteria under Welfare and Institutions Code section 208.5(c), the court finds as follows:

   (1) The impact of being held in an adult facility on the physical and mental health and well-being of the party.

   Circumstances considered:

   _____

   _____

   _____

   _____

   (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.

   Circumstances considered:

   _____

   _____

   _____

   _____

CASE NAME:	CASE NUMBER:

2. b. (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.

Circumstances considered:

_____

_____

_____

_____

(4) The capacity of the juvenile facility to provide needed separation of older from younger people given the party currently housed in the facility.

Circumstances considered:

_____

_____

_____

_____

(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.

Circumstances considered:

_____

_____

_____

_____

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. _____ is ordered to transport the party to an adult 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. _____ is ordered to transport the party to a juvenile facility.

Date:

_____

Judicial Officer

SPR26-31 Chart of Comments (DRAFT)

Juvenile Law: Physical Transfer of a Party in Custody (amend Cal. Rules of Court, rule 5.770; revise form JV-710; approve form JV-711)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California CASA Association by Hon. Carol Isackson (Ret.) San Diego	Position: Agree In aligning Forms JV-710 and 7-111 with statutory and case law, the amendments clearly require the court and probation to consider the facts and merits of each youth's situation. A formal weighing of the strengths, weaknesses and needs of the youth by the judge, while also protecting the public, is important in order to avoid mechanical or automatic transfers that fail to consider and include a detailed analysis of a transfer, or not, in each case. A small detail—adding the youth's birthdate to Form 710 is important, as it flags all involved that the youth is young and shouldn't automatically be regarded as an adult, based only upon his or her alleged commission of a serious felony.	The committee appreciates CASA's comments and agrees. A place for the party's date of birth has been incorporated into the forms.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee) (JRS)	Position: Agree if modified **JRS Position: Agree** with proposed changes. The JRS notes the following impact to court operations: • Results in additional training, which requires the commitment of staff time and court resources. o One-time training of Court staff to process the new JV-711 form. The JRS also notes that the proposal is required to conform to a change of law.	The committee appreciates the Joint Rule Subcommittee's comments.

Commenter	Comment	Committee Response
JRS (continued)	**<u>Request for Specific Comments</u>** **Does the proposal appropriately address the stated purpose?** Yes, Proposed changes to CRC 5.770, the modification of form JV-710, and the creation of form JV-711(*Gabriel M. v. Superior Court* (2024) 107 Cal.App.5th 107) appropriately implement the changes made by Senate Bill 823.	The committee appreciates the information.
JRS (continued)	**Would the proposal provide cost savings? If so, please quantify.** Unknown but unlikely.	The committee appreciates the information.
JRS (continued)	**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?** Expected implementation involves 1-2 hours of clerk training, as well as updating party location in CMS systems, which would likely be minimal.	The committee appreciates the information.
JRS (continued)	**Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?** Yes.	The committee appreciates the information.
JRS (continued)	**How well would this proposal work in courts of different sizes?** The proposal would likely work well for courts of all sizes.	The committee appreciates the information.
JRS (continued)	**Should the form have a finding that the court previously ordered the person detained?** This additional finding seems unnecessary to capture in the new form.	The committee appreciates this input. However, based on other comments, the committee has decided to include a finding that the court previously ordered the person detained.

Commenter	Comment	Committee Response
JRS (continued)	**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?** Yes, generally, specific transportation orders are helpful for the transporting agency, and to the court in order to affect the transfer and minimize additional communications.	The committee agrees. The form now includes a space for the court to fill in which agency is responsible for transportation.
Orange County Bar Association Shirin Forootan, President Newport Beach	Position: Agree Proposed form JV-711 is sufficient in its present form. The form does not need a finding that the court previously ordered the person detained, as that can be presumed based on the transfer order itself. Nor does the form need to be expressly directed to the person who will be responsible for the party's housing facility in order to facilitate transportation of the party, as the petitioner would be presumed to be responsible for such arrangements.	The committee appreciates OCBA's comments. However, based on other comments, the committee has decided to include a finding that the court previously ordered the person detained.
Superior Court of Los Angeles County Stephanie Kuo Los Angeles	Position: Agree with proposed changes. **Comments** The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-31 Juvenile Law: Physical Transfer of a Party in Custody," the Court agrees the proposal appropriately addresses the stated purpose. The proposal would not provide cost savings.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train judicial assistants and clerical staff, which would take approximately one hour. Training would focus on understanding the distinction between transfer of jurisdiction and housing determinations, as well as use of the new form JV-711. Courts may also need to update internal	The committee appreciates the comment and acknowledges the court's assessment.

Commenter	Comment	Committee Response
	procedures to reflect the separate hearing requirement under section 208.5. Minor updates to case management systems, such as adding or modifying event codes related to housing hearings, may also be necessary.	
Superior Court of Los Angeles County Stephanie Kuo Los Angeles	Two months is sufficient time for implementation.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	Additionally, the proposal should work effectively across courts of different sizes. Larger courts may require additional coordination to manage separate housing hearings and ensure proper documentation, while smaller courts may experience minimal impact due to lower case volume. Overall, the structured approach and use of standardized forms should support consistent implementation across all courts.	The committee appreciates the information and the court's assessment.
Superior Court of Los Angeles County (continued)	The Court agrees that the form should have a finding that the court previously ordered the person detained. This would provide clarity that the hearing is occurring within the proper procedural context and may assist in ensuring that the order is directed appropriately for transportation and housing purposes.	A finding that the person was previously detained is now included in both forms.
Superior Court of Los Angeles County (continued)	The Court also agrees that it would 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. This would ensure clear communication and assist in the coordination of transportation and housing decisions, particularly when multiple agencies are involved.	The committee agrees. The form now includes a space for the court to fill in which agency is responsible for transportation.
Superior Court of Los Angeles County (continued)	In regard to form JV-711, section 2, the Court believes that providing separate spaces for each of the five criteria would be more helpful. This format would allow the Court to clearly document its consideration of each required factor and promote consistency and completeness in the record.	The committee agrees. The form now has space for the court to document information for each of the five criteria.
Superior Court of Riverside County Sarah Hodgson General Counsel	Position: Agree	The committee appreciates the information.

Commenter	Comment	Committee Response
	Position on Proposal: Generally, in support of this proposal. Would the proposal provide cost savings? Is so, please quantify. No.	
Superior Court of Riverside County (continued)	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 the case management systems, or modifying case management systems? There would be minimal staff training or modifications to the case management system needed. The main implementation requirements would be to make judicial officers, sheriff's department, and probation department staff aware of the changes. The court would need to create new a new hearing code for the "Hearing re: Probation Department Request to Transfer to an Adult Facility". The court will need to create a filing code for the new JV-711.	The committee appreciates the information and acknowledges the court's assessment.
Superior Court of Riverside County (continued)	Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates the information.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? This proposal would likely work for courts of any size.	The committee appreciates the information.
Superior Court of Riverside County (continued)	Does the proposal appropriately address the stated purpose? Yes, but the revised JV-710 could cause confusion. While the revised JV-710 does remove the option of ordering the person to be housed in an adult facility at the time of the transfer to adult court (because it is no longer permitted), the form should still contain the order that the minor is ordered housed at a juvenile facility in the event that they are not released. The JV-710 is often referenced by court and Sheriff's Department	The committee agrees. Form JV-710 now contains an order that the party remains detained in a juvenile facility if the court denies the motion to transfer the case to criminal court.

Commenter	Comment	Committee Response
	transportation staff at adult courts that are not familiar with juvenile law and juvenile court processes. Not having a clear order on the form stating that the minor is to be housed at a juvenile facility may cause confusion and could lead to a minor, even if temporarily, being housed at an adult facility. Consider adding at item 4-COURT ORDER sub (b)(5) " ☐The party is ordered detained in juvenile hall".	
Superior Court of Riverside County (continued)	Should the form have a finding that the court previously ordered the person detained? Which form? The JV-710 or the JV-711. This finding could be useful in both forms.	The committee agrees. A finding that the person was previously detained is now included in both forms.
Superior Court of Riverside County (continued)	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? Space for each of the five criteria would be more useful and ensure that no findings are missed.	The committee agrees. The form now has space for the court to document information for each of the five criteria.

Rules Committee Action Request Form

Item number: 32

Rules Committee Meeting Date: September 10, 2026

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

Title of proposal: Probate Conservatorship: Duties of Conservator and Acknowledgment of Receipt

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Amend Cal. Rules of Court, rule 7.1051; adopt form GC-346-INFO; revise form GC-348

Advisory committee or other entity submitting the proposal:
Probate and Mental Health 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: October 16, 2025
Project description from annual agenda: 3. The committee will develop a recommendation for revisions to Duties of Conservator and Acknowledgment of Receipt of Handbook for Conservators (form GC-348), the form used to implement the requirement in Probate Code section 1834, to conform to changes in the law enacted since 2011, particularly changes enacted by Assembly Bill 1663 (Stats. 2022, ch. 894). Recommended revisions may lead to separation of this form into two separate forms, one to explain the duties and liabilities of a conservator and another for the conservator to file with the court to acknowledge receipt of the required materials. If the committee recommends two separate forms, it will also recommend amending rule 7.1051 to reflect that separation.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-134

For business meeting on October 16, 2026

Probate Conservatorship: Duties of Conservator and Acknowledgment of Receipt (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 7.1051; adopt form GC-346-INFO; revise form GC-348

Recommended by
Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
July 28, 2026

Contact
Corby Sturges, 415-865-4507
corby.sturges@jud.ca.gov

Executive Summary

To conform to changes in conservatorship law and reduce procedural confusion, the Probate and Mental Health Advisory Committee recommends amending one rule of court, adopting one form, and revising one form. The new form provides an updated statement of the duties of a conservator formatted as a plain-language information sheet for the court to distribute to each newly appointed conservator. A conservator would use the revised form to acknowledge receipt of the statement of duties and the Judicial Council's *Handbook for Conservators* as required by Probate Code section 1834. The rule amendment clarifies the conservator's duty to sign and file the acknowledgment of receipt and updates references to the form numbers and titles.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Adopt *Duties of Conservator—Probate* (form GC-346-INFO) for mandatory use as the statement of duties and liabilities of a conservator required by statute;

2. Amend California Rules of Court, rule 7.1051 to update references to the new and revised forms; and

3. Revise *Duties of Conservator and Acknowledgment of Receipt of* Handbook for Conservators (form GC-348) for stand-alone use as an acknowledgment of receipt of both form GC-346-INFO and the *Handbook for Conservators*, retitling it *Conservator's Acknowledgment of Receipt of Information*.

The proposed amended rule and the new and revised forms are attached at pages 7–13.

Relevant Previous Council Action

In response to a new statutory requirement, the Judicial Council adopted form GC-348 by circulating order, effective February 6, 1992.[1] The council last revised form GC-348 effective January 1, 2011, to reflect changes in the law.[2]

Effective January 1, 2001, the council adopted California Rules of Court, rule 7.1051 to require each conservator to "execute and file" the acknowledgment of receipt "before the court issues letters" and identified form GC-348 as the form to be used.[3]

Analysis/Rationale

Probate Code section 1834(a) requires every conservator, before the court clerk issues letters of conservatorship,[4] to file with the court an acknowledgment of receipt of (1) a statement of the duties of a conservator and (2) information specified in section 1835.[5] These statutes charge the

[1] Judicial Council of Cal., Staff Rep., *Circulating Order—New Legal Form for Probate Conservatorships* (Jan. 30, 1992). See Judicial Council of Cal, Advisory Com. Rep., *Legal Forms—Conservatorships and Family Law* (Oct. 16, 1991), p. 1.

[2] Judicial Council of Cal., Advisory Com. Rep., *Probate: Statement of Duties and Liabilities of Conservators* (Sept. 25, 2010).

[3] Judicial Council of Cal., Advisory Com. Rep., *Probate Rules: Pleadings, Trusts, Guardianships, and Conservatorships* (Oct. 18, 2000), at pp. 2, 3. All further rule references are to the California Rules of Court.

[4] Letters of conservatorship serve as evidence of the conservator's appointment, oath of office, and, if required, bond. See Prob. Code, § 2310. All further unspecified statutory references are to the Probate Code.

[5] Section 1834 was enacted by Senate Bill 1022 (Stats. 1991, ch. 1019, § 1) effective January 1, 1992. SB 1022 also amended Probate Code section 1835 to require every court to provide all conservators with specific information. (§ 1835(a).) The council distributed the first edition of the *Handbook for Conservators* in February 1992 in fulfillment of this mandate.

Judicial Council with developing the acknowledgment of receipt, the statement of duties, and a package containing the information required by section 1835.[6]

Since 2011, the last time the council revised form GC-348, the law governing conservatorships has changed several times. Significant legislation in the past five years alone includes:

- Assembly Bill 1663 (Stats. 2022, ch. 894; see Link A), which amended the law to clarify a conservator's duty to accommodate the conservatee's preferences, add to the information the council must include in the handbook, and enumerate the conservatee's rights;

- Senate Bill 280 (Stats. 2023, ch. 705; see Link B), which amended the law to require a conservator of the person to develop a comprehensive care plan for the conservatee and file it with the court within 120 days of appointment; and

- Senate Bill 1106 (Stats. 2024, ch. 455; see Link C), which amended the law to expand the notices required of a change of the conservatee's residence and of the conservatee's death as well as the persons entitled to receive those notices.

The recommended revisions incorporate these changes. In addition, the committee recommends transitioning from one form that performs two functions to two separate forms, each of which performs a single function. Although the council adopted a single form to serve both functions, section 1834 does not require this combination.[7] Both reports to the council leading to the adoption of form GC-348 recognize that section 1834 requires the council to prescribe two items: the statement of duties and the acknowledgment of receipt.[8] Separating the acknowledgment from the statement of duties alleviates the need for a conservator to make or obtain multiple copies of the statement so they can keep one or more for reference while filing the signed original with the court. Reducing the filed form to one page by removing the informational pages also reduces uncertainty and promotes efficiency for court users and many courts.

Duties of Conservator—Probate **(form GC-346-INFO)**

The committee recommends adopting *Duties of Conservator—Probate* (form GC-346-INFO) as a stand-alone mandatory form to serve as the statements of duties and liabilities of a conservator required by section 1834(a). This form replaces the portion of form GC-348 that currently serves as the statement of duties and liabilities. The new form includes duties added to the law since form GC-348's last revision in 2011. It also abbreviates many of the existing form's descriptions of duties and instead refers conservators to the *Handbook for Conservators* for more detail. The handbook explains in much greater depth all the duties discussed on the form. Because the law requires a conservator to receive both the form and the handbook, the conservator will have

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[6] §§ 1834(a), 1835(c).

[7] § 1834(a).

[8] Judicial Council of Cal., Staff Rep., *Circulating Order—New Legal Form for Probate Conservatorships*, *supra* note 1, at p. 1; Judicial Council of Cal, Staff Rep., *Legal Forms—Conservatorships and Family Law*, *supra* note 1, at p. 1.

access to the handbook's detailed explanations regardless of whether the form contains them. The committee's recommendation therefore reduces duplicate information without depriving a conservator of the resources needed to perform their duties under the law.

In addition, the new form presents information about a conservator's duties in the plain-language format used for information sheets directed to self-represented litigants. This format uses a larger typeface and breaks the text into two columns to increase readability while conserving space.

Duties of Conservator and Acknowledgment of Receipt of Handbook for Conservators (form GC-348)

The committee recommends revising form GC-348 for mandatory use exclusively as the acknowledgment of receipt, which is on page 7 of the existing form, and retitling the form *Conservator's Acknowledgment of Receipt of Information* to specify its intended use. The revised form provides a conservator with a simple, one-page form to sign and file with the court the required acknowledgment of receipt of form GC-346-INFO and a copy of the *Handbook for Conservators*, either online or in paper form.

Rule 7.1051

The committee recommends amending rule 7.1051 to replace the rule's reference to existing form GC-348 with a reference to new form GC-346-INFO, add a separate reference to revised form GC-348, and require each conservator to sign and file form GC-348 to acknowledge receipt of both form GC-346-INFO and the handbook.[9]

Policy implications

This recommendation promotes modernization of management and administration (Goal III of the *Strategic Plan*) by giving courts simple, up-to-date information for use to fulfill their duty under section 1834. It also promotes quality of justice and service to the public (Goal IV) by simplifying processes for self-represented conservators.

Comments

The proposal circulated for public comment in the regular spring 2026 invitation-to-comment cycle. It received six comments. Three commenters—the Superior Court of Los Angeles County, the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, and Disability Rights California (joined by four more organizations)—agreed with the proposal as circulated. The Orange County Bar Association agreed if modified. The Superior Court of Orange County did not indicate a position, but the court's comments generally supported the proposal and suggested a clarification on form

[9] The separation of the forms allows amendment of rule 7.1051 to increase legal accuracy. Section 1834(a) requires a conservator to acknowledge receipt of both the statement and the handbook. As it currently reads, rule 7.1051 requires a conservator to file "an acknowledgment of receipt of the *Duties of Conservator and Acknowledgment of Receipt of Handbook* (form GC-348)"—that is, receipt of the form but not the handbook, which is mentioned only in the title of the form. On the other hand, the current form title, *Duties of Conservator and Acknowledgment of Receipt of* Handbook for Conservators, implies that the form is to acknowledge receipt of the handbook alone and not the statement of duties (i.e., the form itself) too.

GC-348. The Superior Court of San Diego County disagreed with the proposal. All commenters, including the Superior Court of San Diego County, agreed that the proposal appropriately addressed its stated purpose. A chart with the full text of the comments received and the committee's responses is attached at pages 14–23.

As discussed above, the current statute and the rule of court require a conservator to file an acknowledgment of receipt before the issuance of letters.[10] The clerk issues letters after the conservator's appointment and qualification.[11] The San Diego court, however, raised a "concern with this being required after appointment, as opposed to before, when it is currently received." The Superior Court of Orange County also noted without objection that staff would need training or written guidance on the requirement that the acknowledgment be filed before letters of conservatorship issue. The committee's recommendation does not, however, alter the timelines currently specified in section 1834(a) or rule 7.1051. The existing timelines do not preclude a court from distributing the forms to all proposed conservators at any time in the proceedings.[12] Nevertheless, no statutory basis exists for *requiring* a petitioner or *proposed* conservator to file the acknowledgment form at all, let alone as a condition of appointment. The committee therefore recommends leaving the requirement in rule 7.1051 in place.

The San Diego court also objected to the proposed separation of the statement of duties and the acknowledgment of receipt into two forms. The court based its objection in part on its understanding of the legal effect of this aspect of the proposal. As explained above, the recommendation does not change the legal duties of the court or the conservator or the timing required for the performance of those duties. It separates the forms to allow each to serve a distinct function under existing law: Form GC-346-INFO serves as the statement of duties to be received and retained by the conservator, and form GC-348 serves as the acknowledgment of receipt of both the statement and the information required by section 1835—that is, the handbook.

The JRS and the Superior Court of Los Angeles County agreed with the separation of functions into two forms. The Superior Court of Orange County thought that the separate acknowledgment form was likely to "make court review more efficient" and that smaller courts would "benefit from the simplified one-page acknowledgment and clearer separation between the information form and the filed acknowledgment."

The Superior Court of San Diego County, however, believed that, "[i]n practice, parties are likely to submit both forms, on paper and electronically, which could create filing issues and result in rejected transactions rather than accepted filings." The court also thought that separating the forms creates additional steps for the court and does not promotes efficiency as suggested.

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[10] § 1834(a); rule 7.1051.

[11] § 2310.

[12] The forms will be available on both the California Courts public website and the Self-Help Guide on their effective date and thereafter.

These concerns notwithstanding, the committee recommends separating the forms according to function. Other courts thought the separation could create efficiencies or raised no concerns about inefficiency. Furthermore, the committee is not aware of a reason, and the San Diego court did not explain, why filing the acknowledgment of receipt form together with a separate statement of duties would lead to the rejection of the filing whereas filing them together as a single form would not.

Alternatives considered

The committee did not consider taking no action. The statement of duties form is outdated and overly detailed; the committee needed to update it. In addition, existing form GC-348 combines the statement of duties with the acknowledgment of receipt of that statement and the handbook; that combination creates the potential for confusion and inefficiency. Two separate forms, each serving a distinct purpose, will limit that potential.

In the invitation to comment, the committee proposed revoking form GC-348 and replacing it with forms GC-348-INFO and GC-349. However, the committee later decided to assign form number GC-349 to a new form being created in a separate proposal. The committee therefore recommends adopting form GC-346-INFO and revising form GC-348 to serve the same purposes as the forms circulated as GC-348-INFO and GC-349 as part of the invitation to comment.

Fiscal and Operational Impacts

The proposal is expected to result in one-time implementation costs to the courts, including the costs of reprogramming case management systems and training staff to process the new acknowledgment form. Self-help center staff will also need training so they are able to assist self-represented conservators. The benefits of conforming to the law, simplifying and reformatting the information form, and separating the acknowledgment of receipt from the statement of duties justify these costs.

Attachments and Links

1. Cal. Rules of Court, rule 7.1051, at page 7
2. Forms GC-346-INFO and GC-348, at pages 8–13
3. Chart of comments, at pages 14–23
4. Link A: Assembly Bill 1663
5. Link B: Senate Bill 280
6. Link C: Senate Bill 1106

Rule 7.1051 of the California Rules of Court is amended, effective January 1, 2027, to read:

Rule 7.1051. Conservator's acknowledgment of receipt of ~~Duties of Conservator~~ information (Prob. Code, § 1834)

Before the court issues letters, each conservator must ~~execute~~ sign and file *Conservator's Acknowledgment of Receipt of Information* (form GC-348) ~~an acknowledgment of receipt of the~~ to confirm they have received *Duties of Conservator—Probate* (form GC-346-INFO) ~~*and Acknowledgment of Receipt of Handbook* (form GC-348)~~ and the Judicial Council's *Handbook for Conservators*.

GC-346-INFO Duties of Conservator—Probate

To the conservator:

This form briefly describes your legal duties as a conservator, including differences if you are appointed as a limited or temporary conservator. It is accurate as of the effective date below, but it is not a substitute for the law itself. You should also read the Judicial Council's *Handbook for Conservators*. The handbook explains in more detail the duties stated on this form.

The handbook is available at no cost online at courts.ca.gov/documents/handbook.pdf. Most conservators use the online version of the handbook. If you would like to buy a paper copy, ask the probate clerk. The court will sell you a paper copy for $20.

Follow these steps:

- Once you have received this form and the handbook, sign form GC-348 (*Conservator's Acknowledgment of Receipt of Information*) and file it with the court.
- Sign the affirmation on page 2 of form GC-349 or GC-350 (*Letters of Conservatorship*), post a bond if you are a conservator of the estate, and meet any other requirements adopted by your local court.
- File form GC-349 or GC-350 and buy several certified copies from the clerk. You'll need to give this form to service providers to prove the court gave you authority to act for the conservatee.
- Read the handbook as well as this form. The handbook explains how to perform duties that are only stated or briefly described on this form.

1 Important terms

- **Conservator:** A person appointed by a court to make decisions and act for another person who cannot take care of their own needs for personal care, food, clothing, or shelter; manage their own financial resources; or both. The court can appoint one conservator to take care of the conservatee's personal needs and health care and a different conservator to manage the conservatee's finances, or it can appoint one conservator to do both.
- **Conservatee:** The person who is not able to take care of their own needs for personal care, food, clothing, shelter, physical health, and safety or to manage their financial resources without a conservator's help.
- **Conservator of the person:** A person appointed by the court who is responsible for making sure the conservatee receives goods and services that meet their needs for personal care, food, clothing, shelter, physical health, and safety.
- **Conservator of the estate:** A person appointed by the court who is responsible for managing the conservatee's financial resources—that is, their money and property.
- **Limited conservator:** A conservator with limited powers and duties appointed for an adult with a developmental disability. A limited conservator has only the powers and duties specified in the court's appointment order.

If you are not the only conservator appointed for a conservatee—for example, if you are the conservator of the person, and another person or company is the conservator of the estate—you need to communicate and work together with the other conservator.

To find full definitions of these and other important terms, look in Appendix F of the *Handbook for Conservators*.

2 Your General Duties

a. You have a duty to respect the rights of the conservatee and protect those rights if someone else tries to limit them. This duty requires you to treat the conservatee with understanding and respect and do what the conservatee wants unless that would violate your other legal duties to the conservatee or cost the conservatee too much money. As much as you can, in light of any limits to the conservatee's ability to understand and communicate, you need to:

- Help the conservatee to be as independent as possible;
- Find out whether the conservatee agrees with your planned decisions and actions for them;
- Consider what the conservatee wants you to do and whether you can do it; and
- Regularly inform the conservatee of the decisions you have made.

b. You have a duty to act only in the conservatee's interest, not in the interest of anyone else, and especially not in your own interest. This is called the duty of loyalty.

c. You have a duty to take care of the conservatee, the conservatee's money and property, or both. If you are a conservator of the estate, you must use care and diligence in managing the conservatee's money and property.

3 Rights of Conservatee

A conservatee has many rights. In addition to this section and the linked forms, Chapter 1 of the *Handbook for Conservators* also discusses a conservatee's rights.

a. A conservatee has the right to:

- Receive from you a copy of your appointment order and pages 1 and 2 of form GC-341 (*Notice of Conservatee's Rights*);
- Receive from the court a copy of form GC-342 (*Personalized Information for Conservatee—Probate*);
- Have a lawyer represent them in court;
- Have the court appoint a lawyer for them if they cannot hire one;
- Ask the court to change conservators;
- Ask the court to end the conservatorship; and
- Buy goods and services to meet their own basic needs and the basic needs of their spouse and children younger than 18 years old.

b. Unless the court has limited or taken away the right, a conservatee also has the right to:

- Receive visits from family and friends;
- Receive personal mail, email, and phone calls;
- Decide whom to have social and sexual relationships with;
- Make their own medical decisions;
- Refuse placement in a locked residential facility;
- Receive and control money they earn from work;
- Make or change their will;
- Get married; and
- Vote.

c. A conservatee may do some things only if the court has given them that right. These may include the right to:

- Decide where to live;
- Make their own educational decisions; and
- Receive and spend money from an allowance if the court ordered you to pay the conservatee an allowance.

  Note: You need to keep records that show you paid the allowance, but you don't need to account for how the conservatee spends it.

Check your appointment order, your letters of conservatorship, and form GC-342 to find out if the court limited any of your conservatee's rights or granted the conservatee any additional rights. Read form GC-341 to learn more about a conservatee's general rights.

d. If the court appointed you as a **limited conservator**, your conservatee keeps the right to make a decision or take an action **unless** the court has specifically taken away that right. In addition, you do not have the power to do something for the conservatee unless the court has given you that specific power in a written order.

Sometimes, the court will take away a limited conservatee's right and not give you the power to exercise that right. For example, if a limited conservatee has no money or property, the court may take away their right to make a contract. But because there is no money or property to manage, the court will not give that power to the limited conservator.

4 Duties of a Conservator of the Person

Your three most important duties as conservator of the person are:

- Completing a care plan for the conservatee, filing it with the court, and then acting to implement it;
- Deciding where the conservatee will live; and
- Making sure that the conservatee gets the medical care they need and can afford.

This section describes each of those duties. More details are provided in Chapter 2 of the *Handbook for Conservators*.

a. You must complete a conservatorship care plan and file it with the court within 120 days of your appointment. The care plan outlines the conservatee's needs and how you will make sure those needs are met. Use mandatory forms GC-355 (part 1) and GC-356 (part 2) to complete the plan. Those forms state all the information the plan must include.

   After you complete and file the plan, you need to deliver copies to the persons listed on form GC-355, but there are some exceptions. Read the instructions on the forms and in Chapter 2 of the *Handbook for Conservators*. If you still have questions, talk to a lawyer or visit your court's self-help center.

b. You must decide where the conservatee will live. The place that you choose must be:

   - In California, unless you asked for authority to move the conservatee to a residence outside of California and the court gave you that authority;
   - In the best interests of the conservatee; and
   - The least restrictive appropriate residence that is available and necessary to meet the conservatee's needs. This means that the place must allow the conservatee the greatest possible freedom and independence while also supporting their treatment or care needs. The conservatee's own long-term home (personal residence) at the time the conservatorship petition was filed is usually the least restrictive appropriate residence. For more information about requirements related to the conservatee's personal residence, read Chapter 2 of the *Handbook for Conservators.*

     (1) *Changing where the conservatee lives*

     If you want to move the conservatee out of their current home, including a care facility or other temporary home, you must give notice of the proposed move both before the move (on form GC-079) and afterward (on form GC-080). In the notice after the move, you must include a declaration stating that the new residence is the least restrictive appropriate residence that is available and necessary to meet the conservatee's needs and that the change of residence is in the conservatee's best interests.

     Unless the court orders you not to, you must give both notices to all the persons who were entitled to receive notice of the petition for appointment of a conservator and anyone who asked for special notice. For a more detailed explanation of the requirements, read Chapter 2 of the *Handbook for Conservators*.

     (2) *Placing the conservatee in a locked facility*

     You may not place the conservatee in a locked facility unless the conservatee has a major neurocognitive disorder (such as dementia) and the court gave you this power. Look at your appointment order (form GC-339 or GC-340) to find out if you have the power.

     Note: As a probate conservator, you may never place the conservatee in a mental health treatment facility.

c. Ensure that the conservatee receives medical treatment appropriate to meeting their health-care needs as specified in the care plan.

   You must make sure that the conservatee's health-care needs are met. There are special rules for how you must meet these needs. Two of the most important rules are:

   (1) In general, you must not authorize or consent to the conservatee's medical treatment if the conservatee objects. But there are exceptions:

   (a) If the court gave you authority in a written order to make decisions about medical treatment, even if the conservatee objects, because the conservatee is not able to make those decisions. If the court gave you this authority, you must make decisions about medical treatment in the conservatee's best interests and consistent with their known preferences and instructions.

   (b) If the court made an order specifically authorizing the treatment.

   (c) In an emergency. That means you believe, based on medical advice, the treatment is required either (1) to relieve severe pain or (2) to address a medical condition that, if not immediately diagnosed and treated, will lead to serious disability or death.

(2) Even if the court has given you the power to authorize medical treatment when the conservatee objects, you do not have the power to consent to giving the conservatee medication for care and treatment of a major neurocognitive disorder (such as dementia) unless the court gave you this power. Look at your appointment order (form GC-339 or GC-340) to find out if you have this power.

For more about the duties of a conservator of the person, read Chapter 2 of the *Handbook for Conservators*.

5 Duties of a conservator of the estate

The conservatee's money, property, and income are called their "estate." Estates can include things like houses, land, and financial accounts.

a. As conservator of the estate, you must:

- Manage the conservatee's finances (for more guidance, see 5b below);
- Protect the conservatee's estate from losing value or being damaged;
- Make a list (inventory) of what is in the conservatee's estate;
- Make sure that the conservatee's bills are paid;
- Invest the conservatee's money and property, as appropriate;
- Make sure that the conservatee gets all the income and benefits that they should;
- Make sure that the conservatee's tax returns are filed and that their taxes are paid;
- Keep accurate financial records; and
- Update the court regularly about the conservatee's financial condition.

b. When performing the duties in item 5a, you must:

- Act prudently and use care and diligence in managing the estate and making investments.
- Get permission from the court before you receive any payment from the conservatee's estate, give a gift of the conservatee's money or property, borrow money, or take out a loan using the conservatee's property as collateral.
- Keep the conservatee's money and property separate from your own money and property and from anyone else's.
- Use interest-bearing accounts and investments.
- File a claim against a person who harms the conservatee or the estate, as appropriate.
- If anyone makes a claim against the conservatee, defend the estate against that claim.
- Find out whether the conservatee qualifies for any public benefits or insurance. If you think they qualify for something that would help them, apply for it for them.
- Figure out if the conservatee is able to manage any of their own money.
- Find the conservatee's estate-planning documents (for example, a will or a trust), keep the documents confidential if appropriate, and protect and maintain the property described in them.
- Make sure that the only people who have access to the conservatee's financial information are the people who should have that access.
- As appropriate, get and keep insurance for property, casualty, and liability for the estate.
- Let family members know and get permission from the court before giving away or getting rid of the conservatee's belongings.

Note: The law places many other limits on what you can do with the estate that are not stated here. For more detailed descriptions of your powers and duties as conservator of the estate, read Chapter 3 of the *Handbook for Conservators*. Pay attention to whether you need court approval for an action you plan to take. If you do need court approval, find out whether you need to get it before you act or can wait until afterward.

If you <u>are</u> required to get the court's approval before acting and you do not, the court may:

(1) Undo (rescind) your action;

(2) Remove and replace you as conservator; and

(3) Order you to pay money back to the estate from your own personal funds if your act caused the estate to lose value.

6 Duties of a limited conservator

If the court appointed you as limited conservator of an adult with a developmental disability, the court granted you some but not all of the powers of a conservator of the person, estate, or both. Your appointment order and letters of conservatorship state your exact powers. If the order and letters don't state a power, you don't have that power, and you don't have a duty to use it. You still have the general duties described in section 2, as well as duties to exercise your specific powers as needed and in the conservatee's best interests.

In addition to your other duties, you must also help the limited conservatee become as independent and self-reliant as possible. You must help them get the treatment, training, services, and education that will help them to take care of their own needs as much as they can.

NOTE: Your duty to help the limited conservatee become self-reliant may require you to go back to the court and ask it to give you one or more additional powers or to take away one or more of your powers.

For more about the duties of a limited conservator, read Chapter 4 of the *Handbook for Conservators*.

7 Duties of a temporary conservator

A temporary conservator has the same kinds of powers and duties as a conservator but must use them only as needed to care for the conservatee or protect their property from loss or damage until the court can decide whether appointing a conservator is necessary. The powers and duties will end on the date the court appoints a conservator or dismisses the petition for appointment.

Because the powers and duties are temporary, you should avoid making long-term decisions or changes that can safely wait until after the court's decision.

Except in an emergency, you may not move a conservatee out of their home unless the court finds, after a hearing, that the move is needed to prevent harm that cannot be fixed and the harm cannot be prevented in a way that is less restrictive of the conservatee's freedom.

You may not sell or give away the conservatee's home or any property in the home without first getting specific court approval after a noticed hearing and court findings that the conservatee will not be able to return to live in the home and the proposed action is needed to prevent harm that cannot be fixed.

For more about the duties of a temporary conservator, read Chapter 5 of the *Handbook for Conservators*.

8 Special rules if the conservatee is married or has a domestic partner

a. **If you are married to the conservatee**, and you file for divorce, legal separation, or annulment, you must let the probate court, everyone in the case, and other people who have an interest in the case (see Prob. Code, §§ 48, 1424) know within 10 days of filing. The court can set a hearing to consider removing you as conservator and appointing a new conservator.

b. **If you are the conservatee's domestic partner** and you end the domestic partnership, you must let the probate court know within 10 days of the date the domestic partnership ends. The court can set a hearing to consider removing you as conservator and appointing a new conservator.

c. **If someone else is married to, or the domestic partner of**, the conservatee, and they file for divorce, legal separation, or annulment or end the domestic partnership, they must let you know in writing within 10 days of filing the papers or ending the partnership. You must then take reasonable steps to protect the conservatee's interests. For more information, see Chapter 1 of the *Handbook for Conservators*.

9 Help understanding your duties

A conservator's legal duties are complicated, and it's important for you to understand them. If you violate your duties because you don't know what you're doing, the court can remove you as conservator and make you pay the estate back for any loss you caused. If you have questions about the duties described in this form and explained in the *Handbook for Conservators*, or you don't understand what the law requires you to do, talk to your lawyer if you have one.

If you don't have a lawyer, your court's self-help center may be able to help you. You can find the court's self-help center location and hours at selfhelp.courts.ca.gov/self-help/find-self-help. If the self-help center helps with conservatorship cases, it will help you for free and give you legal information but not legal advice.

Your court also may have information about other places, such as public law libraries, where you can find legal information in your area.

GC-348

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:		
CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name)*: CONSERVATEE		
CONSERVATOR'S ACKNOWLEDGMENT OF RECEIPT OF INFORMATION		CASE NUMBER:

To the conservator: Complete this form and file it with the court clerk after you have received form GC-346-INFO (*Duties of Conservator*) and a copy of the Judicial Council's *Handbook for Conservators*.

Please review form GC-346-INFO and the handbook carefully. They tell you what the law requires you to do as a conservator. You can get access to the *Handbook for Conservators* online at courts.ca.gov/documents/handbook.pdf. If you prefer to use a paper copy, the court clerk can tell you how to buy one.

If you need help understanding your duties, contact your lawyer if you have one. If you do not have a lawyer, your local court's self-help center may be able to help. Go to selfhelp.courts.ca.gov/self-help/find-self-help to find your court's self-help center.

I have received form GC-346-INFO (*Duties of Conservator*) and a copy of the Judicial Council's *Handbook for Conservators* online at courts.ca.gov/documents/handbook.pdf or on paper.

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 Conservator or Proposed Conservator

Date:

Type or Print Name

▶ Signature of Conservator or Proposed Conservator

Date:

Type or Print Name

▶ Signature of Conservator or Proposed Conservator

Date:

Type or Print Name

▶ Signature of Conservator or Proposed Conservator

This form includes space for up to four signatures for convenience. The law does not prohibit each conservator or proposed conservator from signing and filing a separate form GC-348.

SPR26-32 Chart of Comments

Probate Conservatorship: Duties of Conservator and Acknowledgment of Receipt (Amend Cal. Rules of Court, rule 7.1051; adopt form GC-346-INFO; revise form GC-348)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Disability Rights California (DRC) by William Leiner, Managing Attorney Susan Sindelar, Senior Attorney Sacramento State Council on Developmental Disabilities by Aaron Carruthers, Executive Director Disability Rights Education and Defense Fund by Claudia Center, Legal Director Disability Voices United by Judy Mark, President California Public Defenders Association Legislation Committee by Margo George, Cochair Lesli Caldwell Houston, Cochair Yarrow Neibert, Cochair	[*Note from the committee:* DRC submitted one comment addressing both this proposal and a separate proposal, SPR26-35. The portion of the comment regarding SPR26-35 is provided in the comment chart for that proposal has been omitted here.] Position: Not indicated. We write in support of many of the overarching changes proposed to the Judicial Council forms regarding conservatorships. These changes include [summary of SPR26-35 omitted] the plain language revisions incorporated into the informational form describing the duties of the conservator.	The committee appreciates this comment.
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree if modified. The proposal appropriately addresses the stated purpose.	The committee acknowledges the commenter's agreement with the proposal if it is modified.
OCBA (continued)	It might be appropriate to change references in proposed amended rule 7.1051, proposed amended GC-348-INFO, from "conservator" to "proposed conservator" given that these are to be signed and filed before appointment.	The committee recommends revising each signature block on proposed form GC-348 to indicate that a proposed conservator may sign the form. It does not, however, recommend replacing all references to "conservator" in the proposal with "proposed conservator."

Commenter	Comment	Committee Response
		Probate Code section 1834(a) requires "the conservator" to file an acknowledgment of receipt "before letters are issued." (See Cal. Rules of Court, rule 7.1051 (same).) Although a proposed conservator may sign and file an acknowledgment of receipt before the court issues an appointment order, the law does not require it.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree. In response to the Judicial Council of California's ITC, "SPR26-32 Probate Conservatorship: Duties of Conservator and Acknowledgment of Receipt," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates this comment and acknowledges the commenter's agreement with the proposal.
Superior Court of Los Angeles County (continued)	The proposal will not provide cost savings.	The committee appreciates this information.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train judicial officers and staff who work in the probate unit. Additionally, the Court would need to create a new form. Local form revisions would also be needed and contracted service agencies would need to be notified.	The committee appreciates this information and recognizes the work needed to implement its recommendation.
Superior Court of Los Angeles County (continued)	It is possible to implement the proposal in two months, but additional time is likely needed.	The committee appreciates this information. Because of the number of probate-related rules and forms proposals this year, the committee has recommended deferring the effective date of the proposed new and revised conservatorship petition, order, and letters forms (Invitation to Comment SPR26-35) to July 1, 2027. By staggering the effective dates of the proposals, the committee hopes to reduce the work needed between the council meeting in October and the January 1, 2027, effective date of this and other, less voluminous proposals. The committee does not recommend deferring the effective date of this proposal because multiple commenters on last year's recommended new and revised conservatee's rights forms suggested updating the duties form then or as soon as possible.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	The proposal would work in courts of different sizes.	The committee appreciates this information.
Superior Court of Orange County Appellate/Civil/Probate Divisions)	Position: Not indicated. Q: Does the proposal appropriately address the stated purpose? A: Yes. The proposal appropriately addresses the stated purpose by updating the outdated GC-348 to reflect changes in conservatorship law and by separating the current combined duties/acknowledgment form into two distinct mandatory forms: GC-348-INFO for the conservator duties information and GC-349 for the acknowledgment that must be filed before Letters of Conservatorship issue. The plain-language format and reduced overlap with the *Handbook for Conservators* should make the information easier for nonprofessional conservators to understand, while the separate one-page acknowledgment should make court review more efficient.	The committee appreciates this comment.
Superior Court of Orange County (continued)	Also suggest confirming whether the final GC-349 instructions should address cases involving more than three conservators, such as whether additional GC-349 forms or an attachment should be used for additional signatures.	The committee has revised its recommendation to add to form GC-348 a notice that the law does not prohibit each conservator or proposed conservator in a case from signing and filing a separate form GC-348 to acknowledge receipt of the required information.
Superior Court of Orange County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No measurable direct cost savings are anticipated. The proposal may provide indirect efficiencies by reducing the number of pages that must be filed, reviewed, scanned, or corrected when a conservator acknowledges receipt of required information.	The committee appreciates this information.
Superior Court of Orange County (continued)	Q: What would the implementation requirements be for courts—for example, training staff, revising processes and procedures, changing docket codes in case management systems, or modifying case management systems? A: Implementation would require updating conservatorship procedures, form packets, self-help materials, and Letters	The committee appreciates this comment and notes that, as discussed more fully in the response to the Superior Court of San Diego County below, the statutory requirement that the conservator file the acknowledgment "before letters are issued" has been in effect since January 1, 1992.

Commenter	Comment	Committee Response
	issuance checklists to replace GC-348 with GC-348-INFO and GC-349. Probate filing/case-processing staff, probate examiners, courtroom staff, self-help staff, and supervisors would need brief training or written guidance on the new mandatory forms and the requirement that GC-349 be filed before letters of conservatorship issue. CMS updates will be needed to update filing document names.	
Superior Court of Orange County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, for this proposal alone, two months should generally be sufficient if final forms and final rule text are issued promptly. Implementation would primarily involve replacing GC-348 with GC-348-INFO and GC-349, updating local packets and procedures, and ensuring GC-349 is filed before letters of conservatorship issue. However, because this proposal may be implemented alongside other probate conservatorship form changes, including SPR26-35, courts would benefit from coordinated final materials and as much lead time as possible to update packets, CMS updates, and letters issuance workflows consistently.	The committee appreciates this information and recognizes the work needed for courts to implement this and other rules and forms proposals. Because of the number of probate-related proposals this year, the committee has recommended deferring the effective date of the proposed new and revised conservatorship petition, order, and letters forms (Invitation to Comment SPR26-35) to July 1, 2027. By staggering the effective dates of the proposals, the committee hopes to reduce the work needed between the council meeting in October and the January 1, 2027, effective date of this and other, less voluminous proposals. The committee does not recommend deferring the effective date of this proposal because multiple commenters on last year's recommendation to update the conservatee's rights forms suggested updating the duties form then or as soon as possible.
Superior Court of Orange County (continued)	Q: How well would this proposal work in courts of different sizes? It would work well. Larger courts may need more coordination because multiple units may be involved in conservatorship filings and letters issuance. Smaller courts should benefit from the simplified one-page acknowledgment and clearer separation between the information form and the filed acknowledgment.	The committee appreciates this information.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Disagree.	The committee acknowledges that the commenter disagrees with the proposal.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates this comment.
Superior Court of San Diego County (continued	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates this information.
Superior Court of San Diego County (continued)	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: Frontline staff, probate examiners, and court investigators will need to be advised of these changes. Additionally, case management systems will need to be updated with the new form name. If the idea is that letters cannot be issued until this form is returned, courts will need to set up a tracking mechanism that is triggered upon appointment in the courtroom. Case Management System Updates • Create/update event codes in the case management system • Estimated 40 hours per group (approx. 160 hours total) • Requires coordination with probate, legal, IT, and court administration Forms and Inventory • Destroy existing printed stock and order updated forms/packets • Estimated 20 hours Procedures and Staff Training • Business Office (40 hours): New case management steps, updated procedures, handling court users, use of prior versions, and e-filing scenarios	The committee appreciates the information provided in this comment and recognizes the work needed to implement the proposal. The committee's recommended rule and form changes conform to the law. Probate Code section 1834(a) requires every conservator, before the court clerk issues letters of conservatorship, to file an acknowledgment of receipt of (1) a statement of duties and liabilities of the conservator and (2) a copy of the conservatorship information required under Section 1835. This requirement has been in effect since January 1, 1992, when the Legislature added section 1834 to the Probate Code. (SB 1022; Stats. 1991, ch. 2019, § 1.) Effective February 1992, the council adopted form GC-348 to serve as both the required statement of duties and the acknowledgment of its receipt, though the statute does not require their combination into a single form. Effective January 1, 2001, the council adopted California Rules of Court, rule 7.1051 to require each conservator to execute and file the acknowledgment of receipt before the court issues letters and identified the form to be used.

Commenter	Comment	Committee Response
	• Probate examiners (40 hours): Drafting new defects and processing/clearing defects • Court investigators (20 hours): Overview of new procedures and forms • Judicial officers (20 hours): Overview of procedural changes, updated forms, and how to handle incomplete filings (e.g., issuing letters subject to requirements, use of acknowledgments without required duties) Local Forms and Public Materials • Update local forms, packets, and website content • Estimated 40 hours (multiple forms reference these duties, including informational materials and packet table of contents) External Coordination • Notify and coordinate with local legal aid organizations and the Bar • Estimated 40 hours (court-hosted clinics and partner materials would need to be updated)	The committee does not recommend changing these legal requirements. Rather, the proposal creates two separate forms, each reflecting its distinct purpose under existing law: Form GC-346-INFO serves as the statement of duties, and form GC-348 serves as the acknowledgment of receipt of both the statement on form GC-346-INFO and the information required by section 1835 in the handbook.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: We would request additional time for implementation—significant updates to informational local forms and packets will be required.	The committee appreciates this comment and recognizes the work needed for courts to implement this and other rules and forms proposals. Because of the number of probate-related proposals this year, the committee has recommended deferring the effective date of the proposed new and revised conservatorship petition, order, and letters forms (Invitation to Comment SPR26-35) to July 1, 2027. By staggering the effective dates of the proposals, the committee hopes to reduce the work needed between the October council meeting and the January 1, 2027, effective date of this and other, less voluminous proposals. The committee does not recommend deferring the effective date of this proposal because multiple commenters on last year's recommended new and revised conservatee's rights forms suggested updating the duties form then or as soon as possible.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	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 this information.
Superior Court of San Diego County (continued)	Separating the forms introduces additional steps for the court to provide two detached documents. Removing the informational pages does not promote efficiency, as suggested in the proposal.	The committee does not recommend revising the proposal in response to this comment. The proposal will reduce confusion among (proposed) conservators by allowing them to file the required acknowledgment on form GC-348 before letters are issued while retaining the statement of duties on form GC-346-INFO for their ongoing reference.
Superior Court of San Diego County (continued)	Additionally, there is concern with this being required *after* appointment, as opposed to before, when it is currently received. In practice, parties are likely to submit both forms, on paper and electronically, which could create filing issues and result in rejected transactions rather than accepted filings.	The committee notes that Probate Code section 1834(a) requires "the conservator," as opposed to the "proposed conservator," to sign and file the forms. The committee, however, does not intend the proposed revisions to restrict the time at which the forms are provided to a (proposed) conservator or form GC-348 is signed and filed by a (proposed) conservator, as long as the person who is actually appointed as conservator signs and files form GC-348 before letters are issued as required by law.
Superior Court of San Diego County (continued)	It will be more burdensome on the courts to require this form after appointment. Currently, each *proposed* conservator is required to sign the GC-348. If a signed copy is not filed, it becomes a "defect" on the examiner's notes. The court will not grant the petition without this defect being cured. If the examiner no longer defects for this form due to it being required after the petition is granted, it becomes much more difficult to track compliance. If letters were submitted ahead of the hearing, which is preferred, they will now have to be held or rejected until the form is filed. The clerk will have to track for signatures of all conservators and continue to reject letters until all signatures are obtained. If not submitted, the clerk will have to mail a notice to the conservators and potentially set a review hearing until it is submitted and letters are issued.	See response above. In addition, the committee does not intend the proposal to preclude each proposed conservator from signing and filing form GC-348. However, there is no basis in statute or rule of court for requiring anyone except an appointed conservator to sign and file the form, and no legal basis for conditioning the appointment of a person as conservator on the person's prior performance of that act. As noted above, this requirement is not new. Probate Code section 1834(a) has required "the conservator" to file an acknowledgment of receipt "before letters are issued" since 1992. California Rules of Court, rule 7.1051 has required a conservator to "execute and file" an acknowledgment of receipt "before the court issues letters" since 2001.

Commenter	Comment	Committee Response
	Additionally, we are now providing the conservators with a list of duties and expectations after they are appointed, which is too late in the proceeding for them to fully consider their new responsibilities and change their mind.	
Superior Court of San Diego County (continued)	Abbreviating the form's descriptions of duties and instead referring the reader to the URL for the handbook for more detailed information is a much-needed improvement; however, the five pages could probably be further reduced.	No response required.
Superior Court of San Diego County (continued)	GC-348-INFO To the conservator: Page 1, paragraph 2 indicates the court should have given the reader a link to the free online handbook. At what point and with what mechanism is the court expected to have provided this link? It would seem most appropriate to provide it via this info form, but the form indicates it should have already been provided.	The committee has revised the language in paragraphs 1 and 2 on page 1 to remove the implication that the court should have already given the conservator a link to the handbook.
Trial Court Presiding Judges Advisory Committee and Courts Executives Advisory Committee (TCPJAC/CEAC) Joint Rules Subcommittee (JRS)	Position: Agree.	The committee acknowledges the commenter's agreement with the proposal.

JRS (continued)	The JRS notes the following impact to court operations:
	
	• Impact on existing automated systems.
	  • The costs should be one-time and will consist of reprogramming case management systems.
	
	• Results in additional training, which requires the commitment of staff time and court resources.
	  • Courts would have to train staff to process the new acknowledgment form and train self-help center staff to assist the parties with the new forms.
		The committee appreciates this information and recognizes the work needed for courts to implement this and other proposals.

JRS (continued)	Q: Does the proposal appropriately address the stated purpose?	The committee appreciates this comment.

Commenter	Comment	Committee Response
	A: Yes. This proposal changes the existing "duties of conservator" form into a simpler informational form. At the end of the prior form, there was an "acknowledgment of receipt" of the form and of the handbook for conservators. The acknowledgment has now been moved to a separate form, GC-349. The prior duties form only referred to the printed version of the Conservator Handbook. In the past, the JCC printed this book, but they ceased doing so. The new form references the URL for the conservator handbook and allows acknowledgement of electronic access instead of a print copy.	
JRS (continued)	Q: Would the proposal provide cost savings? A: No.	The committee appreciates this information.
JRS (continued)	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: Courts would need to update case management systems and train staff on the new forms.	The committee appreciates this comment and JRS's identification of implementation requirements.
JRS (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Two months is very fast; however, the implementation date on the proposal is that it be effective January 1, 2027.	The committee appreciates this comment and recognizes the work needed for courts to implement this and other rules and forms proposals. Because of the number of probate-related proposals this year, the committee has recommended deferring the effective date of the proposed new and revised conservatorship petition, order, and letters forms (Invitation to Comment SPR26-35) to July 1, 2027. By staggering the effective dates of the proposals, the committee hopes to reduce the work needed between the October council meeting and the January 1, 2027, effective date of this and other, less voluminous proposals.

Commenter	Comment	Committee Response
		The committee does not recommend deferring the effective date of this proposal because multiple commenters on last year's recommended new and revised conservatee's rights forms suggested updating the duties form then or as soon as possible.
JRS (continued)	Q: How well would this proposal work in courts of different sizes? A: It should work in all court sizes.	The committee appreciates this information.

Rules Committee Action Request Form

Item number: 33

Rules Committee Meeting Date: September 10, 2026

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

Title of proposal: Probate Guardianship: Appointment of Unavailable Parent and Nominee as Joint Guardians of the Person

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Amend Cal. Rules of Court, rule 7.101; adopt form GC-210(JP); approve form GC-214; revise forms GC-110(P), GC-210, GC-210(CA), GC-210(P), GC-211, GC-220, and GC-240; revise form GC-505 and renumber as GC-208-INFO

Advisory committee or other entity submitting the proposal:
Probate and Mental Health 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: October 16, 2025
Project description from annual agenda: 4. The committee will develop a recommendation to implement Assembly Bill 495 (Stats. 2025, ch. 664) by revising forms used in the guardianship process. The recommendation will also bring the affected forms into conformity with existing law and improve their usability. The proposal will include revising Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice (form GC-211) to provide for conditional nomination of a guardian; it may include separating this multipurpose form into several independent forms. If necessary to implement AB 495, the committee will recommend changes to other guardianship forms.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-135

For business meeting on October 16, 2026

Probate Guardianship: Appointment of Unavailable Parent and Nominee as Joint Guardians of the Person (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 7.101; adopt form GC-210(JP); approve form GC-214; revise forms GC-110(P), GC-210, GC-210(CA), GC-210(P), GC-211, GC-220, and GC-240; revise form GC-505 and renumber as GC-208-INFO

Recommended by
Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 10, 2026

Contact
Corby Sturges, 415-865-4507
corby.sturges@jud.ca.gov

Executive Summary

Assembly Bill 495, effective January 1, 2026, gave the superior court the authority to appoint a custodial but unavailable parent together with a person nominated by that parent as joint guardians of the person of the parent's child. To facilitate the process of petitioning for and appointing joint guardians under the new law, the Probate and Mental Health Advisory Committee recommends amending one rule, adopting one form, approving one form, and revising eight forms, renumbering one of these. The proposal would also update cross-references, simplify language, and make other improvements to the forms.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Amend California Rules of Court, rule 7.101;

2. Adopt *Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable* (form GC-210(JP));

3. Approve *Consent of Proposed Guardian and Consent to Guardianship and Waiver of Notice* (form GC-214);

4. Revise the following forms:

   a. *Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P));

   b. *Petition for Appointment of Guardian of Minor* (form GC-210) and retitle it *Petition for Appointment of Guardian*;

   c. *Child Information Attachment to Probate Guardianship Petition* (form GC-210(CA));

   d. *Petition for Appointment of Guardian of the Person* (form GC-210(P));

   e. *Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice* (form GC-211) and retitle it *Nomination of Guardian*;

   f. *Petition for Special Immigrant Juvenile Findings* (form GC-220); and

   g. *Order Appointing Guardian or Extending Guardianship of the Person* (form GC-240); and

5. Revise *Forms You Need to Ask the Court to Appoint a Guardian of the Person* (form GC-505) and renumber it form GC-208-INFO.

The recommended rule and forms are attached at pages 10–42.

Relevant Previous Council Action

The Judicial Council adopted rule 7.101, effective January 1, 2001, to require parties who intend to submit a document to the probate court to use a Judicial Council form if the council has adopted a form for that purpose.[1]

[1] Judicial Council of Cal., Advisory Com. Rep., *Probate Rules: Pleadings, Trusts, Guardianships, and Conservatorships* (Oct. 18, 2000), at pp. 1–2, 4.

Effective January 1, 2007, the Judicial Council adopted *Petition for Appointment of Guardian of the Person* (form GC-210(P)), *Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P)), and *Child Information Attachment to Guardianship Petition* (form GC-210(CA)) as mandatory plain-language forms for use in probate guardianship proceedings.[2]

The Judicial Council approved *Consent of Guardian, Nomination, and Waiver of Notice* without a form number for optional use, effective January 1, 1981, as part of its response to a comprehensive overhaul of California's guardianship and conservatorship law.[3] Effective January 1, 2000, the council adopted the consent/nomination/waiver form, by then numbered GC-211, as part of its global adoption of all existing optional probate forms for mandatory use.[4] The council last revised form GC-211, effective January 1, 2004, to describe more clearly the effect of giving consent to the appointment of a guardian of the person.[5] The council has never promulgated a form solely for nomination of a guardian or for appointment of joint guardians.

Analysis/Rationale

Until the enactment of AB 495 (Link A), the Probate Code, with two limited exceptions, prohibited the judicial appointment of a parent as guardian of the person of their own child.[6] AB 495, effective January 1, 2026, amended the Probate Code to authorize a court to appoint a custodial parent together with that parent's nominee as joint guardians of the person if the parent is temporarily unavailable due to circumstances specified in the nomination.[7] The nominating parent may specify almost any event or condition that causes their temporary unavailability, including, but not limited to, "a serious medical condition or disability, military service, incarceration, or an immigration-related administrative action."[8] The statute also requires that all court records related to the appointment of joint guardians under section 2105(g) be kept

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[2] *Probate Guardianship Petitions and Alternative Mandatory Forms in Probate Proceedings* (Sept. 8, 2006), at pp. 2–3, 7–9, 12, 14–23. Forms GC-210(P) and GC-110(P) are alternative mandatory petition forms for use instead of *Petition for Appointment of Guardian of Minor* (form GC-210) and *Petition for Appointment of Temporary Guardian or Conservator* (form GC-110), which the council revised at the same time. *Id.*, at pp. 2–3, 9, 12, 24–28.

[3] Judicial Council of Cal., Advisory Com. Rep., *Guardianship-Conservatorship Forms; Petition for Probate* (Oct. 31, 1980), at pp. 5, 29. Assembly Bills 261 (Stats. 1979, ch. 726) and 167 (Stats. 1979, ch. 730) rewrote the guardianship-conservatorship law.

[4] Judicial Council of Cal., Advisory Com. Rep., *Legal Forms—Adopting All Probate Forms as Mandatory Forms* (Sept. 15, 1999), at pp. 3, 5.

[5] Judicial Council of Cal., Advisory Com. Rep., *Probate Form: Consent of Guardian, Nomination, and Waiver of Notice* (Aug. 18, 2003).

[6] Prob. Code, § 1514(b)(2). All further statutory references are to the Probate Code unless otherwise specified. The exceptions are found in section 1510.1(a)(1), which authorizes appointment of a parent as guardian of an unmarried child 18–20 years of age in connection with a petition for special immigrant juvenile findings, and section 2105(f), which authorizes appointment of a parent with a terminal condition and a nominee as joint guardians of the parent's child to minimize stress and disruption for the child on the parent's death.

[7] § 2105(g)(1).

[8] *Ibid.* See also § 1502(b)–(c).

confidential.[9] The recommended new and revised forms and amended rule integrate the appointment of an unavailable parent as joint guardian with the parent's nominee into the broader probate guardianship process.

Rule 7.101

The committee recommends amending California Rules of Court, rule 7.101 to require the use of form GC-210(JP) to petition for appointment of an unavailable parent and the parent's nominee as joint guardians of the person instead of form GC-210 or GC-210(P). The committee also recommends making other clarifying amendments, including updating the rule's reference to form GC-210 to reflect that form's revised title.

Form GC-210(JP)

The committee recommends adopting *Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable* (form GC-210(JP)) for mandatory use to request appointment of an unavailable parent and that parent's nominee as joint guardians of the person of the parent's child or children if one or more events or circumstances specified in the parent's nomination has made the parent temporarily unavailable. Adopting a petition form for exclusive use by a person seeking appointment of joint guardians under section 2105(g) facilitates the application of unique features of the joint guardianship authorized by section 2105(g) and promotes the form's confidentiality as required by section 2105(g)(3).

Form GC-210

The committee recommends revisions to *Petition for Appointment of Guardian of Minor* (form GC-210) incorporate changes to recognize the option of requesting appointment of joint guardians and distinguishing those requests from a request under section 2105(g). The changes include (1) instructing a petitioner to use form GC-210(JP) instead of form GC-210 to request appointment of an unavailable parent and the parent's nominee as joint guardians of the person, (2) adding options to items 1a and 1b to allow an express request for appointment of joint guardians, and (3) adding options throughout the form to more clearly accommodate use by multiple petitioners to request appointment of more than one proposed guardian for more than one proposed ward.

The recommendation also separates existing item 8 into two items: one regarding appointment of a guardian of the person (item 8), and the other appointment of a guardian of the estate (item 9). Item 8 now prompts the petitioner to discuss reasons the appointment of a guardian of the person would be in the best interest of the proposed ward or wards.[10]

Finally, the recommendation updates the references to other forms that may be filed with the petition and removes the reference to form GC-220, *Petition for Special Immigrant Juvenile*

[9] § 2105(g)(3). In addition, the statute prohibits disclosure of information in the records to any agency engaged in immigration enforcement without a court order. § 2105(g)(4).

[10] § 1514(b)(1); Fam. Code, § 3040(a).

Findings, the filing of which must be kept confidential,[11] and simplifies language, updates formatting and style, shortens the form title to promote consistency with other guardianship forms, and makes other improvements.

Form GC-210(P)

The recommended revisions to *Petition for Appointment of Guardian of the Person* (form GC-210(P)) instruct a petitioner to use form GC-210(JP) instead of form GC-210(P) if requesting appointment of an unavailable parent and the parent's nominee as joint guardians of the person, and add options throughout the form to more clearly accommodate more than one petitioner, proposed ward, or proposed guardian. The revisions also update references to other forms that may be filed with the petition; remove the reference to form GC-220, *Petition for Special Immigrant Juvenile Findings*, the filing of which must be kept confidential;[12] simplify language; update formatting and style; and make other improvements.

Form GC-211

The recommended revisions to *Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice* (form GC-211) move items 1 (the consent of the proposed guardian) and 4 (the consent to establishment of a guardianship and waiver of notice) to new form GC-214 and build on items 2 and 3 of existing form GC-211 to provide a more comprehensive form solely for nomination of a guardian by a parent or person from whom a minor receives property. The committee recommends approving the revised form for optional use because the law authorizes several methods of nominating a guardian, including in the petition for appointment, orally at the hearing on a petition for appointment, or in a writing signed before or after a petition is filed.[13]

The form, with the recommended new title *Nomination of Guardian*, includes a field for the use of a parent or a person from whom the proposed ward receives property to nominate a guardian (§§ 1500, 1501); an optional field for the use of another person to join the nomination or another parent to consent to it (§ 1500(a)); a field to explain the absence of another parent's joinder or consent (§ 1500(b)), which would otherwise be required; and a section with check boxes and prompts to allow the nominator to specify that the nomination becomes effective on the occurrence of a specified circumstance or event.[14]

Form GC-214

The committee recommends approving *Consent of Guardian and Consent to Guardianship and Waiver of Notice* (form GC-214) for two optional uses in place of items 1 and 4 on existing form GC-211. First, one or two proposed guardians may use the form to consent to serve as guardian if appointed. (See existing form GC-211, item 1.) Second, one or more persons may consent to

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[11] Code Civ. Proc., § 155(c) ("information regarding the child's immigration status . . . shall remain confidential").

[12] *Ibid.*

[13] § 1502(a).

[14] § 1502(b).

the appointment of a guardian or, if they are entitled to notice of the hearing on the petition under section 1511, waive notice of that hearing and receipt of a copy of the petition. (See existing form GC-211, item 4.) Neither consent nor waiver, however, is a necessary condition of the other. The new form would therefore decouple the consent to the guardianship from the waiver of notice so that a person could use the form to perform either of those acts or both of them.

Form GC-220

After the proposal circulated for comment, the committee determined that *Petition for Special Immigrant Juvenile Findings* (form GC-220) needed revision to clarify that the form is confidential.[15] Form GC-220 is used in the context of a guardianship of the person to request the judicial findings needed for an undocumented child to file a federal application for classification as a special immigrant juvenile (SIJ). In the context of any proceeding in response to a request for SIJ findings, Code of Civil Procedure section 155(c) requires "information regarding the child's immigration status" to be kept confidential. As the Judicial Council recognized in 2016 when applying Code of Civil Procedure section 155(c) to SIJ proceedings in family law cases, "[b]ecause SIJ findings are available only to an undocumented child, filing any of these forms [i.e., petition, response, or order] indicates that the child named on them is undocumented. Public access to any of these forms would therefore reveal 'information regarding the child's immigration status.'"[16] The court must therefore keep an SIJ petition filed in any applicable proceeding confidential, subject to the limits in Code of Civil Procedure section 155(c), and must redact any reference to the SIJ petition kept in the public portion of the case file. The committee therefore recommends revising the form to add "confidential" to its title and an advisement that the form is confidential to the header on every page.

Form GC-240

The recommended revisions to *Order Appointing Guardian or Extending Guardianship of the Person* (form GC-240) add check boxes to items 8a and 8b for use by the court to indicate that it is appointing more than one guardian of the person or of the estate, respectively; clarify the nature and scope of the orders that may be granted in items 12, 13, and 14 and their associated attachments; and simplify the form's language, update its formatting and style to match current Judicial Council standards, and make other improvements.

Form GC-505

The recommended revisions to *Forms You Need to Ask the Court to Appoint a Guardian of the Person* (form GC-505) update references to titles and numbers of forms that have been developed or revised since this form's last revision in 2007, renumber the form as GC-208-INFO

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[15] The Rules Committee may recommend that the Judicial Council revise form GC-220 without circulating it for comment because the revisions present "a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy." (Cal. Rules of Court, rule 10.22(d)(2).)

[16] Judicial Council of Cal., Advisory Com. Rep., *Family Law: Special Immigrant Juvenile Findings* (Mar. 25, 2016). The Judicial Council adopted *Special Immigrant Juvenile Findings* (form FL-357/GC-224/JV-357) for use in family law, probate, and juvenile court proceedings and made it confidential without exception.

so its number is adjacent to the numbers of the other guardianship information forms,[17] and simplify the form's language to promote legal accuracy, clarity, and better understanding of the guardianship process.

Forms GC-110(P) and GC-210(CA)

The recommended revisions to *Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P)) and *Child Information Attachment to Probate Guardianship Petition* (form GC-210(CA)) update references to new and revised forms, clarify language and format, and make other technical and stylistic improvements. Although form GC-110(P) did not circulate for comment, a commenter suggested revising this form to add a reference to form GC-210(JP) in the instructions on page 1 of that form. The committee agrees that this addition is important for implementing AB 495 and has added this revision to its recommendation.[18]

Policy implications

The proposal is necessary to conform to recent changes to the law. It promotes the judicial branch strategic goals of Access, Fairness, Diversity, and Inclusion (Goal I of the *Strategic Plan*); Modernization of Management and Administration (Goal III); and Quality of Justice and Service to the Public (Goal IV) by augmenting processes for appointment of guardians, including joint guardians of the person, under new and existing law and simplifying the language on the forms used in these processes.

Comments

The proposal circulated for public comment in the spring 2026 invitation-to-comment cycle and received seven comments from eight commenters. Three commenters agreed with the proposal, two agreed if modified, and three did not indicate a formal position. No commenters disagreed with the proposal. All commenters agreed that the proposal appropriately addressed its stated purpose. A chart with the full text of the comments received and the committee's responses is attached at pages 43–52.

The Alliance for Children's Rights and Public Counsel, co-sponsors of AB 495, were "pleased" with the proposal. They suggested revising form GC-110(P) to add a reference in the instructions to recommended form GC-210(JP). As noted above, the committee agrees and has recommended revising the form accordingly.

These commenters also requested clarification that "the custodial parent is not required to sign the letters of guardianship." This suggestion is beyond the scope of the proposal, and the committee does not recommend making this clarification now. However, recommended forms

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[17] The committee also proposes renumbering *What Is Proof of Service in a Guardianship?* (form GC-510) as form GC-209-INFO in a report titled *Probate Law and Procedure: Forms to Implement Assembly Bill 747*, item 26-155 on the agenda of the October 16, 2026, Judicial Council meeting.

[18] The Rules Committee may recommend that the Judicial Council revise form GC-110(P) without circulating it for comment because the revisions present "a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy." (Cal. Rules of Court, rule 10.22(d)(2).)

GC-210(JP) and GC-240 do offer options for petitioners and courts to address this issue, if needed, on a case-by-case basis. A petitioner may use item 10c on form GC-210(JP) to request an order authorizing the nonparent guardian to act without the parent's agreement. If further orders are needed to give effect to that authority, the petitioner may use item 10d to request them. In addition, the committee has modified item 10a on recommended form GC-210(JP) to clarify that the petitioner is requesting issuance of letters to the available guardians upon their qualification. Finally, the court may use item 15 on form GC-240 to make any order necessary for the available guardian to perform their duties.

Several commenters, both internal and external, pointed out instances where the proposed language of the forms needed clarification or, in some cases, expansion. For example, the Superior Court of San Diego County suggested adding a reference to electronic filing in recommended form GC-208-INFO, adding space for more signatures on form GC-214, and changing "minor" to "ward" in the case caption on all the guardianship forms in the proposal. The committee has made those changes to the recommendation. In addition, the court's comment prompted the committee to add check boxes to form GC-214 to clarify that a person could use the form to consent to the appointment of a guardian without waiving notice and vice versa.

The San Diego court also made several suggestions that the committee does not recommend. First, the court suggested restoring the references on forms GC-210 and GC-210(P) to form GC-220, the petition for SIJ findings, because that form is "not confidential by form or statute." As explained above, Code of Civil Procedure section 155(c) requires that "information regarding a child's immigration status be kept confidential" in a judicial proceeding in response to a request for SIJ findings.[19] The fact that a child has requested SIJ findings is itself information indicating that the child is undocumented. Redacting the check box on the petition showing that the form was filed would not conceal that the form was filed. The committee therefore continues to recommend removing the references to form GC-220 from forms GC-210 and GC-210(P).

Second, the San Diego court suggested expanding form GC-211 to add "an option for the minor to nominate a guardian" because section 1514 requires the court, "[i]f the proposed ward is of sufficient age to form an intelligent preference as to the person to be appointed," to "give consideration to that preference in determining the person to be so appointed."[20] The committee does not recommend the suggested change because it is beyond the scope of the proposal.

Next, the San Diego court suggested not revising existing form GC-211 because the recommended form has too many options and "appears overly complicated." Instead, the court suggested keeping form GC-211 as it is and "creating a separate nomination form tailored to joint guardianships for use in more specific scenarios." The committee does not recommend reverting to the existing form GC-211. The recommended revisions to form GC-211 offer a

[19] Code of Civil Procedure section 155 applies to proceedings under the Probate Code by its own terms (Code Civ. Proc., § 155(a)(1)) and by the terms of section 1000(a).

[20] § 1514(e)(2).

nominating parent options—for example, specifying a condition precedent to the nomination taking effect—available to any parent who nominates a guardian regardless of the number of guardians nominated or whether the parent contemplates their own appointment under section 2105(f) or (g).

The revisions also prompt a nominating parent to provide information—including the other parent's joinder in or consent to the nomination or, if the other parent has not joined or consented, the reason for the absence of joinder or consent—required in every nomination of a guardian under sections 1500 and 1502. The omission of those options or prompts from existing form GC-211 can cause users of that form to execute incomplete and ineffective nominations.

Alternatives considered

The committee considered taking no action but determined that existing forms and rules were inadequate to accommodate the appointment of joint guardians as authorized by section 2105(g). The committee also considered revising the existing petition forms, GC-210 and GC-210(P), to accommodate the procedure but determined that a separate petition form was necessary to maintain the confidentiality of the proceedings required by section 2105(g)(3). To the extent the recommended revisions are not strictly required to implement the process authorized by section 2105(g) or to conform to other law, the committee considered taking no action but determined that these revisions are warranted because they will make the new and existing process more accessible and thereby benefit courts and court users.

Fiscal and Operational Impacts

All courts and the JRS indicated that implementation would require updates to case management systems and training of court staff. Self-help center staff will also need training to assist self-represented petitioners. These updates and costs are attributable largely to the legislative creation of the appointment authority and its relationship to other provisions of law.

Two courts and the JRS stated that two months would be sufficient time to implement the proposal, though all suggested that early access to at least the form titles would be helpful. The Superior Court of Los Angeles County stated that it would need four months to implement the proposal. The committee recognizes the significant work needed to implement this and other rules and forms proposals. It does not recommend a delayed effective date for this proposal, however, because the statutory process that the proposal implements took effect January 1, 2026, and further delay would risk harm to the legal rights and well-being of the children and families the law is intended to protect.

Attachments and Links

1. Cal. Rules of Court, rule 7.101, at pages 10–11
2. Forms GC-110(P), GC-208-INFO, GC-210, GC-210(CA), GC-210(JP), GC-210(P), GC-211, GC-214, and GC-240, at pages 12–42
3. Chart of comments, at pages 43–52
4. Link A: Assem. Bill 495

Rule 7.101 of the California Rules of Court is amended, effective January 1, 2027, to read:

Rule 7.101. Use of Judicial Council forms

(a) Use of mandatory forms

If the Judicial Council has adopted a mandatory form for a petition, an order, or another document to be submitted to the court ~~is one for which the Judicial Council has adopted a mandatory form~~, that form must be used. Except as ~~otherwise~~ provided in this rule, if the Judicial Council has adopted alternative versions of a mandatory form ~~in more than one alternative version~~, one of the alternative versions must be used. If that form is inadequate in a particular situation, an addendum may be attached to it.

(b) Alternative mandatory forms

The Judicial Council has adopted the following alternative mandatory forms ~~have been adopted by the Judicial Council as alternative mandatory forms~~ for use in ~~probate~~ specific proceedings ~~or other proceedings governed by provisions of~~ under the Probate Code:

(1) *Petition for Appointment of Guardian ~~of Minor~~* (form GC-210) and *Petition for Appointment of Guardian of the Person* (form GC-210(P));

(2) *Petition for Appointment of Temporary Guardian* (form GC-110) and *Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P));

(3) * * *

(c) Use of guardianship petitions forms

(1) *Guardianship of the estate or of both the person and the estate*

Notwithstanding any other provision of this rule, a ~~party petitioning for appointment of a temporary guardian of the person of a minor may file either form GC-110 or form GC-110(P). A party petitioning for appointment of a general guardian of the person of a minor may file either form GC-210 or form GC-210(P). A party petitioning for appointment of a temporary guardian of the estate or the person and estate of a minor must file form GC-110. A~~ party petitioning for appointment of a ~~general~~ guardian of the estate or a guardian of both the person and the estate ~~of a minor~~ must file form GC-210, and a party petitioning for appointment of a temporary

guardian of the estate or a guardian of both the person and the estate must file form GC-110.

(2) *Guardianship of only the person*

(A) Except as provided in (B), a party petitioning for appointment of a guardian of only the person must file either form GC-210 or form GC-210(P), and a party petitioning for appointment of a temporary guardian of only the person must file either form GC-110 or form GC-110(P).

(B) Notwithstanding (A) or any other provision of this rule, a party petitioning for appointment of an unavailable parent and the parent's nominee as joint guardians of the person under Probate Code section 2105(g) must use *Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable* (form GC-210(JP)).

GC-110(P) Petition for Appointment of Temporary Guardian of the Person

Temporary guardianship of *(all children's names):*

_____

Clerk stamps date here when form is filed.

You may use this form or form GC-110 (*Petition for Appointment of Temporary Guardian*) to ask the court to appoint a temporary guardian of the person for a minor child. (You must use form GC-110 to ask for appointment of a temporary guardian of a minor child's estate or person and estate.) You may use this form to ask for appointment of a temporary guardian for one child or more than one child.

Note: If you have not already filed a petition for appointment of a (general) guardian (form GC-210, form GC-210(P), or form GC-210(JP)) in this case for the child or children in 6, you must file one with this petition.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Your name *(include the names of all persons who are asking the court to appoint them or the person named in 4 as temporary guardian of the child or children named in 6. All must sign this form.):*

a. _____
b. _____
c. _____

2 Your contact information:

Street address: _____

City: _____ *State:* ___ *Zip:* _____

Phone: _____ *Email:* _____

3 ☐ **Your lawyer** *(if you have one):*

Name: _____ *Bar No.:* _____

Firm name, if any: _____

Street address: _____

City: _____ *State:* ___ *Zip:* _____

Phone: _____ *Fax (optional):* _____ *Email:* _____

4 a. ☐ **I/We want to be the temporary guardian of the child or children named in 6.** *(Go to 5.)*

b. ☐ **I/We want the person or persons named here to be the temporary guardian of the child or children named above.** *Tell the court about the proposed guardian(s) below.*

Name(s): _____

_____

_____

Street: _____ *Apt.:* _____

City: _____ *State:* ___ *Zip:* _____

Phone: _____ *Email:* _____

c. ☐ **I am the child or one of the children named in 6 and one of the persons named in 1. I am at least 12 years old. I want the person named here to be my temporary guardian. My date of birth is** *(month/day/year):* _____

Temporary guardianship of *(all children's names):*

Case Number:

5 The relationship of the proposed temporary guardian named in 1 or 4 to the child or children named in 6 is *(check all that apply):*

- ☐ Grandmother (father's mother)
- ☐ Grandfather (father's father)
- ☐ Grandmother (mother's mother)
- ☐ Grandfather (mother's father)
- ☐ Aunt
- ☐ Uncle
- ☐ Brother (adult)
- ☐ Sister (adult)
- ☐ Other Relative *(explain relationship to child or children):* _____

☐ Not related to the child or children *(explain proposed guardian's interest in or connection to the child):*

6 The child or children who need a temporary guardian are:

a. Child's full legal name: _____
Child's current address: _____
Child's current phone number: _____

b. Child's full legal name: _____
Child's current address: _____
Child's current phone number: _____

☐ *Check here if you want a temporary guardian for additional children. Give the information asked above for each additional child on a separate sheet of paper. Write "Form GC-110(P)—Attachment 6: Additional Children" at the top of the paper and attach it to this form.*

7 Why do the child or children in 6 need a temporary guardian right now?

The child or children need temporary care, maintenance, and support right now because *(explain):*

☐ *Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "GC-110(P)—Item 7: Reasons for Appointment of Temporary Guardian" at the top of the paper and attach it to this form.*

Temporary guardianship of *(all children's names):*

Case Number:

8 **Do I/we believe the child or children in 6 will go to the court hearing?** ☐ Yes ☐ No

9 **I/We ask the court to:**

a. Appoint the person named in 1 or 4 temporary guardian of the person of the child or children named in 6 and issue form GC-150 (*Letters of Temporary Guardianship or Conservatorship*).

b. ☐ Order that I am/we are excused from having to give notice of the hearing on this petition for appointment of temporary guardian to ***(review the information given on the next page*** *and check all items that apply below):*

(1) ☐ The child or children in 6.
(2) ☐ The child's father *(name):* _____
(3) ☐ The child's mother *(name):* _____
(4) ☐ A person other than a parent who has a court order for visitation with the child *(name):* _____

Good cause exists for this request for the following reasons *(explain, and include in your explanation efforts to find a person who could not be found):*

☐ *Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-110(P)—Attachment 9: Request for a Good Cause Exception to Giving Notice" at the top of the paper and attach it to this form.*

Temporary guardianship of *(all children's names):*

Case Number:

INFORMATION ABOUT GIVING NOTICE OF THE HEARING ON YOUR PETITION AND REQUESTING A GOOD CAUSE EXCEPTION TO GIVING NOTICE

You must give at least five days advance written notice of the court hearing on your petition for appointment of a temporary guardian. The written notice must be personally delivered to (1) the child if he or she is at least 12 years old, (2) the child's parents, and (3) any person who has a valid and effective visitation order with the child. Written notice is given by delivering a filled-in copy of this petition and a filled-in copy of form GC-020 (*Notice of Hearing—Guardianship or Conservatorship*) showing the date, time, and place of the hearing and the title of this petition. See form GC-209-INFO (*What Is "Proof of Service" in a Guardianship?*) for more information on how to give notice in a guardianship and how to prove that you have given notice. The instructions in that form for personal service apply here, but the time limits for giving notice mentioned in that form do not apply to a temporary guardianship. There is much less time to complete this task when a petition for appointment of a temporary guardian is involved.

The court may waive (excuse) or change the requirement of giving notice if you can show the court good cause why an exception should be made to the requirement of giving notice. This showing may be made by completing item 9b on page 3 of this form.

If you want the court to waive notice to someone because he or she cannot be found, you must show the court that you have made reasonable efforts to find that person. See rules 7.52 and 7.1012 of the California Rules of Court for information on making reasonable efforts to find a person and on the good cause exception to notice of the hearing on a petition for appointment of a temporary guardian.

10 There are _____ pages attached to this form. *(If none, write "0.")*

All persons named in 1 (petitioners) and their attorney (if they have one) must read and sign below.

Date: _____ _____ _____

Petitioner's Attorney types or prints name here — Petitioner's Attorney signs here

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

Date: _____ _____ _____

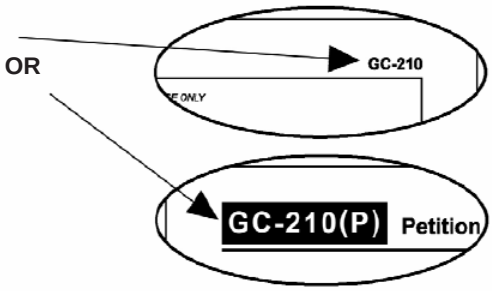
Petitioner types or prints name here — Petitioner signs here

Date: _____ _____ _____

Petitioner types or prints name here — Petitioner signs here

GC-208-INFO Forms to Use to Ask the Court to Appoint a Guardian of the Person*

Look at the numbers at the top of a form to match them with the form numbers listed below. You can use this form as a checklist.



* In every case, you need to find out if the child who needs a guardian is an "Indian child." You'll need to follow more rules not discussed in this form if you're asking the court to appoint a guardian for an Indian child. See 15 on page 2 for a link to more resources.

I want to become a guardian of a child. What forms do I need to use?

1 **Fill out and sign** *one* of the following form petitions ("your petition"):

- ☐ **Form GC-210(P)** (*Petition for Appointment of Guardian of the Person*) (recommended if you won't have an attorney to help you) or
- ☐ **Form GC-210** (*Petition for Appointment of Guardian*).

If you want to ask the court to appoint both an unavailable parent and the parent's nominee as **joint guardians**, you must use

- ☐ **Form GC-210(JP)** (*Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable*).

2 **Fill out** these forms and **attach** them to your petition (these forms are part of the petition):

- ☐ **Fill out** and **attach** to your petition a **separate form GC-210(CA)** (*Child Information Attachment to Probate Guardianship Petition*), one for **each** child you think needs a guardian.
- ☐ **Fill out, sign,** and **attach** to your petition **one** single **form GC-120** (*Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*) for **all** the children you think need a guardian. **Note:** If, after you file the petition, you learn of a case not listed on the form, you will need to file an updated form GC-120 that includes the new case.

3 **Fill out** these forms but do **not** attach them to your petition (you need to file these forms with the petition, but not as part of it):

- ☐ **Fill out** and **sign form GC-212** (*Confidential Guardian Screening Form*). After you file it, the court will keep the completed form confidential.
- ☐ **If required** by the court, **fill out** and **sign item 1** on **form GC-214** (*Consent of Guardian and Consent to Guardianship With Waiver of Notice*) or another statement of consent to tell the court that you agree to serve as guardian. Many courts don't require separate consent if you ask only for your own appointment; check with your court.
- ☐ **Fill out** any **local forms** your court requires you to file with your petition (check your court's local rules and guidelines for information and instructions about these forms).

What do I need to do if I want the court to appoint someone *with* me or *other than* me as guardian?

4

- ☐ Ask **each** proposed guardian to **fill out** and **sign form GC-212**, as instructed above in Step 3. If you are asking the court to appoint you with another person as joint guardians, you **each** need to fill out one of these forms.
- ☐ **Fill out item 1** or **2** or **both** on **form GC-214**, as instructed above in Step 3, or another statement of consent for each proposed guardian to tell the court that they agree to serve if appointed. Ask each proposed guardian to **sign** the form or statement under their name. If you are asking the court to appoint a joint guardian with you, **fill out item 2** after you have filled out and signed item 1 and have the other proposed guardian **sign** it. Many courts don't require signed consent if each proposed guardian signs the petition; check with your court.

What happens when I file my petition and the other forms listed above?

5 ☐ **File** your **petition** (item 1), including all **attachments** (item 2), with the **other required forms** (items 3 and 4) in the probate clerk's office at the courthouse. **Note:** Some courts accept electronic filing (e-filing). Check with your local court to see if this convenient option is available. The clerk will give you a **case number** and a date, time, and courtroom or department for a **hearing**, where a judicial officer will decide whether to appoint a guardian. When you file, take an extra copy of the petition and other papers. Ask the clerk to stamp the filing date and case number on the copies, write the hearing date and place on your copy of the petition, and return them to you. Some courts also require you to give the clerk extra copies of your petition and other papers. Check with your court before you file so you can make as many copies as needed.

What can I do if can't afford to pay the court's filing fees?

6 ☐ **Fill out, sign,** and **file form FW-001-GC** (*Request to Waive Court Fees (Guardian or Conservator)*); **fill out** and give the clerk **form FW-003-GC** (*Order on Court Fee Waiver (Superior Court) (Guardian or Conservator)*) for the judge to sign.

GC-208-INFO Forms to Use to Ask the Court to Appoint a Guardian of the Person*

What forms will I need after I file my petition and have a hearing date?

7 ☐ **If the child's parent or parents or anyone else you are required to notify of the hearing on your petition** agrees with your request for appointment of a guardian, **fill out item 3** at the bottom of another **form GC-214** or another statement of consent. Have each person who agrees **date** and **sign item 3** or their consent statement, then file the form or statement with the court when you file form GC-020 (*Notice of Hearing—Guardianship or Conservatorship*), discussed below.

Note: Even if a person signs item 3 on form GC-214, they can change their mind, come to the hearing, and ask the court not to appoint a guardian.

What do I need to do before the court hearing on my petition?

You need to arrange for someone **other than yourself** to notify certain people about your petition and the court hearing. That person must then show the court that service is complete. Read **form GC-209-INFO** (*What is "Proof of Service" in a Guardianship?*) and:

8 ☐ **Fill out** the first page of **form GC-020** (*Notice of Hearing—Guardianship or Conservatorship*).

9 ☐ **Follow** the instructions in **form GC-209-INFO** for personal delivery ("personal service") of copies of your petition and **form GC-020** and showing the court that personal service has been made ("proving service").

10 ☐ **Follow** the instructions in **form GC-209-INFO** for mailing ("service by mail") copies of your petition and **form GC-020** and showing the court that service by mail has been made ("proving service").

11 ☐ **File with the court, at least 5 days before the hearing,** the original **form GC-020** with attached original filled-out proofs of personal and mailed service, signed by each person who delivered or mailed the papers.

12 **Fill out** and **deliver** the following forms to the court **at or before the hearing** on your petition. Check your court's local rules to find the deadlines for delivering these forms to the court.

- ☐ **Form GC-240** (*Order Appointing Guardian or Extending Guardianship of the Person*) (the judge will sign this order at or shortly after the hearing on your petition if they grant your request for appointment of a guardian);
- ☐ **Form GC-248** (*Duties of Guardian and Acknowledgment of Receipt*) (you or any other person the court appoints as guardian must sign this form and the form must be filed with the court before the clerk will sign and file the *Letters of Guardianship* (see below)); and
- ☐ **Form GC-250** (*Letters of Guardianship*) (the court clerk will sign and file the original of this form, often called "*letters*," and will give you (for a fee) **certified copies** that you, or any other person the court has appointed as guardian, must use to show legal authority to act as the child's guardian.

13 ☐ **Fill out** and **file** any **local forms** your court requires at or before the hearing on your petition. Check your court's local rules for information about these forms, deadlines for filing them, and requirements for service of copies to other persons interested in the case.

Need help?

14 Your court may have a self-help center or a volunteer assistance program that can help you with a guardianship. If you can get on the internet, visit selfhelp.courts.ca.gov/self-help/find-self-help to search for your court's closest self-help center. If the court's self-help center cannot help you, it may be able to refer you to other organizations in your area that can help.

15 If you can get on the internet, you can also visit the California Courts Self-Help Guide, at selfhelp.courts.ca.gov/guardianship (English) or selfhelp.courts.ca.gov/es/tutela-de-menor (Spanish). This website has information about the guardianship process—including what you need to do to find out if the child in your case is an Indian child and then what you need to do if they are—and information about other resources available to you.

You can download **form GC-205-INFO** (*Information on Probate Guardianship of the Person*), **form GC-207-INFO** (*Comparison of Guardians With Other Nonparent Caregivers*), and all required forms mentioned above free of charge from the California Courts Self-Help Guide. The information forms are available in Spanish and other languages and include basic information about guardianships. After you download the required forms, you can fill them out on a computer and print them, ready to sign and file.

16 You can also go to courts.ca.gov/find-your-court to access your local court's website. This site can tell you where to file your forms and go for court hearings and can tell you about the local rules and practices you need to know during the progress of your case. You can also download copies of the court's local forms.

GC-210(CA) Child Information Attachment to Probate Guardianship Petition

Case Number:

Guardianship of *(all children's names):* _____

This child's name: _____

Fill out a separate copy of this form for **each child** for whom your petition asks the court to appoint a guardian.

This form is **attached to the petition,** form ☐ **GC-210, item 2** ☐ **GC-210(P), item 8** ☐ **GC-210(JP), item 8.**

The petition asks the court to appoint a guardian of this child's *(specify):* ☐ person ☐ estate ☐ person and estate.

1 Tell the court about this child

a. Child's full legal name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *mm/dd/yyyy*

b. Child's current address:

_____

_____

c. Indian child inquiry *(Complete if your petition asks the court to appoint a guardian of this child's person or person and estate. If your petition asks the court to appoint a guardian of this child's estate only, skip this item and go to item 1d.)*

☐ I have asked whether the child is or may be a member of one or more Indian tribes recognized by the federal government, or eligible for membership in such a tribe and the biological child of a tribal member, and whether the child or parents live or are domiciled on a reservation or rancheria or in an Alaskan Native village. Form ICWA-010(A) (*Indian Child Inquiry Attachment*) is attached to this form.

☐ I have not asked about the child's Indian heritage.

(For more information about your duties under the federal Indian Child Welfare Act (ICWA) (25 U.S.C. §§ 1901–1963) and California law, including making the inquiry and completing form ICWA-010(A) if the child is or may be an Indian child, see form ICWA-005-INFO (Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child)*.)*

d. Is this child married? ☐ Yes ☐ No If you checked "No," was this child married in the past, but the marriage was dissolved or ended in divorce? ☐ Yes ☐ No
(The court cannot appoint a guardian of the person for a minor child who is married or whose marriage was dissolved or ended in divorce.)

e. Is this child receiving public benefits? ☐ Yes ☐ No ☐ I don't know *(If you checked "Yes," fill in below.)*

Type of Aid	Monthly Benefit	Type of Aid	Monthly Benefit
☐ TANF (Temp. Asst. for Needy Families)	$	☐ Other *(list):*	$
☐ Social Security	$	☐ Other *(list):*	$
☐ Dept. Veterans Affairs Benefits	$	☐ Other *(list):*	$

f. Name and address of the person who has **legal** custody of this child:

_____

_____

g. ☐ This child **lives with** someone **other than** the person in f who has legal custody. *(Fill out below.)*
Name and address of the person this child lives with (who takes care of the child):

_____

_____

Guardianship of *(all children's names):* _____ **Case Number:**

_____

This child's name: _____

1 Tell the court about this child (continued)

h. ☐ This child has been involved in an adoption, juvenile court, marriage dissolution (divorce), domestic relations, child custody, or other similar court case. *(Describe the court case below.)*

Type of Case	Court District or County and State or Tribe	Case Number (if known)

i. ☐ This child is in or is on leave from an institution supervised by the California Department of Developmental Services or the California Department of State Hospitals. *(Give the name of the institution below.)*

_____

2 List the names and addresses of this child's relatives and all other persons shown below:

Relationship	Name	Home Address (Street, City, State, Zip)
Mother		
Father		
Grandmother (mother's mother)		
Grandfather (mother's father)		
Grandmother (father's mother)		
Grandfather (father's father)		
Sibling		
Sibling		
Sibling		
Sibling		
Sibling		
Sibling		
Sibling		

☐ *(Check here if this child has additional relatives, including parents, grandparents, siblings, or half-siblings, and list their names and addresses on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Item 2: Other Relatives" at the top of the paper and attach it to this form.)*

Guardianship of *(all children's names):* _____ **Case Number:**

This child's name: _____

2 **List the names and addresses of this child's relatives and all other persons shown below:**

Relationship	Name	Home Address (Street, City, State, Zip)
Spouse *(Guardianship of the estate only)*		
Person nominated as guardian of this child *(if someone other than a proposed guardian named in* **3** *)*		
Indian custodian *(if any)*		
Child's tribe *(if the child has one and you know it)*		

☐ *(Check here if there is more than one tribe that the child may be eligible for membership in, and list the name and address of each additional tribe on a separate sheet of paper. Write "Form GC-210(CA)," the name of the child, and "Attachment 2: Child's tribes" at the top of the paper and attach it to this form.)*

3 **Information about the proposed guardian or guardians:**

a. Name *(name each proposed guardian):*

_____

_____

b. Relationship or relationships to the child named in **1** *(check all that apply):*

☐ Relative *(specify relationship to this child of each proposed relative guardian):*

_____

☐ Not a relative *(explain interest in or connection to this child):* _____

_____

_____

c. Did the child's parent nominate the proposed guardian? ☐ Yes ☐ No ☐ I don't know
(If you checked "Yes," attach the written nomination as Attachment 3c.)

d. Does this child currently live with the proposed guardian? ☐ Yes ☐ No ☐ I don't know
If "Yes," how long has the child lived with the proposed guardian? *(years, months):* _____

e. If the court orders the guardianship, will this child live with the proposed guardian? ☐ Yes ☐ No

f. Does the proposed guardian currently plan to adopt this child? ☐ Yes ☐ No ☐ I don't know

4 Explain why appointing a guardian for the child named in **1** would be in this child's best interest:

_____

_____

_____

_____

_____

☐ *(Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Attachment 4: Guardianship—Best Interest of Child" at the top of the paper and attach it to this form.)*

Guardianship of *(all children's names):* _____ **Case Number:**

This child's name: _____

5 Explain why appointing the proposed guardian or guardians would be in this child's best interest:

_____

_____

_____

_____

_____

☐ *(Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Attachment 5: Proposed Guardian—Best Interest of Child" at the top of the paper and attach it to this form.)*

6 a. Does one or do both of this child's parents agree:

(1) That the court needs to appoint a guardian for the child?

Parent *(name):* _____ ☐ Yes ☐ No ☐ I don't know

Parent *(name):* _____ ☐ Yes ☐ No ☐ I don't know

(2) That the person or persons named in **3** should be the child's guardian?

Parent *(name):* _____ ☐ Yes ☐ No ☐ I don't know

Parent *(name):* _____ ☐ Yes ☐ No ☐ I don't know

b. If the child is an Indian child and in the care and custody of an Indian custodian, does the Indian custodian agree:

(1) That the court should appoint a guardian for the child?

Custodian *(name):* _____ ☐ Yes ☐ No ☐ I don't know

(2) That the person named in **3** should be the child's guardian?

Custodian *(name):* _____ ☐ Yes ☐ No ☐ I don't know

7 ☐ **Check this box if you (the petitioner) are not the person named in 3, and fill out below.**

Your relationship to this child:

☐ Relative *(specify relationship):* _____

_____

☐ Not a relative *(explain your interest in or connection to this child):*

_____

_____

_____

_____

_____

8 Except as otherwise stated in this form, the statements made in the petition to which this form is attached apply fully to this child.

GC-210(JP)

Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable

Clerk stamps date here when form is filed.

Guardianship of the person of *(all children's names):*

_____

_____

You must use **this** form (**not** form GC-210 or form GC-210(P)) if you want to ask the court to appoint **joint guardians of the person** for a child* or children* whose **parent** is **temporarily unavailable** for a reason specified in that parent's nomination of a guardian (on form GC-211 or another writing). One of the proposed guardians must be the parent who made the nomination. The other proposed guardian must be a person or persons nominated by that parent.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in information below when form is filed.

Case Number:	
Hearing Date and Time:	**Dept.:**

1 **Your name** *(Include the names of all persons who are asking the court to appoint a guardian of the person for the child or children named in 8. All of you must sign this form.):*

a. _____
b. _____
c. _____

2 **Your address and contact information:**

Street: _____ Apt.: ____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

3 ☐ **Your Lawyer** *(if you have one):*

Name: _____ Bar No.: _____
Firm name, if any: _____
Street address: _____ Suite: _____
City: _____ State: ____ Zip: _____
Phone: _____ Fax: _____ Email: _____

4 a. **I/We want the parent named below to be one of the guardians of the child or children named in 8.** *(Give the parent's name and last known contact information.)*

Name of parent proposed as joint guardian:

_____
Street address: _____ Apt.: ____
City: _____ State: ____ Zip: _____
Phone: _____ Email: _____

b. ☐ **I/We want to be one of the guardians of the child or children named in 8.**

c. ☐ **I/We want the person or persons named below to be one of the guardians of the child or children named in 8.** *(Give the contact information for the proposed guardian.)*

Name of proposed guardian:

_____
Street address: _____ Apt.: ____
City: _____ State: ____ Zip: _____
Phone: _____ Email: _____

* Under section 1510.1(d) of the Probate Code, the terms *child*, *minor*, and *ward* include a youth 18 to 20 years of age.

Guardianship of the person of *(all children's names):*

_____

_____

_____

Case Number:

5 The **proposed guardian** or **guardians** listed in **4 b** or **4 c** are the **nominee** or **nominees** of the parent named in **4 a**, as shown in item 3c of each child's attached form GC-210(CA) (*Child Information Attachment to Probate Guardianship Petition*), and are *(check all that apply):*

a. ☐ Related to the child or children named in **8**, as shown in item 3 of the child's or children's attached form GC-210(CA).

b. ☐ Not related to the child or children named in **8**.

6 ☐ **One or more proposed guardians** are **not related** to the child or children in **8**. *Complete if you checked* **5 b**. *Answer the question in a, then check the box in b or c or both. If you check the box in c, attach the signed statement of each unrelated proposed guardian on a separate sheet of paper labeled "Form GC-210(JP), Attachment 6: Statement of Unrelated Proposed Guardian" at the top of the paper.*

a. Does any unrelated proposed guardian run a licensed foster family home? ☐ Yes ☐ No

b. ☐ I am/we are one or more of the unrelated proposed guardians. I/we will promptly submit any information requested by the agency investigating my/our suitability for appointment as guardian.

c. ☐ I am/we are **not** one or more of the unrelated proposed guardians. The signed statement of each proposed nonrelative guardian agreeing to promptly submit any information requested by the agency investigating the proposed guardian's suitability for appointment is attached to this form as Attachment 6.

7 ☐ **A person other than a proposed guardian listed in 4 has been nominated in a will or other writing as guardian of the child or children named in 8. A copy of the written nomination is attached.** *Write "Form GC-210(JP)—Attachment 7: Nomination of Another Person as Guardian" at the top of the will or other writing and attach it to this form. Fill in the nominated person's name and address in item 2 of form GC-210(CA) (*Child Information Attachment to Probate Guardianship Petition*) for each child for whom the person was nominated as guardian.*

8 **The child or children who need a guardian are named below.**

- *Fill out and attach to this form a separate copy of form GC-210(CA) for* each *child named below. Write all the children's names at the top of all pages of each form GC-210(CA).*
- *Fill out and file with this form a completed form GC-120 (*Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*) concerning all children under 18 years of age listed below.*

The full legal name and date of birth of each child who needs a guardian are *(specify):*

a. Name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*

b. Name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*

c. Name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*

d. Name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*

e. Name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*

☐ *Check here if there are additional children. Continue this list on a separate sheet of paper. Write "Form GC-210(JP)—Attachment 8: Additional Children" at the top of the paper and attach it to this form.*

Guardianship of the person of *(all children's names):*

Case Number:

9 a. **The guardianship is necessary or convenient for the reasons given below.**
(Explain why each child in 8 needs a guardian, including why a guardianship would be in their best interest.)

☐ *Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(JP)—Attachment 9: Need for Guardian" at the top of the paper and attach it to this form.*

b. ☐ The child or children in 8 cannot be placed in the custody of any parent who did not join the nomination referred to in 5 because:

(1) ☐ None of those parents is available.

(2) ☐ That parent or those parents do not have custody of the child or children in 8, and placement in the custody of any of those parents would be detrimental to the child or children because *(explain):*

10 **I/We ask the court to** *(check all that apply):*

a. Appoint the persons listed in 4 joint guardians of the person of the child or children named in 8 and issue form GC-250 (*Letters of Guardianship*) to the available guardians upon their qualification.

b. ☐ Allow me/us not to give notice of the hearing on the petition to the following person(s) listed in item 2 of one or more of the attached forms GC-210(CA) for the reasons given below. *(Give (1) the name of each child, (2) the name and relationship to each child of each person to whom you want the court to allow you not to give notice, and (3) the reasons for your request, including the steps, if any, you have taken to find each person.):*

☐ *Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(JP)—Attachment 10b: Request for Waiver of Notice" at the top of the paper and attach it to this form.*

You must give notice of the hearing on your petition for appointment of joint guardians to all relatives and other persons listed in item 2 of each child's form GC-210(CA) **unless** the court allows you not to give notice to one or more of them. The court may allow you not to give notice to someone if you can show that (1) you cannot locate the person after trying diligently to find them or (2) giving notice to that person would harm the child or otherwise be against the interests of justice. See California Rules of Court, rule 7.52 for information on trying diligently to find a person.

Guardianship of the person of *(all children's names):*

_____

_____

_____

Case Number:

10 c. ☐ On appointment, grant the joint guardian or guardians named in **4 b** or **4 c** authority to act without the agreement of the parent-guardian named in **4 a** because the parent-guardian in **4 a** is unable to act due to the occurrence of the condition specified in the nomination.

d. ☐ Make the following additional orders *(specify)*:

_____

_____

_____

_____

_____

☐ *Check here if you need more space. Continue your request for additional orders on a separate sheet of paper. Write "Form GC-210(JP)—Attachment 10c: Additional Orders" at the top of the paper and attach it to this form.*

11 **Filed with this petition are the following** *(check all that apply):*

☐ Form GC-211 (*Nomination of Guardian*) or other written nomination
☐ Form GC-214 (*Consent of Guardian and Consent to Guardianship With Waiver of Notice*)
☐ Form GC-110 (*Petition for Appointment of Temporary Guardian*)
☐ Form GC-110(P) (*Petition for Appointment of Temporary Guardian of the Person*)
☐ Form GC-212 (*Confidential Guardian Screening Form*)
☐ Other *(specify)*:

_____

_____

_____

_____

12 Number of pages attached to this form: _____

Date: _____ _____ ▶ _____
Petitioner's attorney types or prints name here — Petitioner's attorney signs here

All petitioners must read and sign below.

I declare under penalty of perjury under the laws of the State of California that the information stated on this form and all attachments is true and correct.

Date: _____ _____ ▶ _____
Petitioner types or prints name here — Petitioner signs here

Date: _____ _____ ▶ _____
Petitioner types or prints name here — Petitioner signs here

Date: _____ _____ ▶ _____
Petitioner types or prints name here — Petitioner signs here

GC-210(P) Petition for Appointment of Guardian of the Person

Guardianship of the person of *(all children's names):*

_____

_____

*You must use this form or form GC-210 (*Petition for Appointment of Guardian*) to ask the court to appoint a* ***guardian of the person****.* You must use **form GC-210** to ask the court to appoint a **guardian of the estate** or of both the person and the estate. You must use **form GC-210(JP)** to ask the court to appoint an unavailable parent and that parent's nominee as **joint guardians**.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in information below when form is filed.

Case Number:	
Hearing Date and Time:	**Dept.:**

1 **Your name** *(Include the names of all persons who are asking the court to appoint a guardian of the person for the child* or children* named in* **8**. *All of you must sign this form.):*

a. _____

b. _____

c. _____

2 **Your address and contact information:**

Street: _____ Apt.: ____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

3 ☐ **Your Lawyer** *(if you have one):*

Name: _____ Bar No.: _____

Firm name, if any: _____

Street address: _____ Suite: _____

City: _____ State: ____ Zip: _____

Phone: _____ Fax: _____ Email: _____

4 ☐ **I/We want to be guardian of the child or children named in 8.** *(Go to 5.)*

☐ **I/We want the person or persons named here to be the guardian of the child or children named in 8.** *(Give contact information for the proposed guardian or guardians.)*

Name of proposed guardian or guardians:

Street address: _____ Apt.: ____

City: _____ State: ____ Zip: _____

Phone: _____ Email: _____

☐ **I am the child or one of the children named in 8** ***and*** **a person named in 1. I am at least 12 years old. I want the person or persons named here to be my guardian.**

My date of birth is *(month/day/year):* _____. *(Give contact information for each proposed guardian.)*

Name of proposed guardian or guardians:

Street address: _____ Apt.: ____

City: _____ State: ____ Zip: _____

Phone: _____ Email: _____

* Under section 1510.1(d) of the Probate Code, the terms *child*, *minor*, and *ward* include a youth 18 to 20 years of age.

Guardianship of the person of *(all children's names):*

_____

_____

_____

Case Number:

5 **The proposed guardian or guardians listed in 4 is or are** *(check all that apply):*

a. ☐ Related to the child or children named in 8, as shown in item 3 of each child's attached form GC-210(CA) (*Child Information Attachment to Probate Guardianship Petition*).

b. ☐ Not related to the child or children named in 8.

c. ☐ The nominee or nominees of a parent of one or more of the children named in 8, as shown in item 3c of the child's or children's attached forms GC-210(CA).

6 ☐ One or more proposed guardians are **not** related to the child or children in 8. *(Complete if you checked* 5 **b**. *Answer the question in a, then check the box in b or c or both. If you check the box in c, attach the signed statement of each unrelated proposed guardian on a separate sheet of paper labeled "Form GC-210(P), Attachment 6: Statement of Unrelated Proposed Guardian" at the top of the paper.*

a. Does any unrelated proposed guardian run a licensed foster family home? ☐ Yes ☐ No

b. ☐ I am/we are one or more unrelated proposed guardians. I/we will promptly submit any information requested by the agency investigating my/our suitability for appointment as guardian or guardians.

c. ☐ I am/we are **not** all of the unrelated proposed guardians. The signed statement of each additional unrelated proposed guardian agreeing to promptly submit any information requested by the agency investigating the proposed guardian's suitability for appointment is attached to this form as Attachment 6.

7 ☐ **A person other than a proposed guardian listed in 4 has been nominated in a will or other writing as guardian of the child or children named in 8. A copy of the written nomination is attached.** *Write "Form GC-210(P)—Attachment 7: Nomination of Another Person as Guardian" at the top of the writing and attach it to this form. Fill in the nominated person's name and address in item 2 of form GC-210(CA) for each child for whom the person was nominated as guardian.*

8 **The child or children who need a guardian are named below.**

- *Fill out and attach to this form a separate copy of form GC-210(CA) for* each *child named below. Write all the children's names at the top of all pages of each form GC-210(CA).*
- *Fill out and attach to this form a completed form GC-120 (*Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*) concerning all children under 18 years of age listed below.*

The full legal name and date of birth of each child who needs a guardian are *(specify):*

a. Name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*

b. Name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*

c. Name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*

d. Name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*

e. Name: _____ _____ _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*

☐ *Check here if there are additional children. Continue this list on a separate sheet of paper. Write "Form GC-210(P)—Attachment 8: Additional Children" at the top of the paper and attach it to this form.*

Guardianship of the person of *(all children's names):*

Case Number:

9 **The guardianship is necessary or convenient for the reasons given below.**

(Explain why each child in 8 needs a guardian, including why a guardianship would be in their best interest.)

☐ *Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(P)—Attachment 9: Need for Guardian" at the top of the paper and attach it to this form.*

10 **I/We ask the court to** *(check all that apply):*

a. Appoint each person listed in 4 guardian of the person of the child or children named in 8 and issue form GC-250 (*Letters of Guardianship*).

b. ☐ Allow me/us not to give notice of the hearing on the petition to each of the following persons listed in item 2 of one or more of the attached forms GC-210(CA) for the reasons given below. *(State (1) the name of each child, (2) the name and relationship to each child of each person to whom you want the court to excuse you from giving notice, and (3) the reasons for your request, including the steps, if any, you have taken to find each person.):*

☐ *Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(P)—Attachment 10b: Request for Waiver of Notice" at the top of the paper and attach it to this form.*

You must give **notice** of the hearing on your petition for appointment of a guardian to all relatives and other persons listed in item 2 of each child's form GC-210(CA) **unless** the court allows you not to give notice to one or more of them. The court may allow you not to give notice to someone if you can show (1) that you cannot locate the person after trying diligently to find them or (2) that giving notice to the person would harm the child or otherwise be against the interests of justice. See California Rules of Court, rule 7.52 for information on trying diligently to find a person.

Guardianship of the person of *(all children's names)*:

Case Number:

10 c. ☐ Make the following additional orders *(specify)*:

☐ *Check here if you need more space. Continue your request for additional orders on a separate sheet of paper. Write "Form GC-210(P)—Attachment 10c: Additional Orders" at the top of the paper and attach it to this form.*

11 **Filed with this petition are the following** *(check all that apply)*:

- ☐ Form GC-211 (*Nomination of Guardian*) or other written nomination
- ☐ Form GC-214 (*Consent of Guardian and Consent to Guardianship With Waiver of Notice*)
- ☐ Form GC-110 (*Petition for Appointment of Temporary Guardian*)
- ☐ Form GC-110(P) (*Petition for Appointment of Temporary Guardian of the Person*)
- ☐ Form GC-212 (*Confidential Guardian Screening Form*)
- ☐ Other *(specify)*:

12 Number of pages attached to this form: _____

Date: _____ _____ ▶ _____
Petitioner's attorney types or prints name here — Petitioner's attorney signs here

All petitioners and the proposed ward—if at least 18 but not yet 21 years of age and not a petitioner—must read and sign below.

I declare under penalty of perjury under the laws of the State of California that the information stated in this form and all attachments is true and correct.

Date: _____ _____ ▶ _____
Petitioner types or prints name here — Petitioner signs here

Date: _____ _____ ▶ _____
Petitioner types or prints name here — Petitioner signs here

I consent to the appointment of the person or persons listed in **4** as guardian or guardians of my person and to their performance of the duties of a guardian on my behalf.

Date: _____ _____ ▶ _____
Proposed ward types or prints name here — Proposed ward signs here

GC-210

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***
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF *(name(s)):* WARD(S)*	CASE NUMBER:
PETITION FOR APPOINTMENT OF GUARDIAN **OF THE ☐ PERSON ☐ ESTATE**	HEARING DATE AND TIME: DEPT.:

Use either this form **or** form GC-210(P) to ask the court to appoint a guardian of the **person**. Use **only** this form to ask the court to appoint a guardian of the **estate** or of the **person and estate**. Use **only** form GC-210(JP) to ask the court to appoint an unavailable parent and their nominee as **joint** guardians of the person. Do **not** use this form for a temporary guardianship.

1. **I or we** *(name each petitioner):*

request that the court

a. (1) ☐ appoint *(name):*
(address):
(phone): *(email):*
as guardian of the **person** of the minor child or children named in item 2 and issue letters upon qualification.

(2) ☐ appoint *(name):*
(address):
(phone): *(email):*
as guardian of the **person** of the minor child or children named in item 2 and issue letters upon qualification.

b. *(Not applicable to proposed wards 18 years of age and older.)*
(1) ☐ appoint *(name):*
(address):
(phone): *(email):*
as guardian of the **estate** of the minor child or children named in item 2 and issue letters upon qualification.

(2) ☐ appoint *(name):*
(address):
(phone): *(email):*
as guardian of the **estate** of the minor child or children named in item 2 and issue letters upon qualification.

c. (1) ☐ not require any bond ☐ because the petition asks the court to appoint a guardian of the person only ☐ because the proposed guardian is a corporate fiduciary or an exempt government agency ☐ for the reasons stated in Attachment 1c.

(2) ☐ require bond of $. It will be furnished by an authorized surety company or as otherwise provided by law.
(If you are requesting bond different from the statutory amount (Prob. Code, § 2320), explain why in Attachment 1c.)

(3) ☐ allow $ to be deposited in a blocked account with receipts to be filed. *(Specify institution and location):*

d. ☐ grant authority under Probate Code section 2590 to independently exercise the powers specified in Attachment 9.

e. ☐ make orders expanding or limiting the powers and duties of the guardian of the person under Probate Code section 2351 or 2358 *(specify requested orders and give reasons for them in Attachment 1e).*

f. ☐ make an order dispensing with notice to the persons named in Attachment 10.

g. ☐ make the other orders specified in Attachment 1g *(State each requested order and give the reasons for it).*

* Under Probate Code section 1510.1(d), the terms *child, minor,* and *ward* include a youth 18 to 20 years of age.

GUARDIANSHIP OF *(name(s))*: WARD(S)*	CASE NUMBER:

2. I/we have attached a completed form GC-210(CA) (*Child Information Attachment to Probate Guardianship Petition*) for each minor child for whom this petition requests the appointment of a guardian. The full legal name and date of birth of each child are:
   a. Name: Date of birth *(month/day/year):*
   b. Name: Date of birth *(month/day/year):*
   c. Name: Date of birth *(month/day/year):*
   d. Name: Date of birth *(month/day/year):*
   ☐ The names and dates of birth of additional children are specified on Attachment 2.

3. I am or we are *(check all the apply):*
   a. ☐ related to the minor child or children named in item 2, as shown in item 7 of each child's attached form GC-210(CA).
   b. ☐ a child named in item 2, and I am 12 years of age or older.
   c. ☐ another person, as shown in item 7 of each child's attached form GC-210(CA).

4. The proposed guardian is or proposed guardians are *(check all that apply):*
   a. ☐ a nominee or nominees. *(Attach a copy of the nomination as Attachment 4a. You may use form GC-211 (*Nomination of Guardian*) or another signed writing for this purpose.)*
   b. ☐ related to the minor child or children named in item 2, as shown in item 3 of each child's attached form GC-210(CA).
   c. ☐ other, as shown in item 3 of each child's attached form GC-210(CA).
   d. ☐ a professional fiduciary as defined by Business and Professions Code section 6501(f). The proposed guardian's license status is shown in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*).

5. ☐ I/We, with intent to adopt, have accepted or intend to accept physical care or custody of the child or children in item 2.

6. ☐ A person other than the proposed guardian has been nominated as guardian by ☐ will ☐ other writing. A copy of this nomination is attached as Attachment 6. *(Specify nominee's name and address in item 2 of child's attached form GC-210(CA).)*

7. ☐ Character and estimated value of property of the estate *(complete if you are requesting appointment of a guardian of the estate or of both the person and the estate):*
   a. Value of personal property: $
   b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: $
   c. **Total of a and b:** $ _____
   d. Value of real property: $ _____

8. ☐ Appointment of a guardian of the **person** of the minor child or children named in item 2 is necessary or convenient and in the best interest of the child or children for the reasons given ☐ below ☐ on Attachment 8.

   ☐ Parental custody would be detrimental to the child or children *(not applicable to proposed wards 18 years of age and older).*

9. ☐ Appointment of a guardian of the **estate** of the child or children is necessary or convenient for the reasons given ☐ below ☐ on Attachment 9.

10. ☐ Granting the proposed guardian or guardians of the estate one or more powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit of the guardianship estate and in the estate's best interest. Reasons for this request and the powers requested are specified in Attachment 10.

GC-210

GUARDIANSHIP OF *(name(s)):* WARD(S)*	CASE NUMBER:

11. ☐ The court should dispense with notice under Probate Code section 1511 to the persons named in Attachment 11 because
    - ☐ they cannot with reasonable diligence be given notice *(specify names and efforts to locate them in Attachment 11).*
    - ☐ giving notice to them would be contrary to the interest of justice *(specify names and reasons in Attachment 11).*

12. ☐ *Complete this item if you are **not** requesting appointment of a guardian of the estate only, and the proposed guardian is **not** related to the child or children named in item 2 and is **not** a public officer acting in their official capacity.*
    - a. ☐ I am the proposed guardian and will promptly submit any information requested by an agency referred to in Probate Code section 1543.
    - b. ☐ I am not the proposed guardian. A statement by the proposed guardian that they will promptly submit any information requested by an agency referred to in Probate Code section 1543 is included as Attachment 12b.
    - c. The proposed guardian's home is a licensed foster family home. ☐ Yes ☐ No
    - d. ☐ The proposed guardian has never filed a petition for adoption of the minor ☐ except as specified in Attachment 12d.

13. ☐ Form GC-120 (*Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*) disclosing any known juvenile law, adoption, family law, custody, or similar case affecting each child under 18 years of age listed in item 2 is attached.

14. The following forms are filed with this petition *(check all that apply):*
    - ☐ Form GC-211 (*Nomination of Guardian*) or other written nomination
    - ☐ Form GC-214 (*Consent of Guardian and Consent to Guardianship With Waiver of Notice*)
    - ☐ Form GC-110 (*Petition for Appointment of Temporary Guardian*)
    - ☐ Form GC-110(P) (*Petition for Appointment of Temporary Guardian of the Person*)
    - ☐ Form GC-212 (*Confidential Guardian Screening Form*) for each proposed guardian
    - ☐ Other forms *(specify):*

15. All attachments to this form are incorporated by this reference as though placed here in this form. Number of pages attached: _____

Date:

_____
Signature of Attorney*

***(Each petitioner—and, if at least 18 years of age but not yet 21 and not a petitioner, the proposed ward—must also sign.)**

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

Date:

_____ ▶ _____
Type or Print Name — Signature of Petitioner

_____ ▶ _____
Type or Print Name — Signature of Petitioner

_____ ▶ _____
Type or Print Name — Signature of Petitioner

I consent to the appointment of the person or persons named in item 1a as guardian or guardians of my person and to their performance of the duties of a guardian on my behalf.

Date:

_____ ▶ _____
Type or Print Name — Signature of Proposed Ward

GC-211

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:		
GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name(s))*: WARD(S)		
NOMINATION OF GUARDIAN		CASE NUMBER:

1. **Nominator 1**
   a. Name:
   Address:
   Email: Phone number:
   b. I am *(check all that apply)*:
   (1) ☐ a parent of the child named above
   (2) ☐ a person from whom the child named above received, or will receive, property.
   c. I nominate *(name, address, email, and phone)*:

   as guardian of *(check all that apply)*:
   (1) ☐ the child's person
   (2) ☐ the child's estate
   (3) ☐ the property described below, which the child received, or will receive, from me.

2. ☐ **Nominator 2** *(check and complete this item if the child's other parent joins in the nomination)*:
   a. Name:
   Address:
   Email: Phone number:
   b. I am a parent of the child named above.
   c. ☐ I join the nomination of the person named in item 1c as guardian of *(check all that apply)*:
   (1) ☐ the child's person
   (2) ☐ the child's estate

3. ☐ The other parent has not joined the nomination and is not required to consent to it because:
   a. ☐ the other parent is dead or lacks legal capacity to consent to the nomination.
   b. ☐ the other parent would not be required to consent to the adoption of the child.

GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name(s))*: WARD(S)	CASE NUMBER:	**GC-211**

4. ☐ The nomination on page 1 is effective only if *(check the event or events that need to happen for the nomination to take effect):*

   a. ☐ Nominator 1 dies or becomes incapacitated

   b. ☐ Nominator 2 dies or becomes incapacitated

   c. ☐ The proposed ward has received the property described in item 1c(3)

   d. ☐ Nominator 1 is unavailable because they have been *(check all that you want to apply):*
      (1) ☐ incarcerated
      (2) ☐ admitted to or confined in a hospital or other treatment institution
      (3) ☐ detained, deported, or otherwise subject to an immigration-related administrative action
      (4) ☐ activated to military duty, deployed or mobilized with the military
      (5) ☐ other *(specify):*

   e. ☐ Nominator 2 is unavailable because they have been *(check all that you want to apply):*
      (1) ☐ incarcerated
      (2) ☐ admitted to or confined in a hospital or other treatment institution
      (3) ☐ detained, deported, or otherwise subject to an immigration-related administrative action
      (4) ☐ activated to military duty, deployed or mobilized with the military
      (5) ☐ other *(specify):*

Date:

Type or Print Name of Nominator 1 ▶ Signature of Nominator 1

Date:

Type or Print Name of Nominator 2 ▶ Signature of Nominator 2

Notice: The guardian of the person of a minor child has **full legal and physical custody** until the child becomes an adult or is adopted, the court removes the guardian, or the court terminates (ends) the guardianship. The court will **not** terminate the guardianship **unless** a parent or other interested person petitions (asks) the court to do so, and the court decides that termination would be in the child's best interest.

DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL

GC-214

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:		
GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name(s)):* WARD(S)		
☐ **CONSENT OF PROPOSED GUARDIAN** ☐ **CONSENT TO GUARDIANSHIP** ☐ **AND WAIVER OF NOTICE**		CASE NUMBER:

CONSENT OF PROPOSED GUARDIAN

1. I consent to serve as guardian of the ☐ person ☐ estate of the proposed ward or wards named above as requested in the petition filed in this proceeding on *(date):* if I am appointed.

Date:

Type or Print Name ▶ Signature of Proposed Guardian

2. I consent to serve as guardian of the ☐ person ☐ estate of the proposed ward or wards named above as requested in the petition filed in this proceeding on *(date):* if I am appointed.

Date:

Type or Print Name ▶ Signature of Proposed Guardian

Notice: The guardian of the person of a minor child has **full legal and physical custody** until the child becomes an adult or is adopted, the court removes the guardian, or the court terminates (ends) the guardianship. A parent or other interested person must petition the court to terminate the guardianship, and the court will **not** do so **unless** it decides that termination is in the child's best interest.

CONSENT TO GUARDIANSHIP AND WAIVER OF NOTICE *(check a or b or both, as applicable)*

3. a. ☐ I consent to appointment of a guardian in this proceeding as requested in the petition filed on *(date):* .

   b. ☐ I am entitled to notice in this proceeding. I waive notice of the hearing on the petition and receipt of a copy of the petition, including any request for independent powers contained in that petition.

Date	Type or Print Name	▶ Signature	Relationship to Minor
Date	Type or Print Name	▶ Signature	Relationship to Minor
Date	Type or Print Name	▶ Signature	Relationship to Minor
Date	Type or Print Name	▶ Signature	Relationship to Minor

☐ Additional names and signatures provided on Attachment 3.

CONFIDENTIAL

GC-220

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***
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE PERSON ☐ AND ESTATE OF *(name):* ☐ WARD(S)	
CONFIDENTIAL PETITION FOR SPECIAL IMMIGRANT JUVENILE FINDINGS—PROBATE GUARDIANSHIP	CASE NUMBER:

In a guardianship case involving more than one ward, prepare a separate petition for each ward for whom you are seeking SIJ findings.

Petitioner *(name each):*

alleges that:

1. Petitioner is *(check all that apply to a single petitioner or to more than one petitioner):*
   a. ☐ The proposed guardian of the person or the person and estate of the minor named in item 2. This petition is filed concurrently with the petition for my appointment as guardian.
   b. ☐ The guardian of the person or the person and estate of the minor named in item 2. The order appointing me was filed in this case on *(date):* . Letters of Guardianship were issued on *(date):* .
   c. ☐ The minor named in item 2. I am at least 12 years of age. I was born on *(date):* .
   If there are two or more wards or proposed wards in this case, I am asking the court for an order only for myself.
   d. ☐ The *guardian ad litem* for the minor named in item 2. A certified or conformed copy of the *Order Appointing Guardian ad Litem—Probate* (form GC-101) is attached to this petition as Attachment 1d.
   e. ☐ An adult relative *(specify relationship):* or other person on behalf of the minor named in item 2.

2. *(Name of minor):*
   is a national of *(country):* .

3. This court has jurisdiction under California law "to make judicial determinations about the custody and care of juveniles" within the meaning of section 101(a)(27)(J) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1101(a)(27)(J), and 8 C.F.R. § 204.11(a). The minor named in item 2 is under this court's jurisdiction and will remain under that jurisdiction if the court appoints (or has appointed) a guardian of his or her person in this proceeding.

4. If a guardian of the person of the minor named in item 2 has been appointed and has qualified in this proceeding, the minor is placed under the custody of an individual or entity appointed by a California state or juvenile court located in the United States within the meaning of INA section 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J).

GUARDIANSHIP OF THE PERSON ☐ AND ESTATE OF *(name):* ☐ WARD(S)	CASE NUMBER:

Requested Findings

5. Reunification of the minor named in item 2 with ☐ one parent ☐ both parents is not viable under California law because of *(check all that apply)*:
   - ☐ abuse
   - ☐ neglect
   - ☐ abandonment
   - ☐ another legal basis *(specify):*

   Facts in support of this finding are stated below *(for each parent with whom reunification is not viable, state the reasons that apply to that parent)*:

☐ Additional facts are stated on Attachment 5 to this petition. *(You may use* Attachment to Judicial Council form (form MC-025*) for this purpose.)*

GUARDIANSHIP OF THE PERSON ☐ AND ESTATE OF *(name):* ☐ WARD(S)	CASE NUMBER:

6. It is not in the best interest of the minor named in item 2 to be returned to the minor's or the parent's previous country of nationality or country of last habitual residence. (*Specify country or countries):*

Facts in support of this finding are stated below:

☐ Additional facts are stated on next page.

GUARDIANSHIP OF THE PERSON ☐ AND ESTATE OF *(name):* ☐ WARD(S)	CASE NUMBER:

6. *(continued):*

☐ Additional facts are stated on Attachment 6 to this petition. *(You may use* Attachment to Judicial Council form *(*form MC-025*) for this purpose.)*

7. All attachments to this form are incorporated by this reference as though placed here in this form. There are _____ pages attached.

Date:

_____ ▶ _____
Type or Print Name of Attorney | Signature of Attorney*

*** All petitioners must also sign. (Prob. Code, § 1020.)**

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

Date:

_____ ▶ _____
Type or Print Name | Signature of Petitioner

_____ ▶ _____
Type or Print Name | Signature of Petitioner

_____ ▶ _____
Type or Print Name | Signature of Petitioner

GC-240

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***
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name(s)):* WARD(S)	
ORDER APPOINTING GUARDIAN OR EXTENDING GUARDIANSHIP OF THE PERSON	CASE NUMBER:

WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.

1. The petition for appointment of a guardian or extension of an existing guardianship of the person came on for hearing as follows:
   a. Judicial officer *(name):*
   b. Hearing date: Time: ☐ Dept.: ☐ Room:

   (Check item c, d, e, or f to indicate each person who was at the hearing. Leave an item blank if that person was not there.)
   c. ☐ Petitioner *(name):*
   d. ☐ Attorney for petitioner *(name):*
   e. ☐ (Proposed) ward *(name):*
   f. ☐ Attorney for (proposed) ward *(name, address, phone, and email):*

THE COURT FINDS

2. a. ☐ Notice has been given as required by law.
   b. ☐ Notice of hearing does not need to be given to the following persons *(names):*

3. ☐ Appointment of a guardian of the ☐ person ☐ estate of the proposed ward is necessary or convenient.
   ***(Note:** The law does not authorize the appointment of a guardian of the estate for a proposed ward 18 years of age or older.)*

4. ☐ Extension of the existing guardianship of the person past the ward's 18th birthday is necessary or convenient.
   ***(Note:** The law does not authorize the extension of an existing guardianship of the estate past the ward's 18th birthday.)*

5. ☐ Granting powers to be exercised independently under Probate Code section 2590 to the guardian of the estate is to the advantage and benefit of the guardianship estate and is in the estate's best interest.

6. ☐ The court previously appointed *(name of attorney):* as legal counsel to represent the (proposed) ward in these proceedings. The cost of that representation is: $

7. ☐ The previously appointed court investigator, probation officer, or domestic relations investigator is *(name, title, address, phone, and email):*

Do **not** use this form for appointment of a temporary guardian.

GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name(s))*: WARD(S)	CASE NUMBER:

THE COURT ORDERS

8. a. ☐ *(name):*
(address): *(phone):* *(email):*

appointed guardian of the **person** of *(name(s)):*
with letters to issue upon qualification.
☐ One or more joint guardians of the person are appointed as described on Attachment 8a.

b. *(Not applicable to a proposed ward 18 years of age or older.)*
☐ *(name):*
(address): *(phone):* *(email):*

appointed guardian of the **estate** of *(name(s)):*
with letters to issue upon qualification.
☐ One or more joint guardians of the estate are appointed as described on Attachment 8b.

c. ☐ The previous appointment of
(name):
(address): *(phone):* *(email):*

as guardian of the **person** of *(name):*
extended past the ward's 18th birthday with new letters to issue without delay.

9. ☐ Notice of hearing to the persons named in item 2b is not required.

10. a. ☐ Bond is not required.
b. ☐ Bond is fixed at: $ to be furnished by an authorized surety company or as otherwise provided by law.
c. ☐ Deposits of: $ are ordered to be placed in a blocked account at *(specify institution and location):*

and receipts must be filed. No withdrawals may be made without a court order.
☐ Additional orders are specified in Attachment 10c.
d. ☐ The guardian is not authorized to take possession of money or any other property without a specific court order.

11. ☐ For legal services rendered on behalf of the (proposed) ward,
a. ☐ the parents of the (proposed) ward
b. ☐ the (proposed) ward's estate
shall pay to *(name of attorney):*
the sum of: $
☐ without delay
☐ as follows *(specify terms, including any combination of payers):*

12. ☐ The guardian of the estate is granted authority under Probate Code section 2590 to independently exercise the powers specified in Attachment 12 ☐ subject to the conditions provided in that attachment.

13. ☐ Orders under Probate Code section 2358 imposing additional conditions providing for the care, treatment, education, or welfare of the ward are specified in Attachment 13.

GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name(s))*: WARD(S)	CASE NUMBER:

14. ☐ Orders under Probate Code section 2402 imposing additional conditions providing for the care and custody of the ward's property are specified in Attachment 14.

15. ☐ Other orders are specified in Attachment 15.

16. ☐ The court designates as probate referee in this case *(name and address):*

17. Number of boxes checked in items 9–16: ____

18. Number of pages attached: ____

Date:

_____
Judicial Officer

SPR26-33 Chart of Comments

Probate Guardianship: Appointment of Unavailable Parent and Nominee as Joint Guardians of the Person (amend Cal. Rules of Court, rule 7.101; adopt form GC-210(JP); approve form GC-214; revise forms GC-110(P), GC-210, GC-210(CA), GC-210(P), GC-211, and GC-240; revise form GC-505 and renumber as GC-208-INFO)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Alliance for Children's Rights by Kristin Power, Vice President, Policy and Advocacy Public Counsel by Sharon Balmer Cartagena, Directing Attorney, Child, Youth & Family Advocacy Los Angeles	Position: Not indicated. The Alliance for Children's Rights and Public Counsel writes to address the proposal of the Probate and Mental Health Advisory Committee to adopt rules and forms implementing Assembly Bill 495 related to probate guardianships. The Alliance for Children's Rights and Public Counsel represent prospective guardians in Los Angeles County and Public Counsel facilitates a pro per clinic at the Stanley Mosk Courthouse. We are pleased with the proposal to adopt rules and forms to implement the new joint parent/caregiver guardianship as applicants and courts need a transparent and easy-to-use process to effectuate the nomination.	The committee appreciates this comment.
Alliance for Children's Rights and Public Counsel (continued)	As a practical matter, we recommend that the nomination form be formatted in a similar manner to the new joint guardianship petition so it is more user friendly for pro pers, who we hope will use it without feeling like they need to consult an attorney.	The committee does not recommend the suggested change, as it is beyond the scope of this proposal. Reformatting a standard form as a plain-language form requires significant changes to language and structure. These changes would need to circulate for public comment. The committee will consider the suggestion as time and resources permit.
Alliance for Children's Rights and Public Counsel (continued)	We also request that Judicial Council update GC-110(P), *Petition for Appointment of Temporary Guardian of the Person,* to cite to the new petition at the top of the first page where there is an existing reference to the GC-210 and GC-210(P).	The committee agrees and has added form GC-110(P) to the recommendation to insert a cross-reference to form GC-210(JP) and make technical changes.

Commenter	Comment	Committee Response
Alliance for Children's Rights and Public Counsel (continued)	We also request including language (perhaps an asterisk or footnote) clarifying for the court and guardianship applicants that the custodial parent is not required to sign the letters of guardianship. We think this clarification will prevent court confusion and denial by service providers.	The committee has modified item 10a on form GC-210(JP) to clarify that the petition requests issuance of letters to the available guardians upon their qualification. Further responsive changes—for example, adding language or items to form GC-240—lie beyond the scope of this proposal; the committee will consider such changes as time and resources permit. Under the current recommendation, a petitioner may use item 10c on form GC-210(JP) to request an order authorizing the nonparent guardian to act without the agreement of the unavailable parent guardian. If additional orders are needed to give effect to that authority, the petitioner may use item 10d to request those orders. The court may use item 15 on form GC-240 to make any order necessary for the available guardian to perform their duties.
Alliance for Children's Rights and Public Counsel (continued)	We fervently recommend training for court personnel on the new process and forms once adopted: We are aware of at least two cases heard recently in which the judges and attorneys were unfamiliar with the law and reluctant to proceed. We offer our organizations as resources to develop, promote, and provide training.	The committee is grateful for the commenters' offer to serve as resources and will refer the matter to the Judicial Council division responsible for training judicial officers and court staff.
Lesly Mendoza Bet Tzedek Legal Services, Kinship/Immigration Staff Attorney Los Angeles	Position: Agree if modified.	The committee appreciates this comment.
Lesly Mendoza (continued)	GC-210(JP)—The top information, "for a reason specified in that parent's nomination of a guardian," may create confusion since you noted the GC-211 would be optional since other options may be used. Consider rewording or clarifying.	The committee has modified the instructions on proposed form GC-210(JP) to clarify that the nomination of a guardian may use either form GC-211 or another writing.
Lesly Mendoza (continued)	Section (1), delete "above and" to match the rest of the references.	The committee agrees with this suggestion and has modified its recommendation accordingly.

Commenter	Comment	Committee Response
Lesly Mendoza (continued)	Section (9)(b), "the child or children in (8) cannot be placed in the custody of their other parent or parents because," is confusing since you are asking for joint or is this referencing the potential absent parent? Still confusing. I understand the parent will be unavailable because of arrest, etc., and this will match the nomination sheet, but it seems confusing.	The committee has modified its recommendation to clarify that item 9(b) refers to a parent.
Lesly Mendoza (continued)	GC-210(P)—on top "if one proposed guardian is an unavailable parent" seems confusing. Perhaps reword: "if an unavailable parent has nominated a joint guardian" or something similar?	The committee recognizes that the proposed language may lead to confusion and has modified the recommendation to clarify its intent.
Lesly Mendoza (continued)	Delete "above and" to match the rest of the references on section (1).	The committee agrees with this suggestion and has modified its recommendation accordingly.
Lesly Mendoza (continued)	GC-214 section (1) and (2)—Is agreeing to perform duties necessary since we have to file the GC-248?	The committee agrees that requiring a proposed guardian to agree on this form to perform the duties is unnecessary and has stricken that language from the recommendation.
Lesly Mendoza (continued)	Also, "duties of this office" seems confusing.	See response above.
Orange County Bar Association by Shirin Forootan, President	Position: Agree.	The committee appreciates this comment.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree.	The committee appreciates this comment.
Superior Court of LA County (continued)	The court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates this comment.
Superior Court of LA County (continued)	The proposal will not provide cost savings.	The committee appreciates this information.
Superior Court of LA County (continued)	Implementation and impact on court operations is significant. The court would need to train its judicial officers and staff, including the Probate Legal Unit (PLU) that reviews and prepares summaries.	The committee appreciates this comment and recognizes the work needed to implement the new statutory process.
Superior Court of LA County (continued)	Public Counsel (guardianship clinic) assists with preparing guardianship petitions, so they would need to be informed to update their forms.	The committee understands from the first comment, above at page 39, that Public Counsel is aware of the recommended changes.

Commenter	Comment	Committee Response
Superior Court of LA County (continued)	The new petition requires confidentiality of the entire proceeding, so case management configuration modifications will be required to create new events for the new forms. Management may want to consider a new confidential case type, as well.	The committee appreciates this comment and recognizes the work needed to implement the new statutory confidentiality requirement.
Superior Court of LA County (continued)	Also, preprinted copies of guardianship packets would need to be updated to include the new forms. The court's local form would also need to be revised.	The committee appreciates this comment and recognizes the work needed to implement the new statutory process.
Superior Court of LA County (continued)	Two months is not sufficient for implementation, but four months may be adequate.	The committee appreciates this comment and recognizes the work needed to implement the new statutory process. However, because the recommended revisions implement statutory requirements that have been in effect since January 1, 2026, the committee does not recommend delaying the proposal's effective date.
Superior Court of LA County (continued)	The proposal will work for courts of different sizes.	The committee appreciates this information.
Superior Court of Orange County, Appellate, Civil, and Probate and Mental Health Units	Position: Not indicated. 1. Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates this comment.
Superior Court of Orange County (continued)	2. Would the proposal provide cost savings? If so, please quantify. No measurable direct cost savings are anticipated. Any savings would likely be indirect, such as fewer incorrect petition filings, clearer nomination and consent processing, and reduced self-help or clerk follow-up.	The committee appreciates this information.
Superior Court of Orange County (continued)	3. What would the implementation requirements be for courts—for example, training staff, revising processes and procedures, changing docket codes in case management systems, or modifying case management systems?	The committee appreciates this comment and the court's identification of the activities needed to implement the new statutory process.

Commenter	Comment	Committee Response
	Implementation would require updates to guardianship procedures, form packets, self-help materials, confidentiality guidance, and order/letters workflows. Probate case processing staff, probate examiners, order checkers, courtroom staff, records/imaging staff, self-help staff, supervisors, judicial officers, and research attorneys would need training or written guidance on the new GC-210(JP) petition, revised guardianship forms, and confidentiality requirements. CMS updates may be needed to add and restrict the GC-210(JP) filing/document type, update document names or filing codes, and update references to revised guardianship forms.	
Superior Court of Orange County (continued)	4. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes. Two months should generally be sufficient if final forms and instructions are issued promptly. Because the proposal involves a new confidential petition and several related form updates, courts would benefit from early access to final form titles, numbers, and confidentiality instructions.	The committee appreciate this information.
Superior Court of Orange County (continued)	5. How well would this proposal work in courts of different sizes? It would work well. Larger courts may need more coordination across filing, examining, courtroom, self-help, records/imaging, and CMS teams. Smaller courts should benefit from the dedicated petition and clearer statewide forms, especially for self-represented petitioners.	The committee appreciates this information.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree if modified.	The committee appreciates this comment.
Superior Court of San Diego County (continued)	Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates this comment.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates this information.
Superior Court of San Diego County (continued)	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: 100+ hours—training staff, including frontline, courtroom, examiners, judges. Updating packets, websites, and case management system.	The committee appreciates this comment and recognizes the work needed to implement the new statutory process.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, provided the final versions of the forms are provided at that time.	The committee appreciates this information.
Superior Court of San Diego County (continued)	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 this information.
Superior Court of San Diego County (continued)	GC-208-INFO: Item #5—Recommend adding information about e-filing. While not all courts accept e-filing, these informational forms should encourage litigants to check their local court to see if this convenient option is available.	The committee agrees with this suggestion and has added a prompt to seek information about e-filing to item 5 on form GC-208-INFO.
Superior Court of San Diego County (continued)	GC-210 and GC-210(P): The proposed removal of references to the *Petition for Special Immigrant Juvenile Findings* based on confidentiality, appears inaccurate. Unlike in family law, SIJ petitions in probate are not confidential by form or statute. The confidential component is the court's findings as reflected in form GC-224/FL-357/JV-357, not the petition itself.	The committee does not recommend restoring the reference to form GC-220 to the petition forms. Code of Civil Procedure section 155(c) requires "information regarding the child's immigration status" to be kept confidential. Filing form GC-220 discloses information about the child's immigration status.

Commenter	Comment	Committee Response
		The committee therefore recommends removing references to that form from the guardianship petitions. The committee also recommends revising form GC-220 to clearly indicate that the form is confidential.
Superior Court of San Diego County (continued)	GC-211: Consider adding an option for the minor to nominate a guardian. Under Probate Code section 1514, the court should give due consideration to the minor's preference if the minor is of sufficient age and capacity to form an intelligent preference.	The committee does not recommend the suggested change because it is beyond the scope of the proposal.
Superior Court of San Diego County (continued)	GC-211: The proposed form appears overly complicated given the expanded language and multiple options. Recommend keeping the current GC-211 as-is and instead creating a separate nomination form tailored to joint guardianships for use in more specific scenarios.	The committee does not recommend reverting to the existing form GC-211. The recommended revisions to form GC-211 offer a nominating parent options—for example, specifying a condition precedent to the nomination taking effect—available to any nominating parent. The revisions also prompt a nominating parent to provide information—including the other parent's joinder in or consent to the nomination or, if the other parent has not joined or consented, the reason for the absence of joinder or consent—required in every nomination of a guardian under Probate Code sections 1500 and 1502. The omission of those options or prompts from existing form GC-211 misleads form users into leaving available options or required information out of a nomination.
Superior Court of San Diego County (continued)	GC-214: If proceeding with this form, suggest revising the form title to provide two selectable options: "Consent of Proposed Guardian" and "Waiver of Notice for Petition for Appointment of Guardian." Probate Code section 1204 does not require a person to consent to the appointment to waive notice. The NOTICE language itself sufficiently explains the implications of signing, particularly for individuals other than the proposed guardian.	The committee agrees that adding check boxes to the form title in the caption would clarify the options for using form GC-214. In addition, the committee recommends adding brief instructions and check boxes to item 3 to clarify that a form user may consent to the appointment of a guardian, waive notice of the hearing, or both. Eliminating the option of using the form to consent to the guardianship is beyond the scope of the proposal.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	GC-214: Recommend expanding the space for additional signatures, as it is common to have more than three individuals waiving notice, which currently requires attachment of additional forms.	The committee has added space for an additional signature to the recommended form. Because adding space for more signatures would have required adding another page to the form, the committee has retained the check box to indicate additional signatures on an attachment.
Superior Court of San Diego County (continued)	GC-214: Recommend removing Probate Code section 1043 citation from bottom left footer. This section pertains to responses and objections and does not appear directly relevant in this context.	The committee agrees with the suggestion and has modified its recommendation accordingly.
Superior Court of San Diego County (continued)	GC-240: Caption: Rather than update the form to include "Minor(s)"in the caption, should it state "Ward(s)," since this seems to be the terminology that most forms have shifted towards?	The committee agrees with the suggestion and has modified its recommendation accordingly.
Superior Court of San Diego County (continued)	GC-240: Item #8a and #8c: Our court has found that both attorneys and self-represented litigants struggle with which box to mark when an SIJF petition is jointly granted. It would be helpful if the form included some instructional language directing #8a to be marked for all initial appointment petitions, including guardianships granted for wards 18 or older, and item #8c to be marked only if there was a previously granted petition set to expire on the ward's 18th birthday but is extended based on the granting of a GC-210PE.	The committee does not recommend the suggested change, as it is beyond the scope of this proposal. The committee will consider the suggestion as time and resources permit.
Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, Joint Rules Subcommittee (JRS)	Position: Agree. The JRS notes the following impact to court operations: • Impact on existing automated systems. o The costs should be one-time and will consist of reprogramming case management systems.	The committee appreciates this comment and recognizes the training and reprogramming needed to implement the new statutory process.

Commenter	Comment	Committee Response
	• Results in additional training, which requires the commitment of staff time and court resources. o Implementation will require staff training to process the new forms, and training self-help center staff to assist with guiding parties through the forms.	
JRS (continued)	Does the proposal appropriately address the stated purpose? Yes. AB 495 created a new type of probate guardianship with two notable features: (1) termination requested by the custodial parent is presumed to be in the best interests of the child, and (2) the file is confidential. This proposal accomplishes the following: • Creates a new mandatory, confidential form to be used to request appointment of a guardian under AB 495. This is needed, so that the clerk can initiate the case as confidential and not as public like other probate guardianships. It is also needed to accommodate the new allegations needed for these types of guardianships. Item 10(c) allows an order under Probate Code 2105 to allow the joint guardians to act without the concurrence of the unavailable parent. • Updates the information form GC-505 to add data about AB 495 guardianships. • Splits the existing nomination and consent form into separate forms: nomination (GC-211), and consent (GC-214). The nomination is substantially expanded to accommodate nominations required for AB 495 guardianships. • Revises the order appointing guardian.	The committee appreciates this comment and recognizes the thought and effort that went into preparing it.

Commenter	Comment	Committee Response
	• Revises the other guardianship petitions and the child information attachment to cross-reference the AB 495 guardianship form.	
JRS (continued)	Would the proposal provide cost savings? No.	The committee appreciates this information.
JRS (continued)	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? Courts would need to update case management systems and train staff on the new forms.	The committee appreciates this information and recognizes the work needed to implement the new statutory process.
JRS (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Two months is very fast; however, the implementation date on the proposal is that it be effective January 1, 2027.	The committee appreciates this comment and recognizes the time needed to implement the new statutory process.
JRS (continued)	How well would this proposal work in courts of different sizes? It should work in all court sizes.	The committee appreciates this information.

Rules Committee Action Request Form

Item number: 34

Rules Committee Meeting Date: September 10, 2026

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

Title of proposal: Probate Law and Procedure: Forms to Implement Assembly Bill 747

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Approve forms DE-123 and DE-126/GC-326; revise forms DE-122/GC-322, DE-125, and GC-320; revise and renumber forms DE-120(P) and GC-510; revoke forms DE-120(PA)/GC-020(PA) and GC-020(P)

Advisory committee or other entity submitting the proposal:
Probate and Mental Health Advisory Committee

Staff contact (name, phone, and email)**:**
Julia Kaufman, 916-263-5814, julia.kaufman@jud.ca.gov

Annual agenda approved by Rules Committee on: October 16, 2025
Project description from annual agenda: The committee will consider recommending revising or revoking certain proof of service forms or developing an information sheet to implement Assembly Bill 747 (Stats. 2025, ch. 563). This bill, among other things, amended Code of Civil Procedure section 417.10, effective January 1, 2027, to require that proof of personal service of a summons under CCP section 415.10 include one or more photos showing the date, time, and GPS coordinates of the location of each effected or attempted service. Several sections of the Probate Code require personal service to comply with CCP 415.10 and, by implication, the proof of service requirements added by AB 747.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.) See related proposals: Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons and Family Law: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-155

For business meeting on October 16, 2026

Probate Law and Procedure: Forms to Implement Assembly Bill 747 (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Approve forms DE-123 and DE-126/GC-326; revise forms DE-122/GC-322, DE-125, and GC-320; revise and renumber forms DE-120(P) and GC-510; revoke forms DE-120(PA)/GC-020(PA) and GC-020(P)

Recommended by
Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 27, 2026

Contact
Julia Kaufman, 916-263-5814
julia.kaufman@jud.ca.gov

Executive Summary

Assembly Bill 747 (Stats. 2025, ch. 563) made numerous changes to the Code of Civil Procedure that apply to service required under the Probate Code. To bring the forms used for service in probate proceedings into compliance with the new service requirements, the Probate and Mental Health Advisory Committee recommends approving two new forms, revising five forms, and revoking two forms.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Approve the following forms:

- *Declaration of Diligence for Substituted Service Attachment* (form DE-123) and
- *Proof of Service of Citation/Summons—Probate* (form DE-126/GC-326).

2. Revise the following forms:
   - *Citation—Probate* (form DE-122/GC-322);
   - *Summons (Probate)* (form DE-125); and
   - *Citation for Conservatorship* (form GC-320).
3. Revise *Proof of Personal Service of Notice of Hearing—Decedent's Estate or Trust* (form DE-120(P)) and renumber and retitle as *Proof of Service (Personal or Substituted)—Notice of Hearing* (form DE-120(P)/GC-020(P)).
4. Revise *What Is "Proof of Service" in a Guardianship?* (form GC-510) and renumber as form GC-209-INFO.
5. Revoke the following forms:
   - *Attachment to Notice of Hearing Proof of Personal Service* (form DE-120(PA)/ GC-020(PA)) and
   - *Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship* (form GC-020(P)).

The recommended forms are attached at pages 9–27.

Relevant Previous Council Action

The probate-specific proof of service attachment took effect in July 1, 2005 as part of the Judicial Council's standardized probate forms.[1] It was originally approved for optional use. The citations, which are mandatory forms, were revised effective January 1, 2006, and include a proof of service as part of the forms.[2] The summons was last revised effective January 1, 1998 and also includes a proof of service.[3]

Analysis/Rationale

Effective January 1, 2027, Assembly Bill 747 (Link A) makes numerous changes to the laws governing service and proof of service of summons in civil actions.[4] These changes include

[1] Judicial Council of Cal., mins. (Apr. 15, 2005), item A10, p. 9.

[2] Judicial Council of Cal., mins. (Nov. 4, 2005), item A40, p. 26.

[3] Judicial Council of Cal., mins. (Nov. 14, 1997) item 1A, pp. 2–4.

[4] The code sections referenced in this section refer to the versions of the sections that operate January 1, 2027.

adding a photograph requirement to prove personal service, updating the mailing options that can be used for service, and defining the standard needed to prove reasonable diligence to allow for substituted service. Implementation of these new laws require conforming changes to rules and forms related to service for general civil actions, small claims cases, family and juvenile proceedings, and probate and mental health proceedings. As a result, the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee are also recommending forms revisions to implement these changes in the law.[5] The committees have coordinated their recommendations so that implementation of these laws will be as consistent as possible across the affected forms.

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 or place of business and then mailing a copy of the summons and complaint to the party.[6] For individuals, 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 has shown 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 adds language to expand options for mailing a copy of the summons and complaint to the party from "by first-class mail, postage prepaid" to "by United States Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid."

Proof of service of summons for personal and substituted service

AB 747 revises Code of Civil Procedure section 417.10(a) to add several requirements for proofs of service under sections 415.10 (personal service) and 415.20 (substituted service). Under AB 747, a 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."[7] 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."[8] 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."[9] The photographs

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[5] See *Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons* and *Family Law: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85*.

[6] Code of Civil Procedure section 415.20(a) relates to substituted service on a business entity and is not relevant to this proposal.

[7] Code of Civil Procedure section 417.10(a)(1), as added by section 9 of AB 747.

[8] *Id.*, § 417.10(a)(1)(A).

[9] *Id.*, § 417.10(a)(1)(B).

must be taken "as close as reasonably practicable to the time of effecting or attempting service."[10]

For service at residential locations, at least one of the photographs must show the door of the residence or, if the door is not reasonably accessible, the entrance to the building.[11] For service at a business, 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.[12]

A photograph is not required if "in the reasonable judgment of the process server, taking a photograph would compromise the process server's safety."[13] The server must 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."[14] To effectuate the changes from AB 747, the committee recommends the following new forms and updates to existing forms.

Revise and renumber* Proof of Personal Service of Notice of Hearing—Decedent's Estate or Trust *(form DE-120(P)) and revoke* Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship *(form GC-020(P))

Forms DE-120(P) and GC-020(P) are optional forms that may be used to prove personal service of a notice of hearing. These forms may be used to provide proof of personal delivery as required by Probate Code section 1264[15] or when the Probate Code requires service in compliance with Code of Civil Procedure.[16] Currently, the forms are divided by case type, with form DE-120(P) attached to a notice of hearing in decedent's estates or trust proceedings and form GC-020 attached to a notice of hearing in guardianship or conservatorship proceedings. Given the similarities of the content of these separate proof of service forms and that they are both used to prove service in probate proceedings, the committee recommends combining the forms into a single attachment form that can be used in a decedent's estate, trust, guardianship, or conservatorship proceeding and retitling the form to reflect its general application. The content of the recommended combined form is also updated to include the requirements of AB 747.[17]

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[10] *Id.*, § 417.10(a)(5).

[11] *Id.*, § 417.10(a)(2)(A).

[12] *Id.*, § 417.10(a)(2)(B).

[13] *Id.*, § 417.10(a)(4).

[14] *Ibid.*

[15] Probate Code section 1264 provides the general requirement for proof of personal delivery under the Probate Code, which applies unless otherwise specified.

[16] See Probate Code sections 851(a) (requires service "in the manner provided in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure" and 1511(b) (requires service "in the manner provided in Section 415.10 or 415.30 of the Code of Civil Procedure").

[17] The changes were so extensive that they are not noted in green on the attached form DE-120(P)/GC-020(P).

Specifically, the committee recommends renumbering the form from DE-120(P) to DE-120(P)/GC-020(P) and revoking form GC-020(P) as a standalone form since the proposed renumbered form would be used in its place. The committee also recommends retitling the combined form to *Proof of Service (Personal or Substituted)—Notice of Hearing*. The content of the form is revised to replace the references to the notice of hearing for a specific case type with a generalized reference to the notice of hearing and revising the declarations regarding service to include the location of service photograph, as required by AB 747. The option to document service on multiple persons on a single form has been removed, since, with the new photograph requirements of AB 747, separate proof of service forms for each recipient will better facilitate documenting service and confirming that service requirements are satisfied.

Revoke* Attachment to Notice of Hearing of Proof Personal Service *(form DE-120(PA)/GC-020(PA))
Form DE-120(PA)/GC-020(PA) is an optional form that can be attached to current form DE-210(P) or GC-020(P) and is used to prove personal service on multiple people. The committee recommends revoking this form since recommended form DE-120(P)/GC-020(P) could only be used to document service on a single person. Documenting service on multiple people on one proof of service form is no longer practical due to the new service requirements under AB 747.

Approve* Proof of Service of Citations/Summons—Probate *(form DE-126/GC-326)
The committee recommends new optional form DE-126/GC-326 to document service of probate citations and summons form, which is required to be in compliance with the requirements of the Code of Civil Procedure.[18] The new form includes subsections in the personal and substituted service items for a server to indicate how they met the photograph requirements. The form also contains the new language regarding mailing in substituted service cases to indicate that the papers were mailed by either first class mail, priority mail with tracking, or certified mail with return receipt requested. And the form refers to the newly created declaration of diligence (form DE-123) discussed below.

Approve* Declaration of Diligence for Substituted Service Attachment *(form DE-123)
The committee recommends new optional form DE-123 to provide a template for servers to document the personal service attempts made prior to substituted service. The form would prompt the server to provide information (including photographs) that demonstrate reasonable diligence, as specified by AB 747.

Revise and renumber* What Is "Proof of Service" in a Guardianship? *(form GC-510)
Form GC-510 is an information sheet that explains how to serve documents in a guardianship case. The committee recommends revising the form to incorporate the new photograph requirements set forth in AB 747 that apply to personal service. Additional recommended revisions include renumbering the form as GC-209-INFO as other INFO forms in the

[18] See Probate Code sections 1824 (requires service in the manner provided in Code of Civil Procedure section 415.10 or 415.30), 1242 (requires service in the manner provided in the Code of Civil Procedure sections 413.10–417.40), and 8250 (requires service as provided in Code of Civil Procedure sections 412.10–417.40).

guardianship series are included in the GC-200 series. The form is reorganized for greater ease of use and the language updated for additional clarity.[19]

Revise Citation—Probate *(form DE-122/GC-322) and* Citation for Conservatorship *(form GC-320)*

The citation forms for probate matters include a proof of service section on each form. The committee recommends that instead of revising the forms to reflect the new service requirements set forth in AB 747, these forms be revised to remove the proof of service section from each form. As discussed above, recommended form DE-126/GC-326 would be used to document service for all citations and summons forms in probate matters. Separating the proof of service will reduce confusion and improve usability, as the citations and summons are required to be issued by the clerk of the court before service on the parties and the proof of service is filed after the issuance of the citation or summons. The citations have also been reorganized to provide more space and to update the advisement on request for accommodations.

Revise Summons (Probate) *(form DE-125)*

The summons form for probate matters also includes a proof of service section, which is being removed for the reasons noted above regarding the citations. The summons has also been updated to remove outdated language referring to telephone directories, typewriters, and the handwritten response requirement.

The committee also recommends changing the layout of the summons to improve usability, readability, and accessibility for self-represented litigants, including individuals using assistive technology and individuals with limited English proficiency. The current layout of the summons presents English and Spanish content in alternating sections or in side-by-side columns. The committee recommends presenting the different languages on the form separately, so that the English content of the form is first, followed by a complete Spanish translation. One exception is that the form will have a notice at the top of the first page in both English and Spanish to instruct users about completing the form. The notice will also specify that a Spanish translation is found on page 2.

For the Spanish translation of the summons form, the committee recommends adding a notice in Spanish to help users understand that the translation is provided for information only and that they are not to complete the Spanish translation pages. A notice will be centered immediately below the form title, and another, shorter notice will be located in the court's file-stamp box at the top of the page. Further, the Spanish translation will not include a clerk's signature line nor a box for the court's seal at the bottom of the translated page.

Technical changes

The committee also recommends revising the caption at the top of each form. To improve readability, the 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 is revised to read

[19] The changes to the form were so extensive that they are not indicated in green in the attached form GC-209-INFO.

"Party Without Attorney or Attorney" instead of "Attorney or Party Without Attorney" to emphasize that parties without attorneys must fill in the caption.

Policy implications

The committee is making these recommendations to comply with the recent legislative mandates. In addition, this recommendation promotes Goal I, "Access, Fairness, Diversity, and Inclusion," and Goal IV "Quality of Justice and Service to the Public," of *The Strategic Plan for California's Judicial Branch* by promoting a clear, uniform, and accessible process for service. The revised forms are also designed to be user-friendly and improve usability.

Comments

The proposal circulated for comment from April 13, 2026, through May 18, 2026, as part of the Judicial Council's spring invitation-to-comment cycle. It received four comments from three superior courts and one bar association. Three commenters agreed with the proposal as circulated, one commenter did not express a position but agreed that the proposal appropriately addressed the stated purpose, and no commenters disagreed with the proposal. The committee made technical changes to address typographical errors noted by the commenters and to keep the language consistent with other form groups.

The committee received one substantive comment that it declined to accept, which was to renumber form DE-120(P)/GC-020(P) to include two additional form numbers (DE-115(P)/GC-015(P)) that correspond to the *Notice of Hearing on Petition to Claim Property* (form DE-115/GC-015). The committee concluded that the numbering would become unnecessarily complicated and noted that instructions on form DE-115/GC-015 already inform users that they may use attachment DE-120(P) when appropriate.

A chart with the full text of the comments received and the committee's responses is attached at pages 28–30.

Alternatives considered

The committee did not consider the alternative of taking no action because changes to the forms are needed to reflect the statutory service requirements, as updated by AB 747.

The committee considered several options for updating the proofs of service on the citations and summons form. The options included keeping the proof of service sections integrated into the citations and summons forms and updating the content to comply with the new law or creating a proof of service attachment. Ultimately the committee decided to recommend a standalone proof of service form since the court clerk must issue the original citation or summons before the citation or summons may be served. Additionally, having a separate proof of service form will allow courts to more accurately track the status of these cases, as the proof of service will appear as a separate item from the citation and summons in case management systems.

Likewise, the committee considered retaining separate proof of personal service forms for guardianship and conservatorship cases and decedent's estate and trust cases, and updating the

content of the forms to comply with AB 747, but it determined that a joint form would provide increased clarity and reduce confusion for the public.

The committee also considered whether any action was needed to implement Senate Bill 85 (Stats. 2025, ch. 403). The legislation allows a court to direct service of a summons by electronic mail or other electronic technology in certain circumstances. The committee determined that the existing proof of service forms for probate may be used by a server to prove service by electronic mail or other electronic technology, and that the proposed proof of service attachment allows for additional methods of service, under "Other."[20] Therefore, no action was taken as a result of this bill.

Fiscal and Operational Impacts

The new and revised forms will require training of court staff and judicial officers as well as updating websites, form packets, and case management systems. The new and revised forms are intended to assist courts and parties with ensuring that service is made consistent with statutory requirements. No cost savings are anticipated.

Attachments and Links

1. Forms DE-120(P)/GC-020(P), DE-120(PA)/GC-020(PA), DE-122/GC-322, DE-123, DE-125, DE-126/GC-326, GC-020(P), GC-209-INFO, and GC-320, at pages 9–27
2. Chart of comments, at pages 28–30
3. Link A: Assem. Bill 747

[20] Item 7 on proposed form DE-126/GC-326.

☐ Estate ☐ Conservatorship ☐ Guardianship ☐ Matter of *(Name):* ☐ Decedent ☐ (Proposed) Conservatee ☐ Minor ☐ Other	Case Number:

Proof of Service (Personal or Substituted)—Notice of Hearing

(Complete this form for each person you served.)

1. **Server's information**
   a. I am at least 18 years old and not a party in this case.
   b. Name:
   c. Address:

2. **Papers served**
   I served a copy of the following papers:
   a. The attached notice of hearing.
   b. ☐ The petition or other document referred to in the attached notice.
   c. ☐ Additional documents *(list):*

3. a. **Name of person served:**
   b. Address where the person was served:

(Complete item 4 or 5):

4. ☐ **Personal service**
   a. I personally delivered the papers to the person in item 3 on *(date):* at *(time):*
   b. **Photo requirements** (Code Civ. Proc., § 417.10(a))
   (You must take a photo of where you served the papers unless doing so would risk your safety. Check (1), (2), or (3)):
      (1) ☐ I am attaching a photo I took of where I served the papers. This photo was taken as close as was practical to the time I served the papers.
         (a) Stamp requirements for the photo *(check one):*
            ☐ The photo includes a stamp that shows and automatically recorded the (1) date, (2) time, and (3) GPS or equivalent coordinates of when and where the photo was taken.
            ☐ The photo 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 photos. Was the person served at a home or a business? *(Check one):*
            ☐ No
            ☐ Yes and the photo includes the door of the home or business.
            ☐ Yes and the photo includes the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*
      (2) ☐ I did not take a photo because taking a photo would have risked my (the person serving papers) safety *(explain):*
      (3) ☐ I did not attach a photo because this proof of service is being made under Probate Code section 1264.

☐ Estate ☐ Conservatorship ☐ Guardianship ☐ Matter of *(Name):* ☐ Decedent ☐ (Proposed) Conservatee ☐ Minor ☐ Other	Case Number:

5. ☐ **Substituted service.** *(To qualify, personal delivery must have been attempted on at least three different days at three different times. For guardianship cases you must have the court's permission.)*

   a. I left the papers with or in the presence of:
   (name and title or relationship to person named in item 3):
   on *(date):* at *(time):* at the address listed in item 3. I told them who the papers were for and that they were legal papers.

   b. The address listed in item 3 for the person being served is a *(check one):*
   (1) ☐ **Business.** The person listed above is an adult and apparently in charge.
   (2) ☐ **Home or mailing address.** The person listed above is an adult and a competent household member.

   c. ☐ **Required mailing:** I thereafter mailed a copy of the papers by prepaid (1) first class mail, (2) priority mail with tracking, or (3) certified mail with return receipt requested, addressed to the person named in item 3 on *(date of mailing):* .

   d. **Photo requirements** (Code Civ. Proc., § 417.10(a))
   (You must take a photo of where you served the papers unless doing so would risk your safety. Check (1) or (2)):

   (1) ☐ I am attaching a photo I took of where I served the papers. This photo was taken as close as was practical to the time I served the papers.

   (a) Stamp requirements for the photo *(check one):*
   ☐ The photo includes a stamp that shows and automatically recorded the (1) date, (2) time, and (3) GPS or equivalent coordinates of when and where the photo was taken.
   ☐ The photo 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 photos *(check one):*
   ☐ The photo includes the door of the home or business.
   ☐ The photo includes the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

   (2) ☐ I did not take a photo because taking a photo would have risked my (the person serving papers) safety *(explain):*

   e. ☐ **A declaration of diligence** is attached. *(You may use form DE-123 (*Declaration of Diligence for Substituted Service Attachment*).)*

6. **Server verification and signature**
   I am *(check one):*
   a. ☐ Exempt from registration under Business and Professions Code section 22350(b).
   b. ☐ Not a registered California process server.
   c. ☐ A registered California process server
   (1) ☐ Owner ☐ Employee ☐ Independent contractor
   (2) Registration number: County:
   (3) Fee for service was *(give amount):* $

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

REVOKED January 1, 2027

DE-120(PA)/GC-020(PA)

☐ ESTATE ☐ GUARDIANSHIP ☐ CONSERVATORSHIP ☐ MATTER OF *(Name):*	CASE NUMBER:

ATTACHMENT TO NOTICE OF HEARING PROOF OF PERSONAL SERVICE

(This Attachment is for use with forms DE-120(P) and GC-020(P).)

NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE

No.	Name	Address where served *(number, street, city and state)*	Date and time service made
			Date: _____ Time: _____
			Date: _____ Time: _____
			Date: _____ Time: _____
			Date: _____ Time: _____
			Date: _____ Time: _____
			Date: _____ Time: _____
			Date: _____ Time: _____
			Date: _____ Time: _____
			Date: _____ Time: _____
			Date: _____ Time: _____
			Date: _____ Time: _____
			Date: _____ Time: _____

REVOKED January 1, 2027

Form Approved for Optional Use
Judicial Council of California
DE-120(PA)/GC-020(PA)
[New July 1, 2005]

ATTACHMENT TO NOTICE OF HEARING PROOF OF PERSONAL SERVICE
(Probate—Decedents' Estates and Guardianships and Conservatorships)

Probate Code, §§ 851, 1211, 1216, 1264
www.courtinfo.ca.gov

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*
Superior Court of California, County of Street Address: Mailing Address: City and Zip Code: Branch Name:	
☐ Estate ☐ Conservatorship ☐ Guardianship ☐ Matter of (*Name*): ☐ Decedent ☐ Conservatee ☐ Minor ☐ Other	
Citation—Probate	Case Number:

Use this form in all proceedings that require a citation under the Probate Code except to start a conservatorship. Use form GC-320 (*Citation for Conservatorship*) for that purpose.

1. To *(name)*:

2. **You are hereby cited and required to appear at a hearing in this court on**

   Name and address of court if different from above:

   Date: Time:

   Dept.: Room:

3. At this hearing you are required to give any legal reason why the relief requested in the verified petition attached to and served with this citation, and filed with this court, should not be granted.

4. **Notice to the person served:** You are served

   a. ☐ as an individual.

   b. ☐ as the person cited under the fictitious name of *(specify)*:

   c. ☐ on behalf of *(specify)*:
   under:
   - ☐ Code Civ. Proc., § 416.10 (corporation)
   - ☐ Code Civ. Proc., § 416.20 (defunct corporation)
   - ☐ Code Civ. Proc., § 416.40 (association or partnership)
   - ☐ Code Civ. Proc., § 416.60 (minor)
   - ☐ Code Civ. Proc., § 416.90 (individual)
   - ☐ other *(specify)*:

   d. by personal delivery on *(date)*:

(SEAL)

Date: Clerk, by _____, 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 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.)

☐ Estate ☐ Conservatorship ☐ Guardianship ☐ Matter of *(Name):* ☐ Decedent ☐ Conservatee ☐ Minor ☐ Other	Case Number:

Declaration of Diligence for Substituted Service Attachment

When to use this form: Complete this form if you were unable to personally serve (deliver) the papers in this case and you tried at least three different times on three different days. After you complete this form, attach it to form DE-120(P)/GC-020(P) or DE-126/GC-326.

1. **Person who tried to serve the 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: ☐ owner ☐ employee ☐ independent contractor
      Registration no.: County:

2. **Attempts to serve.** I tried in good faith to personally deliver the papers in this case on at least three different days and at at least three different times. I tried to serve *(name of person):*

   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):*

3. **Photo requirements.** *(For each attempt to serve you listed above, you must meet the photo requirements described here.)*

   a. First attempt. For the attempt I listed in item 2a above *(check (1) or (2)):*

      (1) ☐ I am attaching a photo of where I tried to serve the papers, which I took as close as was practical to the time I tried to serve the papers.

         (a) Stamp requirements for photo *(check one):*

            ☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.

            ☐ The photo 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):*

☐ Estate ☐ Conservatorship ☐ Guardianship ☐ Matter of *(Name):* ☐ Decedent ☐ Conservatee ☐ Minor ☐ Other	Case Number:

3. a. (1) (b) Door requirements for photo. Did you try to serve at a home or business? *(Check one):*

☐ No.
☐ Yes and the photo shows the door of the home or business.
☐ Yes and the photo shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I did not take a photo because taking a photo would have risked my (the person serving papers) safety *(explain):*

b. Second attempt. For the attempt I listed in item 2b above *(check (1) or (2)):*

(1) ☐ I am attaching a photo of where I tried to serve the papers, which I took as close as was practical to the time I tried to serve the papers.

(a) Stamp requirements for photo *(check one):*

☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.
☐ The photo 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 photo. Did you try to serve at a home or business? *(Check one):*

☐ No.
☐ Yes and the photo shows the door of the home or business.
☐ Yes and the photo shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I did not take a photo because taking a photo would have risked my (the person serving papers) safety *(explain):*

c. Third attempt. For the attempt I listed in item 2c above *(check (1) or (2)):*

(1) ☐ I am attaching a photo of where I tried to serve the papers, which I took as close as was practical to the time I tried to serve the papers.

(a) Stamp requirements for photo *(check one):*

☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.
☐ The photo 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):*

☐ Estate ☐ Conservatorship ☐ Guardianship ☐ Matter of *(Name):* ☐ Decedent ☐ Conservatee ☐ Minor ☐ Other	Case Number:

3. c. (1) (b) Door requirements for photo. Did you try to serve at a home or business? *(Check one):*

☐ No.

☐ Yes and the photo shows the door of the home or business.

☐ Yes and the photo shows the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I did not take a photo because taking a photo would have risked my (the person serving papers) safety *(explain):*

d. ☐ Additional attempts. *(Check here if you made more than three attempts. Attach a piece of paper and write "Attachment 3d, Photo requirements—additional attempts" at the top. For each attempt you listed in item 2d, provide the same information about the photo requirements as items 3a, 3b, and 3c. You may use form MC-025.)*

4. **Verification**

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

SUMMONS (Probate)

Complete page 1 and file all pages with the court. For Spanish, read page 2.
(Complete la página 1 y preséntela ante la corte. Para español, lea la página 2.)

Clerk stamps date here when form is filed.

Notice to:

From:

Lawyer's name *(if any):*

Address and telephone *(give lawyer's information if there is one):*

Fill in court name and street address:

Superior Court of California, County of

Estate of:

Notice: A court proceeding has been started, which may affect your interests in the estate. Read the document delivered with this summons.

Court fills in case number when form is filed.

Case Number:

Deadline: You have **30 calendar days** after this summons is served on you to file at this court a written response if you want to be heard by the court. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to consider it. If you do not file your response on time, you may lose your right to participate in the proceeding or present your evidence. You will not receive another warning from the court.

Get help: There are other legal requirements. You may want to contact a lawyer right away. Get help finding a lawyer on the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), on the LawHelpCA website (lawhelpca.org), or by contacting your local county bar association.

Notice to the person served:

You are served

a. ☐ as an individual.

b. ☐ on behalf of *(specify)*:
under: ☐ Code Civ. Proc., § 416.10 (corporation)
☐ Code Civ. Proc., § 416.20 (defunct corporation)
☐ Code Civ. Proc., § 416.40 (association or partnership)
☐ Code Civ. Proc., § 416.60 (minor)
☐ Code Civ. Proc., § 416.70 (conservatee)
☐ Code Civ. Proc., § 416.90 (individual)
☐ other *(specify)*:

c. ☐ by personal delivery on *(date):*

[SEAL]

(For court use only)

Date:

Clerk, by , Deputy

CITACIÓN (Corte Testamentaria)

(Solo para información. No complete esta página.)

El secretario pone aquí un sello con la fecha cuando se presenta el formulario.

Solo para información

Aviso a:

De:

Nombre del abogado *(si lo hay):*

Dirección y teléfono *(proporcione los datos del abogado, si lo hay):*

Patrimonio de:

Ponga el nombre y dirección de la corte:

Corte Superior de California, condado de

Aviso: Se ha iniciado una acción judicial que puede afectar sus intereses en el patrimonio. Lea el documento entregado con esta citación judicial.

La corte pone el número de caso cuando se presenta el formulario.

Número de caso:

Fecha límite: Tiene **30 días calendario** después de recibir la entrega legal de esta Citación para presentar ante la corte una respuesta escrita si desea una audiencia de la corte. Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte considere su caso. Si usted no presenta su respuesta a tiempo, puede perder su derecho a participar en el proceso judicial o a presentar sus pruebas. No recibirá notificación adicional por parte de la corte.

Obtenga ayuda: Existen otros requisitos legales. Es posible que quiera consultar con un abogado inmediatamente. Obtenga ayuda para encontrar un abogado en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), en el sitio web de LawHelpCA (es.lawhelpca.org), o al contactarse con la asociación de abogados de su condado.

Aviso a la persona a quien se le hace la entrega legal:

Se le hace la entrega legal

a. ☐ como individuo.

b. ☐ en nombre de *(especifique):*

bajo:
- ☐ Cód. Proc. Civ., § 416.10 (corporación)
- ☐ Cód. Proc. Civ., § 416.20 (corporación extinta)
- ☐ Cód. Proc. Civ., § 416.40 (sociedad)
- ☐ Cód. Proc. Civ., § 416.60 (menor)
- ☐ Cód. Proc. Civ., § 416.70 (pupilo)
- ☐ Cód. Proc. Civ., § 416.90 (persona autorizada)
- ☐ otro *(especifique):*

c. ☐ por entrega personal *(fecha):*

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*
Superior Court of California, County of Street Address: Mailing Address: City and Zip Code: Branch Name:		
☐ Estate ☐ Conservatorship ☐ Guardianship ☐ Matter of (*Name*): ☐ Decedent ☐ (Proposed) Conservatee ☐ Minor ☐ Other		
Proof of Service of Citation/Summons—Probate		Case Number:

1. **Server's information**

   a. I am at least 18 years old and not a party in this case.

   b. Name:

   c. Address:

2. **Papers served**

   I served (delivered) a copy of the following papers *(check a, b, or c):*

   a. ☐ Form GC-320 (*Citation for Conservatorship*), a copy of which is attached, and the following papers *(check all that apply):*

      (1) ☐ Form GC-309 (*Petition Requesting Appointment of a Limited Conservator Over a Person With Developmental Disability—Probate*)

      (2) ☐ Form GC-310 (*Petition Requesting Appointment of a Conservator—Probate*)

      (3) ☐ Other papers *(specify):*

   b. ☐ Form DE-122/GC-322 (*Citation—Probate*), a copy of which is attached and the following papers *(specify):*

   c. ☐ Form DE-125 (*Summons (Probate)*), a copy of which is attached and the following papers *(specify):*

3. a. **Party served** *(name of party as shown on the papers served):*

   b. Address *(specify):*

☐ Estate ☐ Conservatorship ☐ Guardianship ☐ Matter of (*Name*): ☐ Decedent ☐ (Proposed) Conservatee ☐ Minor ☐ Other	Case Number:

(Complete item 4, 5, 6, or 7):

4. ☐ **Personal service**

a. I personally delivered the copies of the papers to the person in item 3 on *(date):* at *(time):*

b. **Photo requirements** (Code Civ. Proc., § 417.10(a))
(You must take a photo of where you served the papers unless doing so would risk your safety. Check (1) or (2)):

(1) ☐ I am attaching a photo I took of where I served the papers. This photo was taken as close as was practical to the time I served the papers.

(a) Stamp requirements for the photo *(check one):*

☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.

☐ The photo 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 photos. Was the person served at a home or a business? *(Check one):*

☐ No

☐ Yes and the photo includes the door of the home or business.

☐ Yes and the photo includes the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I did not take a photo because taking a photo would have risked my (the person serving papers) safety *(explain):*

5. ☐ **Substituted service** *(To qualify for substituted service, personal delivery must have been attempted on at least three different days at three different times. For service to be complete, mailing must take place.)*
I left the papers with or in the presence of *(name and title or relationship to person named in item 3):*
on *(date):*
at *(time):* at the address listed in item 3. I told them who the papers were for and that they were legal papers.

a. The address listed for this person (or the person listed above) is a *(check one):*

(1) ☐ **Business.** This person (or the person listed above) was at least 18 years of age apparently in charge.

(2) ☐ **Home or mailing address.** This person (or the person listed above) was a competent household member (at least 18 years of age).

b. ☐ **Required mailing:** I thereafter mailed a copy of the papers by prepaid (1) first class mail, (2) priority mail with tracking, or (3) certified mail with return receipt requested, addressed to the person named in item 3 on *(date):* .

c. **Photo requirements** (Code Civ. Proc., § 417.10(a))
(You must take a photo of where you served the papers unless doing so would risk your safety. Check (1) or (2)):

(1) ☐ I am attaching a photo I took of where I served the papers. This photo was taken as close as was practical to the time I served the papers.

☐ Estate ☐ Conservatorship ☐ Guardianship ☐ Matter of (*Name*): ☐ Decedent ☐ (Proposed) Conservatee ☐ Minor ☐ Other	Case Number:

5. c. (1) (a) Stamp requirements for the photo *(check one):*

☐ The photo 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 photo was taken. The information in the stamp was automatically recorded when the photo was taken.

☐ The photo 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 photos *(check one):*

☐ The photo includes the door of the home or business.

☐ The photo includes the entrance of the home or business because the door was not accessible *(explain why the door was not accessible):*

(2) ☐ I did not take a photo because taking a photo would have risked my (the person serving papers) safety *(explain):*

d. ☐ **A declaration of diligence** is attached. *(You may use form DE-123 (*Declaration of Diligence for Substituted Service Attachment*) for substituted service.)*

6. ☐ **Mail and acknowledgment service**
I mailed the papers to the person served, addressed as shown in item 3b, by first class mail, postage prepaid, on *(date):* from *(city):*

a. ☐ with two copies of form POS-015 (*Notice and Acknowledgment of Receipt—Civil*) and a postage-paid return envelope addressed to me. *(Attach the completed form POS-015 signed by the person being served.)*

b. ☐ to an address outside California by registered or certified mail with return receipt requested. *(Attach completed return receipt.)*

7. ☐ **Other** *(specify other manner of service and authorizing code section):*

8. **Server verification and signature**
I am *(check one):*

a. ☐ Exempt from registration under Business and Professions Code section 22350(b).
b. ☐ Not a registered California process server.
c. ☐ A registered California process server
(1) ☐ Owner ☐ Employee ☐ Independent contractor
(2) Registration number: County:
(3) Fee for service was *(give amount):* $

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

REVOKED January 1, 2027

GC-020(P)

☐ GUARDIANSHIP ☐ CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name):* ☐ MINOR ☐ (PROPOSED) CONSERVATEE	CASE NUMBER:

PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

(Attach a separate completed and signed copy of this form or other proof of personal service to Notice of Hearing-Guardianship or Conservatorship *for each person who personally served a copy of the Notice.)*

1. I am over the age of 18 and not a party to this cause.
2. I served the attached *Notice of Hearing—Guardianship or Conservatorship* by personally delivering a copy to each person listed below at the address and on the date and time indicated below.
3. ☐ I served with the attached *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.
4. ☐ I served with the attached Notice of Hearing—Guardianship or Conservatorship copies of the following documents *(specify):*

   ☐ Continued on Attachment 4.
5. I am *(check all that apply):*
   a. ☐ not a registered California process server.
   b. ☐ a California sheriff or marshal.
   c. ☐ a registered California process server.
   d. ☐ an employee or independent contractor of a registered California process server.
   e. ☐ exempt from registration (Bus. & Prof. Code, § 22350(b)).
6. My name, address, telephone number, and, if applicable, county of registration and number, are *(specify):*

REVOKED

NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE

January 1, 2027

	Name	Address where served *(number, street, city, and state)*	Date and time service made
1.			Date: _____ Time: _____
2.			Date: _____ Time: _____
3.			Date: _____ Time: _____
4.			Date: _____ Time: _____

☐ List of names and addresses of persons personally served by the undersigned continued on an attachment.
(You may use Attachment to Notice of Hearing Proof of Personal Service, *form DE-120(PA)/GC-020(PA), for this purpose.)*

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

Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

Form Approved for Optional Use
Judicial Council of California
GC-020(P) [New July 1, 2005]

PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP
(Probate—Guardianships and Conservatorships)

Probate Code, §§ 1216, 1264, 1460-1469, 1511, 1822
www.courts.ca.gov

GC-209-INFO What Is "Proof of Service" in a Guardianship?

What is service?

Service is the act of giving copies of your court papers to the people involved in your case. As the person asking for guardianship, you are responsible for having the people listed below served. Service must be in person or by mail unless the court orders differently. You can find out more about the papers you must file and serve in form GC-208-INFO (*Forms to Use to Ask the Court to Appoint a Guardian of the Person*).

- Service in person means the server personally hands the papers to a person involved in your case.
- Service by mail means the server mails the papers to a person involved in your case.

When is the deadline to have my court papers served?

- In most cases, **personal service and service by mail must be completed at least 15 days before the date of the hearing.** Exceptions are if the court orders differently or as stated below.
- If service must be made on the director of the Regional Center for the Developmentally Disabled for the child's county, **that service must be completed at least 30 days before the hearing.** If the child in your case is developmentally disabled and you think you may have to serve a Regional Center director, when you file your petition you can ask the clerk for a later hearing date because you will need more time than usual to serve the notice of hearing and the petition.
- **If the child is or may be Native American, or has Native American ancestors,** there are additional mailing and other requirements that may apply to your case. For more information about the special requirements for a guardianship involving a Native American child, see form ICWA-005-INFO (*Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child*).

What happens if the papers aren't served in time?

If the papers are not served by the deadline, the court will have to continue (reschedule) the hearing date on your petition. This will delay appointment of a guardian for the children involved in your case. If you cannot serve a person, you must ask the court to either change how service is done or waive service.

Who can serve my papers?

- Any adult who is not involved in the case (not someone who signed the petition or is entitled to notice). **You cannot serve your own court papers.**
- A registered process server (a business you pay to deliver papers).
- A sheriff or marshal in the county where you need the papers served. There may be a fee for service, which is waived if the court has granted you a fee waiver. Give a copy of your form FW-003-GC (*Order on Court Fee Waiver*), form SER-001 (*Request for Sheriff to Serve Court Papers*), and a copy of all the court papers you want served to the sheriff or marshal.

GC-209-INFO **What Is "Proof of Service" in a Guardianship?**

People who must be personally served

- The child in the case, if they are at least 12 years old.
- The child's parents.
- Any person who has legal custody of the child.
- Any court-appointed guardian of the child's property (the child's "estate").
- Any person nominated as guardian of the child by one or both of the child's parents (if your petition does not ask the court to appoint that person as guardian).
- Any person nominated as guardian of the *estate*, if the person who made the nomination gave property to the child.

For step-by-step instructions for personal service, see page 3.

Is there another way to serve them? You may use a special process where the server mails the person the papers along with form POS-015 (*Notice and Acknowledgment of Receipt*). Then the person who received the papers must sign form POS-015 and mail it back to the server so the server can file it with the completed proof of service. This process often doesn't work, so most people have the papers personally delivered.

People who can be served by mail

- The child's relatives listed in the child's form GC-210(CA) (*Child Information Attachment to Probate Guardianship Petition*), attached to the petition:
  - Grandparents (all parents of the child's parents).
  - Siblings (including half-siblings) (if younger than 12 years of age, notice must be mailed to their parent, their guardian, or a person with legal custody instead of mailed directly to the child).
- Department of Social Services, Director of Social Services (if the person who wants to be guardian of the person is not related to the child).
- Director of State Hospitals or Developmental Disabilities (if the child is a patient in or on leave from a state hospital).
- Director of the Regional Center for the Developmentally Disabled for the child's location (if the child is developmentally disabled and the person you want the court to appoint is (1) not the child's natural parent, (2) is a provider of services to persons with developmental disabilities or the spouse or an employee of a provider, and (3) not a public agency).

For step-by-step instructions for service by mail, see page 4.

GC-209-INFO What Is "Proof of Service" in a Guardianship?

Steps for personal service

1. Choose a server.

2. Give your server a copy of all the forms you've filed for the case. You will need one set for each person who needs to be served:

   - **A completed copy of the petition for appointment of a guardian (the "*Petition*").** In a guardianship of the person, this may be form GC-210(P) (*Petition for Appointment of Guardian of the Person*), form GC-210(JP) (*Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable*), or form GC-210 (*Petition for Appointment of Guardian of Minor*); form GC-210 can be used for both person and estate. Copies of all papers attached to the *Petition* must also be served with it.
   - **A completed copy of form GC-020** (*Notice of Hearing—Guardianship or Conservatorship*) (the "*Notice of Hearing*") showing the date, time, and place of the hearing on the *Petition*, including (unsigned) copies of all attachments showing proof of service.

3. Give your server the address or location of each person you need to serve.

4. Give your server these instructions:

   - Walk up to each person to be served and make sure they are the right person.
   - Hand each person copies of the completed *Notice of Hearing* and *Petition*.
   - Take a photo of where the service took place, and make sure the photo has a stamp that automatically records the date, time, and GPS coordinates. If at a house or business, take a photo of the door. Do not take a photo if it is not safe.

5. Have your server complete and sign a form DE-120(P)/GC-020(P) (*Proof of Service (Personal or Substituted)—Notice of Hearing*) for each person served. Attach a copy of the photo, if one was taken. If more than one person personally serves the papers, each person must fill out and sign their own separate form DE-120(P)/GC-020(P) showing the name of the person they served.

6. Make a copy of the completed form GC-020 (*Notice of Hearing—Guardianship or Conservatorship*) and attached forms DE-120(P)/GC-020(P) (*Proof of Service (Personal or Substituted)—Notice of Hearing*), and file them with the court as soon as you can, but no later than five court days before the hearing. The court should give you back a file-stamped copy of the forms.

7. Bring the file-stamped copy of your notice and proofs of service to the hearing.

GC-209-INFO What Is "Proof of Service" in a Guardianship?

Steps for service by mail

1. Choose a server.

2. Give your server a copy of all the forms you've filed for the case. You will need one set for each person who needs to be served:

   - **A completed copy of the petition for appointment of a guardian (the "*Petition*").** In a guardianship of the person, this may be form GC-210(P) (*Petition for Appointment of Guardian of the Person*), form GC-210(JP) (*Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable*), or form GC-210 (*Petition for Appointment of Guardian of Minor*); form GC-210 can be used for both person and estate. Copies of all papers attached to the *Petition* must also be served with it.
   - **A completed copy of form GC-020** (*Notice of Hearing—Guardianship or Conservatorship*) (the "*Notice of Hearing*") showing the date, time, and place of the hearing on the *Petition*, including (unsigned) copies of all attachments showing proof of service.

3. Give your server the address or location of each person or group you need to serve.

4. Give your server these instructions:

   - Put copies of the filled-in form GC-020 and the *Petition*, including all the attached pages, in sealed envelopes (9" x 12" or 10" x 13" manila envelopes are recommended) addressed to the persons or organizations listed above that apply to your case.
   - Make sure the addresses shown on the envelopes for the relatives of each child match the addresses shown for these relatives in each child's form GC-210(CA) (*Child Information Attachment to Probate Guardianship Petition*).
   - Mail the addressed envelopes via the U.S. Postal Service, with first-class postage prepaid.
   - Fill out, date, and sign the proof of service on the second page of the original form GC-020.
   - If there are more than four persons being served by mail, continue the list of persons served by mail on one or more copies of form DE-120(MA)/GC-020(MA) (*Attachment to Notice of Hearing Proof of Service by Mail*).
   - Give the completed and signed original proof of service and all completed attached pages back to you.

5. Make a copy of the completed form GC-020 and any attached forms DE-120(M)/GC-020(M), and file them with the court as soon as you can, but no later than five court days before the hearing. The court should give you back a file-stamped copy of the forms.

6. Bring the file-stamped copy of your notice and proofs of service to the hearing.

GC-320

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***
Superior Court of California, County of Street Address: Mailing Address: City and Zip Code: Branch Name:	
Conservatorship of the ☐ Person ☐ Estate of *(name)*: Proposed Conservatee	
Citation for Conservatorship ☐ **Limited Conservatorship**	Case Number:

THE PEOPLE OF THE STATE OF CALIFORNIA,

To *(name):*

1. **You are hereby cited and required to appear at a hearing in this court on**

   Name and address of court if different from above:

   Date: Time:

   Dept.: Room:

   and to give any legal reason why, according to the verified petition filed with this court, you should not be found to be
   - ☐ unable to provide for your personal needs
   - ☐ unable to manage your financial resources

   and by reason thereof, why *(name)*: should not be appointed
   - ☐ conservator
   - ☐ limited conservator

   of your
   - ☐ person
   - ☐ estate.

2. A conservatorship of the person may be created for a person who is unable to properly to provide for their personal needs for physical health, food, clothing, or shelter. A conservatorship of the estate (property) may be created for a person who is unable to resist fraud or undue influence, or who is substantially unable to manage their financial resources. "Substantial inability" may not be proved solely by isolated incidents of negligence or improvidence.

3. At the hearing a conservator may be appointed for your
   - ☐ person
   - ☐ estate.

   The appointment may affect or transfer to the conservator your right to contract, to manage and control your property, to give informed consent for medical treatment, to fix your place of residence, and to marry.

Continued on page 2. The clerk's seal is also on that page.

Conservatorship of the ☐ Person ☐ Estate of *(name)*: Proposed Conservatee	Case Number:

4. You may be disqualified from voting if you are found to be incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process. You will not be disqualified from voting on the basis that you do, or would need to do, any of the following to complete an affidavit of voter registration:

   a. Sign the affidavit of voter registration with a mark or a cross, under Elections Code section 2150(b);

   b. Sign the affidavit of voter registration by means of a signature stamp under Elections Code section 354.5;

   c. Complete the affidavit of voter registration with the assistance of another person under Elections Code section 2150(d); or

   d. Complete the affidavit of voter registration with reasonable accommodations.

5. The judge or the court investigator will explain to you the nature, purpose, and effect of the proceedings and answer questions concerning the explanation.

6. You have the right to appear at the hearing and oppose the petition. You have the right to hire an attorney of your choice to represent you. The court will appoint an attorney to represent you if you are unable to retain one. You must pay the cost of that attorney if you are able. You have the right to a jury trial if you wish.

7. *(For limited conservatorship only)* In addition to the rights stated in item 6 above, you have the right to oppose the petition in part by objecting to any or all of the requested duties or powers of the limited conservator.

Date: Clerk, by _____, Deputy

(SEAL)

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.)

SPR26-34 Chart of Comments (DRAFT)

Probate Law and Procedure: Forms to Implement Assembly Bill 747 (approve forms DE-123 and DE-126/GC-326; revise forms DE-122/GC-322, DE-125, and GC-320; revise and renumber forms DE-120(P) and GC-510; revoke forms DE-120(PA)/GC-020(PA) and GC-020(P)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree.	The committee acknowledges the commenter's agreement with the proposal.
OCBA (continued)	The proposal appropriately addresses the stated purpose.	The committee appreciates this comment.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree with proposed changes.	The committee acknowledges the commenter's agreement with the proposal.
Superior Court of Los Angeles County (continued)	Comments: The following comments are representative of the Superior Court of California, County of Los Angeles (Court) and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-34 Probate Law and Procedure: Forms to Implement Assembly Bill 747," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the response.
Superior Court of Los Angeles County (continued)	The proposal will not provide cost savings.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	The impact on court operations is minimal. To implement, the Court would need to train judicial officers and Probate Legal Unit (PLU) on the form revisions and new optional forms. Two months is sufficient for implementation, and the proposal should work well in courts of different sizes.	The committee appreciates the information.
Superior Court of Orange County, Appellate, Civil/Small Claims, and Probate/Mental Health Divisions by Christine Nguyen, Operations Analyst	Does the proposal appropriately address the stated purpose? Yes. The proposal appropriately addresses its stated purpose. Suggest confirming whether the reference in DE-126/GC-326, item 2b, should be to DE-122/GC-322 rather than DE-122/GC-122, to ensure consistency with the revised probate citation form and avoid form number confusion.	The committee agrees that the reference should be to form DE-122/GC-322 and has made this change to recommended form DE-126/GC-326 at item 2b.
Superior Court of Orange County (continued)	Would the proposal provide cost savings? If so, please quantify.	The committee appreciates the information.

Commenter	Comment	Committee Response
	No measurable direct cost savings are anticipated. Any efficiencies would likely be indirect, such as clearer proof of service documentation, fewer outdated form filings, and improved tracking of separate proof filings.	
Superior Court of Orange County (continued)	What would the implementation requirements be for courts—for example, training staff, revising processes and procedures, changing docket codes in case management systems, or modifying case management systems? Implementation would require updating probate service procedures, form packets, self-help materials, eFiling references, and proof of service review resources. Probate staff, examiners, courtroom staff, self-help staff, and supervisors would need brief training or written guidance on the new photo/GPS requirements, substituted-service diligence requirements, and new/renumbered forms. CMS updates would likely be needed to add or update document types, for the new proof forms and retire or relabel revoked form.	The committee appreciates this information.
Superior Court of Orange County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Two months should generally be sufficient if final forms and instructions are issued promptly. Courts may need to begin planning early for CMS updates because the proposal affects multiple probate service forms.	The committee appreciates the information.
Superior Court of Orange County (continued)	How well would this proposal work in courts of different sizes? It would work well. Larger courts may need more coordination across various units. Smaller courts should benefit from the consolidated proof forms and clearer instructions, although staff will still need guidance on the new photo and substituted-service requirements.	The committee appreciates this information.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree with proposal.	The committee acknowledges the commenter's agreement with the proposal and appreciates the comment.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Q: Does the proposal appropriately address the stated purpose? A: Yes -however the form number should include DE-115 so that it reads DE-115(P)/DE-120(P)/GC-020(P). Petitions filed under Probate Code section 850, et seq. require the use of DE-115 and require personal service in various instances across all probate case types.	The committee does not recommend this change as form DE-115 already includes an instruction to use form DE-120(P) when personal service is required.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.
Superior Court of San Diego County (continued)	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: 100+ hours - Training staff, including frontline, courtroom, examiners, judicial officers. Update packets, websites, and case management system**.**	The committee appreciates the information and the court's identification of implementation activities.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time.	The committee appreciates this information.
Superior Court of San Diego County (continued)	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 this comment.
Superior Court of San Diego County (continued)	Separating the proofs of service from the Citation forms was much needed.	The committee appreciates this comment.

Rules Committee Action Request Form

Item number: 35

Rules Committee Meeting Date: September 10, 2026

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

Title of proposal: Probate Conservatorship: Revisions to Petitions, Orders, and Letters

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Adopt forms GC-309, GC-309B/GC-310B, GC-309C/GC-310C, GC-339, GC-339B/GC-340B, GC-339C/GC-340C, and GC-349; and revise forms GC-310, GC-340, and GC-350.

Advisory committee or other entity submitting the proposal:
Probate and Mental Health Advisory Committee

Staff contact (name, phone, and email)**:**
Julia Kaufman, 916-263-5814, julia.kaufman@jud.ca.gov

Annual agenda approved by Rules Committee on: October 16, 2025
Project description from annual agenda: The committee will develop a recommendation for revisions to Petition for Appointment of Probate Conservator (form GC-310), Order Appointing Probate Conservator (form GC-340), and Letters of Conservatorship (form GC-350). The recommendation will bring the forms into conformity with the conservatorship statutes, as amended by Assembly Bill 1194 (Stats. 2021, ch. 417) and Assembly Bill 1663 (Stats. 2022, ch. 894), simplify the forms, and reorganize them to make them more user friendly and easier for self-represented petitioners and conservators to understand. The recommendation will include adoption of new separate forms for appointment of a limited conservator and will propose moving some material from the principal petition and order forms to new attachments. The committee will also consider developing an information form to guide petitioners for appointment of a conservator.

Implementation Date and Circulation Notes: (If requesting an effective date other than January 1 or a special invitation-to-comment cycle, please explain.) The committee is requesting an effective date of July 1, 2027 based on comments received from multiple courts regarding the need for additional time to implement this proposal.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-156

For business meeting on October 16, 2026

Probate Conservatorship: Revisions to Petitions, Orders, and Letters (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Adopt forms GC-309, GC-309B/GC-310B, GC-309C/GC-310C, GC-339, GC-339B/GC-340B, GC-339C/GC-340C, and GC-349; revise forms GC-310, GC-340, and GC-350

Recommended by
Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Report Type
Action Required

Effective Date
July 1, 2027

Date of Report
August 24, 2026

Contact
Julia Kaufman, 916-263-5814
julia.kaufman@jud.ca.gov

Executive Summary

To implement portions of Assembly Bill 1663 (Stats. 2022, ch. 894) and to make conservatorship forms more accessible and user-friendly, the Probate and Mental Health Advisory Committee recommends adopting seven mandatory forms and revising three mandatory forms. The recommended changes would create specific forms to request and order limited conservatorships. In addition, the committee recommends adopting new attachment forms for use in both general and limited conservatorships when requesting joint conservatorships or conservatorships of the estate.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective July 1, 2027:

1. Adopt the following forms:

   - *Petition Requesting Appointment of a Limited Conservator Over a Person With a Developmental Disability—Probate* (form GC-309);
   - *Estate Attachment to Petition Requesting Appointment of Conservator or Limited Conservator—Probate* (form GC-309B/GC-310B);
   - *Joint Conservator Attachment to Petition Requesting Appointment of Conservator or Limited Conservator—Probate* (form GC-309C/GC-310C);
   - *Order Appointing Limited Conservator—Probate* (form GC-339);
   - *Additional Orders Regarding Conservatorship of the Estate* (form GC-339B/GC-340B);
   - *Additional Orders Regarding Joint Conservators* (form GC-339C/GC-340C); and
   - *Letters of Limited Conservatorship* (form GC-349).

2. Revise the following forms:

   - *Petition Requesting Appointment of a Conservator—Probate* (form GC-310);
   - *Order Appointing Conservator—Probate* (form GC-340); and
   - *Letters of Conservatorship* (form GC-350).

The proposed new and revised forms are attached at pages 11–50.

Relevant Previous Council Action

Currently, forms GC-310, GC-340, and GC-350 are used for both general and limited conservatorships.[1] The council last updated the petition form to establish a probate conservatorship (form GC-310) in 2019, modifying the language to correctly refer to "major neurocognitive disorders" rather than "dementia."[2] The appointment order form (form GC-340) was updated in 2016 to update the standard for a conservatee's capacity to vote.[3] The form for the letters of conservatorship (form GC-350) was updated in 2015 when a minor technical

[1] This proposal uses "general conservatorships" to refer to conservatorships under the Probate Code that do not meet the specific requirements of a limited conservatorship. Under the Probate Code a limited conservatorship may be established only for an adult with developmental disabilities and the petitioner must request certain specific powers and controls. See Probate Code sections 1801(d) and 2351.5.

[2] Judicial Council of Cal., Advisory Com. Rep., *Probate Conservatorship and Guardianship: Major Neurocognitive Disorders* (Aug. 23, 2018).

[3] Judicial Council of Cal., Com. Rep., *Probate Conservatorship: Conservatees' Capacity to Vote* (Jan. 8, 2016).

change was made to include a reference to "conservatorship" that had previously been omitted in the notice portion of the form.[4]

Analysis/Rationale

California conservatorship law has undergone many changes over the past 20 years. Beginning with the Omnibus Conservatorship and Guardianship Act of 2006,[5] the Legislature has enacted multiple measures intended to protect the rights and interests of conservatees and persons for whom appointment of a conservator is proposed,[6] or to clarify the duties of conservators.

In 2022, Assembly Bill 1663 amended the conservatorship statutes in several respects and reaffirmed the distinctions in conservatorships for persons with developmental disabilities. AB 1663, in part, amended Probate Code section 1800.3 to require that the court deem a petition for conservatorship to be a petition for a limited conservatorship if the court becomes aware that the proposed conservatee has a developmental disability and the petition is not requesting special authority for major neurocognitive disorders (such as dementia). This portion of the bill has not been expressly addressed by the Judicial Council or its committees.

Currently, mandatory *Petition for Appointment of Probate Conservator* (form GC-310) is the only form for petitions seeking appointment of a probate conservator, a limited probate conservator, or a successor[7] probate conservator of an individual's person, estate, or both. While it provides the basic information required by the Probate Code,[8] the combination of these different requests into a single form requires a petitioner to have extensive knowledge of the different types of conservatorships and the legal and factual elements required to establish the need for each. It also requires the petitioner to draft as many as seven separate attachments to include all the orders that may be requested.

Adopt *Petition Requesting Appointment of a Limited Conservator Over a Person With a Developmental Disability—Probate* (form GC-309)

To make the petition process for limited conservatorship simpler, and to ensure that courts properly deem a petition as a limited conservatorship when the proposed conservatee has a qualifying developmental disability, the committee recommends adopting new mandatory form GC-309 to request a limited conservatorship. While AB 1663 did not expressly require the

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[4] Judicial Council of Cal., Staff Rep., *Forms: Miscellaneous Technical Changes* (Feb. 26, 2015).

[5] The Omnibus Conservatorship and Guardianship Act (Omnibus Act) comprised Assembly Bill 1363 (Stats. 2006, ch. 493) and Senate Bills 1116 (Stats. 2006, ch. 490), 1550 (Stats. 2006, ch. 491), and 1716 (Stats. 2006, ch. 492). See also Assembly Bill 1727 (Stats. 2007, ch. 553) (Omnibus Act cleanup legislation).

[6] This proposal uses "(proposed) conservatee" and conservatee interchangeably to refer to conservatees and proposed conservatees.

[7] Probate Code section 2680 provides that a successor conservator may be appointed when there is a vacancy in the conservator role.

[8] Probate Code section 1821 prescribes the contents of the petitions for both general and limited conservatorships. Additional requirements for a limited conservatorship are set forth in Probate Code sections 1828.5 and 2351.5.

council to adopt separate forms for limited conservatorship cases, the committee believes the new form will ensure courts properly deem a petition as a limited conservatorship, when applicable. The form lists each specific power that a court may grant in a limited conservatorship, as required by Probate Code section 2351.5(b), along with a brief explanation of each power. This will alleviate the need for the petitioner to create an attachment and write the powers requested, which is confusing for some court users. This will also assist the courts in providing the correct advisement to the proposed conservatee as set forth in Probate Code section 1828.5 and allow the court investigator to inform the proposed conservatee of the contents of the petition, as required by Probate Code section 1826. Finally, form GC-309 was designed to make it easier for self-represented litigants to use, with a simplified layout and plain language wherever possible.[9]

Revise *Petition Requesting Appointment of a Conservator—Probate* (form GC-310)

The committee also recommends removing the items that apply to limited conservatorships from form GC-310 to repurpose the form for use only as a petition for general conservatorships. The revisions are also recommended to maintain consistency with the language and structure of recommended form GC-309.[10] Additional changes are recommended to reorganize the form to be more user-friendly and use plain-language terminology. The committee notes that the recommended changes significantly reduce the reading grade level, making the form more accessible for self-represented litigants.

The current version of the form GC-310 is used when a conservatorship of a person, a conservatorship of the estate, or both a conservatorship of the person and estate are being requested. However, it does not offer the petitioner the ability to designate more than one person to serve in either role, requiring the petitioner to create attachments. Thus, the committee recommends adopting new standardized attachments for use when a conservatorship of the estate or a joint conservatorship is being requested.

Adopt *Estate Attachment to Petition Requesting Appointment of Conservator or Limited Conservator—Probate* (form GC-309B/GC-310B)

The committee recommends adopting this form for use as an attachment to the limited conservatorship petition (form GC-309) or the general conservatorship petition (form GC-310) to request a conservatorship of the estate. As a majority of self-represented litigants in conservatorship cases request a conservatorship of the person only, using a separate form for items relevant only to conservatorships of the estate will simplify the petition forms. Having estate-related information on a separate form also more clearly designates when a different person from the petitioner is proposed as the conservator of the estate. The form includes plain-language instructions.

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[9] Judicial Council staff conducted two rounds of user testing sessions to assess the wording, formatting, and usability of proposed form GC-309. Improvements to the form were made based on these observations and additional feedback received from testers.

[10] The recommended changes to form GC-310 are so extensive that the changes are not shown in green font.

Adopt *Joint Conservator Attachment to Petition Requesting Appointment of Conservator or Limited Conservator—Probate* (form GC-309C/GC-310C)

The committee recommends adopting this form for use as an attachment to the limited conservatorship petition (form GC-309) or the general conservatorship petition (form GC-310) to request multiple conservators (also known as joint conservators). Currently, form GC-310 has space for only one petitioner, one proposed conservator of the person, and one proposed conservator of the estate. The new form would allow petitioners to indicate the proposed conservator's relationship to the proposed conservatee[11] and whether the request is for conservator of the person or the estate, and it would require the consent and signature of the proposed joint conservator. Recommended form GC-309C/GC-310C also adds a plain-language instruction explaining the legal effects of appointing a joint conservator.[12]

Adopt *Order Appointing Limited Conservator—Probate* (form GC-339)

The committee recommends adopting new form GC-339 for limited conservatorships. This will ensure that the court properly deems a conservatorship of the person with developmental disabilities as a limited conservatorship as required by AB 1663. The recommended form also includes all the orders allowed under a limited conservatorship, which removes the burden of listing the specific powers that apply to limited conservatorships in an attachment.

Revise *Order Appointing Conservator—Probate* (form GC-340)

The committee also recommends revising the order form to match the formatting and style of the recommended revisions to form GC-310 and the recommended new forms[13] and to remove items that are included in the new order and attachments discussed above. Revisions also include providing the most common orders that can be additionally granted rather than requiring the petitioner to create another attachment and updating the language to conform with the changes in terminology related to major neurocognitive disorders, formerly referred to as dementia.[14]

Adopt *Additional Orders Regarding Conservatorship of the Estate* (form GC-339B/GC-340B)

The committee recommends adopting this form for use as an attachment to the limited conservatorship order (form GC-339) or the general conservatorship order (form GC-340) when a court appoints a conservator of the estate.[15] Having the orders that are only applicable to a

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[11] Probate Code sections 1810 to 1813.1 provide an order of preference for appointment of conservators as well as establishing additional allegations that must be included in the petition if the proposed conservator is a spouse or a domestic partner of the proposed conservatee.

[12] Prob. Code, § 2105.

[13] The recommended changes to form GC-340 are so extensive that the changes are not shown in green font.

[14] Prob. Code, § 2356.5.

[15] The form numbers for the orders and attachments to orders match the underlying attachment form. Since the council previously adopted form GC-310(A-PF) as an attachment for professional fiduciaries, the committee elected to not use GC-339A/GC-340A as the form number for the estate attachment to the orders.

conservatorship of the estate on a separate attachment will reduce the likelihood of incorrect proposed orders being submitted and also provide a more clear and concise order.

Adopt *Additional Orders Regarding Joint Conservators* (form GC-339C/GC-340C)

The committee recommends adopting this form for use as an attachment to the limited conservatorship order (form GC-339) or the general conservatorship order (form GC-340) to provide orders regarding each joint conservator. A separate order for each joint conservator increases clarity about the specific findings made for each conservator as well as addresses the current lack of space for providing information about more than one conservator. The form also provides an option to refer to previous orders, thereby reducing the need for the parties to duplicate work.

Adopt *Letters of Limited Conservatorship* (form GC-349)

The committee recommends adopting *Letters of Limited Conservatorship* (form GC-349),[16] which includes the special powers that can be granted only in a limited conservatorship. This eliminates the need for petitioners to prepare a separate attachment, as is currently required with the existing form. The powers are listed in the same format as in the recommended petition (form GC-309) and order (form GC-339) for ease of use and reduced confusion of all persons and institutions who are required to receive the letters. The form also includes space for more than one conservator and adds the public guardian and financial institutions as options in the affirmation to accurately reflect the affirmation requirements for each type of conservator.[17]

Revise *Letters of Conservatorship* (form GC-350)

The committee recommends revising this form to update terminology, such as using "major neurocognitive disorder" instead of "dementia," to comply with the law.[18] The committee also recommends adding space for information about more than one conservator and adding descriptive headings in item 3, which would make the form more accessible for self-represented litigants. The committee recommends adding the public guardian and financial institutions as options in the affirmation to accurately reflect the affirmation requirements for each type of conservator.[19]

Policy implications

In addition to updating forms to conform to current law and practice, this recommendation advances Goal I, "Access, Fairness, Diversity, and Inclusion," of *The Strategic Plan for California's Judicial Branch* by providing forms that are easier to understand and use. Further, maintaining statewide forms for the most commonly requested types of relief in probate conservatorships provides more accurate petitions and orders. This recommendation also

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[16] The form number was modified to match the numbering convention previously used so that all forms involving limited conservatorships end in the number "9."

[17] Prob. Code, §§ 2300, 2922.

[18] *Id.*, § 2356.5.

[19] *Id.*, §§ 2300, 2922.

supports Goal IV, "Quality of Justice and Service to the Public," as it promotes more effective and efficient collaboration among the courts and litigants by incorporating plain-language reference to legal terminology in the petition forms. Finally, the recommendation promotes the Legislature's stated goal of supporting the least restrictive alternatives available for the protection of the proposed conservatee by more narrowly tailoring the relief requested to the needs of the conservatee through the use of separate petitions and attachments.

Comments

This proposal circulated for comment from April 13, 2026, through May 18, 2026, as part of the Judicial Council's spring 2026 invitation-to-comment cycle. It received six comments from three superior courts, a county bar association, a county counsel's office, and a joint comment by five legal advocacy organizations. Two commenters agreed with the proposal, three agreed with the proposal if modified, and one commenter did not indicate a position. No commenters disagreed with the proposal. The committee incorporated many of the suggestions into its recommendation and made additional technical and clarifying changes consistent with those suggestions. A chart with the full text of the comments and the committee's response is attached at pages 51–67.

Separate limited conservatorship petition and new attachment forms

Generally, commenters supported the committee's recommendation to separate the limited conservatorship petition from the general petition, particularly with respect to correctly identifying the powers being requested and granted. Some commenters also noted that creating standardized attachments would make the process clearer for court users and staff. One commenter stated that the creation of a separate petition was not expressly required by AB 1663, although there would be some benefit to distinguishing the forms.

Use of plain language

Generally, commenters supported the committee's use of plain language in the forms to increase accessibility for court users. However, some commenters expressed concern over two phrases. The first was the phrase "person who needs help" or "person who needs help making their own decisions" to refer to the proposed conservatee because the phrase suggests that needing help with decision-making would be sufficient to justify a conservatorship. Using "person who needs help" was meant to allow court users to more easily distinguish between a conservator and conservatee. In light of comments received, however, the committee recommends using "person who needs a conservator" instead of "person who needs help."

One commenter did not agree with the committee's proposed language for "fraud" and "undue influence." The committee described "fraud" and "undue influence" as the situation where a conservatee "cannot avoid being tricked or pressured into making choices that are not good for them." The commenter stated the proposed language is inaccurate because "[f]irst, undue influence requires a person in a close relationship with the proposed conservatee has exploited their relationship to exert control, not merely exert pressure. Second, fraud requires intentional misrepresentation of material facts. Additionally, a subjective assessment of what choices are 'good for' the person is not an element to establish a conservatorship over the estate." Lastly, the commenter stated that the proposed language is inconsistent with other summaries used by the

council to describe these terms, including those found in existing jury instructions. The committee does not agree that the proposed language is inaccurate, noting that Probate Code section 1821(a)(1)(E) requires facts as to the "substantial *inability of the proposed conservatee* to manage their own financial resources, or to resist fraud or undue influence" (emphasis added), which relates to the capacity of the proposed conservatee as opposed to whether there has been fraud or undue influence. The committee also notes that the Probate Code does not define "fraud or undue influence," but instead refers to the definition of "undue influence" as found in Welfare and Institutions Code section 15610.70.[20] Nothing in that definition requires a "close relationship" as suggested by the commenter,[21] and any attempt to further define the terms would counteract the intent of plain-language formatting to increase accessibility for court users by using clear and direct wording to make the forms easier to complete. However, the committee does agree that using the phrase "that are not good for them" could cause confusion and has removed the language.

Inclusion of separate items detailing the powers a proposed conservatee retains

One commenter suggested that the petitions and orders include a separate section for orders regarding powers the proposed conservatee retains under Probate Code section 1873.[22] Probate Code section 1872 provides that the granting of a conservatorship of the estate in a general conservatorship is an adjudication that the conservatee lacks capacity to contract, while the conservatorship of the estate in a limited conservatorship does not limit the conservatee's capacity unless expressly stated. The committee has determined that additional items that include the differing standards should be included in the forms and has added space for the petitioner and the court to provide this information on the petitions (form GC-309 and GC-310), the estate attachment (form GC-309B/GC-310B), the order appointing conservator (GC-340), and the estate attachment to order (form GC-339B/GC-340B).[23]

Letters for limited conservatorship

In the invitation to comment, the committee proposed having one form for letters of conservatorship, for use in both general and limited conservatorships. To account for the additional orders needed for limited conservatorships, the committee proposed adopting a new attachment to the letters for use in limited conservatorships. In response to the proposal, one commenter suggested having a separate standalone form just for letters of limited conservatorships, instead of requiring the use of an attachment. A standalone form would include all the information in the attachment that was proposed for the limited conservatorship

[20] Prob. Code §86.

[21] Welfare and Institutions Code section 15610.70(a), for example, defines "undue influence" as "excessive persuasion that causes another person to act or refrain from acting by overcoming that person's free will and results in inequity." The code then proceeds to lay out four factors for consideration.

[22] Probate Code section 1873 provides that the court may authorize the conservatee to retain the right to enter into transactions or types of transactions.

[23] See item 8j on form GC-309, item 8 on form GC-310, item 6 on form GC-309B/GC-310B, item 11 on form GC-340, and item 6 on form GC-339B/GC-340B.

attachment and all the items contained in the proposed letters of conservatorship form. The committee agrees and recommends adopting *Letters of Limited Conservatorship* (form GC-349) for use in limited conservatorships and revising *Letters of Conservatorship* (form GC-350) for use in general conservatorship matters.

Alternatives considered

The committee did not consider the alternative of taking no action because some elements of forms GC-340 and GC-350 need revisions to conform to existing law.

The committee considered keeping the petitions for a general conservatorship and a limited conservatorship in one form. However, the feedback received from user testing the form and comments from the public led the committee to conclude that developing specific forms for limited conservatorships would reduce confusion and increase access to the courts, as well as assist courts in complying with the legal requirements to appoint conservators.

On form GC-309 the committee considered including the ability for the petitioner to request the power to make financial decisions on behalf of the proposed conservatee in item 8. Probate Code section 2351.5(b)(4) provides that a limited conservator of the person may be granted the powers and controls over the right of the limited conservatee to contract but does not expressly grant the conservator the authority to make contracts *on behalf of* the conservatee. This authority is generally reserved for a conservator of the estate, who may be required to post a bond for the protection of the conservatee and their assets. The committee also noted that a limited conservatee usually has no assets that require a conservatorship to manage,[24] so the authority to contract on behalf of the conservatee and the ability to bind the estate to fulfil the contract is not required to protect the conservatee under a limited conservatorship of the person. As a result, recommended form GC-309 only includes the request to remove the power of the limited conservatee to enter into contracts, which does not require a conservatorship of the estate. To allow for maximum flexibility for the courts and reinforcing the need for a bond for estate protection, the committee decided to separate contracts from financial decisions on form GC-309. This separation allows the petitioner and courts to clarify that when a conservatorship of the estate is required and request other powers, that may not rise to the level of a conservatorship of the estate, in item 8j of form GC-309.[25] If a petitioner wishes to obtain the authority to make financial decisions for the estate of the conservatee, form GC-309 directs the petitioner to the estate attachment (form GC-309B/GC-310B).

Finally, the committee considered retaining information about any proposed joint conservator on the main petition (form GC-309 or GC-310), rather than including the information an attachment (form GC-309C/GC-310C). The committee concluded that a separate form would keep the main petition forms at a more reasonable length and reduce confusion by allowing the petitioner to

[24] Many public benefit payments and programs are managed on behalf of the recipient by a representative payee, designated and supervised through the process set forth by the agency. See, for example, 42 U.S.C. §1007.

[25] Probate Code sections 1871 and 2601, for example, provide the conservatee the right to control their wages unless otherwise ordered by the court.

specify more clearly and completely the identity of each person proposed for appointment as conservator.

Fiscal and Operational Impacts

Courts would incur one-time costs including staff time for training, case management changes, and related workflow updates. It is anticipated that the proposal would provide indirect efficiencies over time by reducing deficient filings, thus reducing continuances, decreasing the need for local attachments, and making conservatorship petitions, orders, and letters more consistent. Three courts indicated that the proposal would take longer than two months to implement. The committee agreed that the proposal could take longer than two months to implement and recommends delaying implementation, with an effective date of July 1, 2027.

Attachments and Links

1. Forms GC-309, GC-310, GC-309B/GC-310B, GC-309C/GC-310C, GC-339, GC-340, GC-339B/GC-340B, GC-339C/GC-340C, GC-349, and GC-350, at pages 11–50
2. Chart of comments, at pages 51–67
3. Link A: Assem. Bill 1663

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***
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF *(name):* (PROPOSED) CONSERVATEE	
PETITION REQUESTING APPOINTMENT OF A LIMITED CONSERVATOR OVER A PERSON WITH A DEVELOPMENTAL DISABILITY—PROBATE ☐ **PERSON** ☐ **ESTATE** ☐ **JOINT CONSERVATOR** ☐ **AMENDED**	CASE NUMBER: HEARING DATE:

When to use this form: Use this form to ask the court for decision-making powers for an adult with a developmental disability. This is called a limited conservatorship. This request can also include the power to make decisions about the person's estate (a person has an estate if they have assets or income other than public benefits). For more information, go to selfhelp.courts.ca.gov/limited-conservatorships.

Do not use this form if the person who needs help is not developmentally disabled. For more information about how to help someone with an impairment or a disability go to selfhelp.courts.ca.gov/helping-person-impairment-or-disability.

1. **Proposed conservatee (person who needs a conservator)**

   a. Name:

   b. Address:

   City: State: Zip code:

   Telephone number: Email address:

   c. How old is this person? *(Check one):*

   (1) ☐ At least 18 years old.

   (2) ☐ Will be 18 years old within one year.

   (3) ☐ Is under 18 years old and married or divorced.

   (Note: If you cannot check any of the boxes above, do not use this form.)

CONSERVATORSHIP OF (*name*): (PROPOSED) CONSERVATEE	CASE NUMBER:

1. d. Does this person reside in California?

☐ Yes

☐ No

e. Does this person reside in the county where this request is being filed?

☐ Yes

☐ No *(If no, check at least one of the options below to file your request in this county.)*

(1) ☐ This person is not a resident but temporarily living in this county now *(explain):*

(2) ☐ It would be in the best interests of this person to have this case in this county *(explain):*

(3) ☐ This person owns property in this county *(for requests for estate only, you must complete form GC-309B/ GC-310B). (Describe property):*

2. **Developmental disability**

A developmental disability means a disability that:

(1) Started before the person turned 18 years old;
(2) Will continue with no known end; and
(3) Causes a substantial handicap.

Does the person who needs a conservator have a disability that meets the requirements listed above?

☐ No *(If no, do not use this form. For more information, go to* selfhelp.courts.ca.gov/helping-person-impairment-or-disability*.)*

☐ Yes *(If yes, complete the section below.)*

Type of disability:

This disability limits the following daily activities of the person who needs a conservator *(check all that apply):*

☐ Bathe, care for teeth, go to the bathroom

☐ Choose proper clothes and dress self

☐ Prepare meals, eat properly

☐ Protect self from harm

☐ Be able to contact help

☐ Take and manage medication

☐ Other:

*(This form is not confidential. To give more details about the disability use form GC-312 (*Confidential Supplemental Information*).)*

CONSERVATORSHIP OF *(name):* (PROPOSED) CONSERVATEE	CASE NUMBER:

3. **Other information about the person who needs a conservator**

a. Has anyone filed a court case to ask for decision-making power (conservatorship) over the person?

☐ I don't know
☐ No
☐ Yes *(If yes, complete the section below.):*

Place *(state and county or tribe):* Case number:

Name of person appointed *(if any):* Date filed *(if known):*

b. Tribal member or lives on tribal lands *(For information on federally recognized tribes, go to www.usa.gov/tribes.)*

(1) Is the person a member of a federally recognized tribe?

☐ I don't know
☐ No
☐ Yes *(name of tribe and state tribe is located in):*

(2) Does the person live on tribal land (land owned by a federally recognized tribe)?

☐ I don't know
☐ No
☐ Yes

(3) Does the person own property on tribal land?

☐ I don't know
☐ No
☐ Yes

c. State hospital information

Is the person a patient in or on a leave of absence from a state hospital controlled by the California Department of State Hospitals or the California Department of Developmental Services?

☐ I don't know
☐ No
☐ Yes *(name of institution):*

d. Veteran's benefits

Does the person receive veteran's benefits? (*Check one):*

☐ No
☐ No, but would qualify for veteran's benefits
☐ Yes *(amount of monthly benefits, if known):*
☐ I don't know

4. **Information about you (petitioner)**

a. Name:

b. Address:

City: State: Zip code:

Telephone number: Email address:

c. ☐ There is more than one petitioner. *(Attach a piece of paper and write "Additional Petitioners – Attachment 4c" at the top. For each additional petitioner, include their name, contact information, and relationship to the person who needs a conservator. Each petitioner must sign at the end of this form.)*

CONSERVATORSHIP OF (*name*): (PROPOSED) CONSERVATEE	CASE NUMBER:

5. **Your relationship to the person who needs a conservator**

I am *(check all that apply):*

a. ☐ A relative. The person is my *(give relationship):*

b. ☐ Married to the person and *(check one):*

(1) ☐ Not involved in any open family law case (divorce, annulment, legal separation).

(2) ☐ Involved in an open family law case (divorce, annulment, legal separation), but this request is still in the best interest of the person because *(explain):*

c. ☐ Currently in a domestic partnership with the person and not planning to terminate that domestic partnership.

d. ☐ Planning to terminate or already terminated domestic partnership with the person, but this request is still in the best interest of the person because *(explain):*

e. ☐ A bank or another entity authorized to conduct the business of a trust company.

f. ☐ A nonprofit charitable corporation that meets the requirements of Probate Code section 2104.

g. ☐ A professional fiduciary (defined in Business and Professions Code section 6501(f)). My statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*).

h. ☐ A state or local public entity, officer, or employee *(explain):*

i. ☐ Someone who has been chosen in writing (nominated) by one or more of the following *(check all that apply and attach the nomination):*

(1) ☐ The person who needs a conservator.

(2) ☐ The spouse or domestic partner of the person who needs a conservator.

(3) ☐ An adult child, parent, or sibling of the person who needs a conservator.

j. ☐ Other *(explain):*

6. **Financial relationship between you (petitioner) and the person who needs a conservator**

I am *(check all that apply):*

a. ☐ A creditor or an agent of a creditor of the person who needs a conservator *(this means that the person owes money to you or someone you work for).*

b. ☐ A debtor or an agent of a debtor of the person who needs a conservator *(this means that you or someone you work for owes money to the person).*

c. ☐ None of the above.

CONSERVATORSHIP OF *(name):* (PROPOSED) CONSERVATEE	CASE NUMBER:

7. **Request for conservator of the person (items 7–9)**

(A conservator of the person means the conservator would have the power to make certain decisions for the person who needs a conservator.)

I am asking the court to appoint the following person or persons *(check one):*

a. ☐ **Me, and no other person.**

b. ☐ **Me, and at least one other person.** *(If two or more people hold the same role, this is called a joint conservatorship. You **must** complete form GC-309C/GC-310C (*Joint Conservator Attachment to Petition Requesting Appointment of Conservator or Limited Conservator—Probate*) for each additional person and attach it to this form.)*

c. ☐ **One or more persons who are not me.**

(1) Name:

Address:

City: State: Zip code:

Telephone number: Email address:

This person is *(check all that apply):*

(a) ☐ A relative. The person who needs a conservator is their *(give relationship):*

(b) ☐ Married to the person who needs a conservator and *(check one):*

(i) ☐ Not involved in any open family law cases (divorce, annulment, legal separation).

(ii) ☐ Involved in an open family law case (divorce, annulment, legal separation), but this request is still in the best interest of the person who needs a conservator because *(explain):*

(c) ☐ Currently in a domestic partnership with the person who needs a conservator and not planning to terminate that domestic partnership.

(d) ☐ Planning to terminate or already terminated domestic partnership with the person who needs a conservator, but this request is still in the best interest of the person who needs a conservator because *(explain):*

(e) ☐ A bank or another entity authorized to conduct business of a trust company.

(f) ☐ A nonprofit charitable corporation that meets the requirements of Probate Code section 2104.

(g) ☐ A professional fiduciary (defined in Business and Professions Code section 6501(f)). Their statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*).

(h) ☐ A state or local public entity, officer, or employee *(explain):*

(i) ☐ Someone who has been chosen in writing (nominated) by one or more of the following *(check all that apply and attach the nomination):*

(i) ☐ The person who needs a conservator.

(ii) ☐ The spouse or domestic partner of the person who needs a conservator.

(iii) ☐ The adult child, parent, or sibling of the person who needs a conservator.

(j) ☐ Other *(explain):*

(2) ☐ Check this box if you are listing additional people. You must complete form GC-309C/GC-310C for each additional person and attach it to this form. *If two or more people hold the same role, this is called a joint conservatorship.*

d. ☐ **None of the above. I am requesting a conservatorship of the estate only.** *(You **must** also complete form GC-309B/GC-310B (*Estate Attachment to Petition Requesting Appointment of Conservator or Limited Conservator—Probate*) and attach it to this form.)*

CONSERVATORSHIP OF (*name*): (PROPOSED) CONSERVATEE	CASE NUMBER:

8. **Powers you are requesting for the proposed conservator**

(For each category listed below, you can request no power, shared power, or full power. If you are requesting some or full power, explain why it is needed. Shared power gives the conservator power equal to the person who needs a conservator, but the person who needs a conservator can still make choices without the consent of the conservator or may override the choice of the conservator. If the conservator has full power, then the choice can be made by the conservator alone, whether or not the person who needs a conservator agrees.)

a. **Medical**

Power to make medical decisions for the person who needs a conservator *(check one):*

- ☐ No
- ☐ Yes, shared power with the person who needs a conservator
- ☐ Yes, full power for the proposed conservator, no power to the person who needs a conservator

(If yes, complete (1)–(3) below)

(1) Can the person make medical decisions on their own?

- ☐ No *(If no, you must have form GC-335 (*Capacity Declaration*) completed and filed before the court hearing.)*
- ☐ Yes

(2) Does the person belong to a religion that relies on prayer alone for healing?

- ☐ No
- ☐ Yes

(3) Explain why the power is needed:

b. **Residence**

Power to decide where the person who needs a conservator lives *(check one):*

- ☐ No
- ☐ Yes, shared power with the person who needs a conservator
- ☐ Yes, full power for the proposed conservator, no power to the person who needs a conservator

(If yes, explain why the power is needed.)

c. **Access to confidential papers**

Power to access confidential records and papers of the person who needs a conservator *(check one):*

- ☐ No
- ☐ Yes, shared power with the person who needs a conservator
- ☐ Yes, full power for the proposed conservator, no power to the person who needs a conservator

(If yes, explain why the power is needed.)

CONSERVATORSHIP OF *(name):* (PROPOSED) CONSERVATEE	CASE NUMBER:

8. d. **Marriage and domestic partnership**

Power to decide whether or not the person who needs a conservator can get married or enter into a domestic partnership *(check one):*

- ☐ No
- ☐ Yes, shared power with the person who needs a conservator
- ☐ Yes, full power for the proposed conservator, no power to the person who needs a conservator

(If yes, explain why the power is needed.)

e. **Contacts and relationships**

Power to control the social and sexual contacts and relationships of the person who needs a conservator *(check one):*

- ☐ No
- ☐ Yes, shared power with the person who needs a conservator
- ☐ Yes, full power for the proposed conservator, no power to the person who needs a conservator

(If yes, explain why the power is needed.)

f. **Education**

Power to make education decisions for the person who needs a conservator *(check one):*

- ☐ No
- ☐ Yes, shared power with the person who needs a conservator
- ☐ Yes, full power for the proposed conservator, no power to the person who needs a conservator

(If yes, explain why the power is needed.)

g. **Contracts**

Do you want the court to take away the power of the person who needs a conservator to enter into contracts?

- ☐ No
- ☐ Yes

(If yes, explain why the power is needed.)

h. **Do you want the power to make financial decisions for the estate of the person who needs a conservator?**

- ☐ Does not apply. The person does not have an estate.
- ☐ No
- ☐ Yes *(If yes, you must complete and attach form GC-309B/GC-310B (*Estate Attachment to Petition Requesting Appointment of a Conservator or Limited Conservator—Probate*).)*

CONSERVATORSHIP OF (*name)*: (PROPOSED) CONSERVATEE	CASE NUMBER:

8. i. **Special powers regarding major neurocognitive disorders**

Is the person who needs a conservator going to be treated for a major neurocognitive disorder (such as dementia)?

☐ No

☐ Yes *(If yes, you must complete and attach form GC-313 (*Attachment Requesting Special Orders Regarding a Major Neurocognitive Disorder*).)*

j. **Other power you are requesting, if any.** *(Describe the power you are requesting, if you are requesting shared or full power, and why the power is needed):*

9. **Reasons for your request**

*(Explain why the person who needs a conservator is unable to properly provide for their personal needs for physical health, food, clothing, or shelter. You must also complete and file form GC-312 (*Confidential Supplemental Information*). Give general reasons here, give detailed reasons on form GC-312. If you are requesting the estate only, you may skip this item.)*

10. **Attending the court hearing**

(Once you file your request, the court will set a hearing date. You, the petitioner, will need to attend the hearing, and generally the person who needs a conservator must attend.)

Is the person who needs a conservator able to attend the hearing?

☐ Yes

☐ No, because *(check all that apply):*

☐ They are medically unable to attend the hearing. You **must** file a completed form GC-325 (*Confidential Declaration on Medical Ability to Attend Hearing–Probate Conservatorship*) before the hearing.

☐ They will not be in the state of California.

☐ They are not willing to attend the hearing, do not wish to object, and do not prefer another person be appointed.

CONSERVATORSHIP OF (*name*): (PROPOSED) CONSERVATEE	CASE NUMBER:

11. **Preference of person who needs a conservator**

(Preferences may be expressed in spoken words or by any form of communication that does not involve talking (for example, writing, sign language or gestures, augmented communication, and facial expressions). If the person is able to form a preference, you must try to figure out that preference and tell the court.)

a. ☐ Yes, the person prefers the conservator to be *(name):*
I know this because:

b. ☐ No, because they are medically unable to express a preference *(explain):*

c. ☐ I don't know their preference, and I am not able to find out their preference because *(explain):*

12. **Relatives of the person who needs a conservator**

a. List the relatives of the person (spouse, parents, children, siblings, grandparents, and grandchildren). If the relative is no longer living, check the box for deceased.

	Name and relationship to person	Address *(number, street, city, state, and zip code)*
(1)	Relationship: ☐ Deceased	
(2)	Relationship: ☐ Deceased	
(3)	Relationship: ☐ Deceased	
(4)	Relationship: ☐ Deceased	
(5)	Relationship: ☐ Deceased	
(6)	Relationship: ☐ Deceased	
(7)	Relationship: ☐ Deceased	
(8)	Relationship: ☐ Deceased	

☐ Check here if there are additional relatives. List them on a separate sheet of paper, write "Attachment 12a" at the top, and attach it to this form. *(For each relative, list the name, address, and relationship to the person who needs a conservator.)*

CONSERVATORSHIP OF (*name*): (PROPOSED) CONSERVATEE	CASE NUMBER:

12. b. If the person has no living relatives listed in item 12a, list any stepparents, stepchildren, aunts and uncles, and nieces and nephews. If the person has no living aunts or uncles, list their cousins. If the relative is no longer living, check the box for deceased.

Name and relationship to person	Address *(number, street, city, state, and zip code)*
(1) ☐ Relationship: ☐ ☐ Deceased	
(2) ☐ Relationship: ☐ ☐ Deceased	
(3) ☐ Relationship: ☐ ☐ Deceased	

☐ Check here if there are additional relatives. List them on a separate sheet of paper, write "Attachment 12b" at the top, and attach it to this form. *(For each relative, list the name, address, and relationship to the person who needs a conservator.)*

c. ☐ I cannot find any living relatives. *(If this box is checked, you must try hard to find living relatives and have reasons if you cannot find them. Include who you talked to, what places you looked, what internet sites you searched, if anyone else helped you look, and the results. If you need more space for your answer, include it on a separate sheet of paper, write "Attachment 12c" at the top, and attach it to this form.)*

Explain what you did to look for living relatives and why you cannot find them:

13. Number of pages attached *(if any):* _____

Date:

_____ ▶ _____

Type or Print Name of Lawyer for Petitioner | Signature of Lawyer for Petitioner

(If there is more than one petitioner, the other petitioners must also sign below.)

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 Each Petitioner | Signature of Each Petitioner

Date:

_____ ▶ _____

Type or Print Name of Each Petitioner | Signature of Each Petitioner

Date:

_____ ▶ _____

Type or Print Name of Each Petitioner | Signature of Each Petitioner

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***
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF *(name):* (PROPOSED) CONSERVATEE	
PETITION REQUESTING APPOINTMENT OF A CONSERVATOR—PROBATE ☐ **PERSON** ☐ **ESTATE** ☐ **JOINT CONSERVATOR** ☐ **SUCCESSOR** ☐ **AMENDED**	CASE NUMBER: HEARING DATE:

When to use this form: Use this form to ask the court for decision-making powers over a person with a disability or impairment. This request can also include the power to make decisions about the person's estate (a person has an estate if they have assets or income other than public benefits).

Do not use this form if the person's handicap is only physical, only psychiatric, or only due to learning disabilities. For more information, go to selfhelp.courts.ca.gov/helping-person-impairment-or-disability.

Do not use this form if the person who needs help is an adult with a developmental disability and has not been diagnosed with a neurocognitive disorder (such as dementia). For more information, go to selfhelp.courts.ca.gov/limited-conservatorships.

1. **Proposed conservatee (person who needs a conservator)**

   a. Name:

   b. Address:

   City: State: Zip code:

   Telephone number: Email address:

   c. How old is this person? *(Check one):*

   (1) ☐ At least 18 years old.

   (2) ☐ Will be 18 years old within one year.

   (3) ☐ Is under 18 years old and married or divorced.

   (Note: If you cannot check any of the boxes above, do not use this form.)

CONSERVATORSHIP OF *(name):* (PROPOSED) CONSERVATEE	CASE NUMBER:

1. d. Does this person reside in California?

☐ Yes

☐ No

e. Does this person reside in the county where this request is being filed?

☐ Yes

☐ No *(If no, check at least one of the options below to file your request in this county.)*

(1) ☐ This person is not a resident but temporarily living in this county now *(explain):*

(2) ☐ It would be in the best interests of this person to have this case in this county *(explain):*

(3) ☐ This person owns property in this county *(for requests for estate only, you must complete form GC-309B/ GC-310B). (Describe property):*

2. **Other information about the person who needs a conservator**

a. **Has anyone filed a court case to ask for decision-making power (conservatorship) over the person?**

☐ I don't know

☐ No

☐ Yes *(If yes, complete the section below.)*

Place *(state and county or tribe):* Case number:

Name of person appointed *(if any):* Date filed *(if known):*

b. **Tribal member or lives on tribal lands** *(For information on federally recognized tribes, go to www.usa.gov/tribes.)*

(1) Is the person a member of a federally recognized tribe?

☐ I don't know

☐ No

☐ Yes *(name of tribe and state tribe is located in):*

(2) Does the person live on tribal land (land owned by a federally recognized tribe)?

☐ I don't know

☐ No

☐ Yes

(3) Does the person own property on tribal land?

☐ I don't know

☐ No

☐ Yes

CONSERVATORSHIP OF (*name*): (PROPOSED) CONSERVATEE	CASE NUMBER:

2. c. **State hospital information**

Is the person a patient in or on a leave of absence from a state hospital controlled by the California Department of State Hospitals or the California Department of Developmental Services?

- ☐ I don't know
- ☐ No
- ☐ Yes *(name of institution):*

d. **Veteran's benefits**

Does the person receive veteran's benefits? (*Check one*):

- ☐ No
- ☐ No, but would qualify for veteran's benefits
- ☐ Yes *(amount of monthly benefits, if known):*
- ☐ I don't know

3. **Information about you (petitioner)**

a. Name:

b. Address:

City: State: Zip code:

Telephone number: Email address:

c. ☐ There is more than one petitioner. *(Attach a piece of paper and write "Additional Petitioners – Attachment 3c" at the top. For each additional petitioner, include their name, contact information, and relationship to the person who needs a conservator. Each petitioner must sign at the end of this form.)*

4. **Your relationship to the person who needs a conservator**

I am *(check all that apply):*

a. ☐ A relative. The person is my *(give relationship):*

b. ☐ Married to the person and *(check one):*

(1) ☐ Not involved in any open family law case (divorce, annulment, legal separation).

(2) ☐ Involved in an open family law case (divorce, annulment, legal separation), but this request is still in the best interest of the person because *(explain):*

c. ☐ Currently in a domestic partnership with the person and not planning to terminate that domestic partnership.

d. ☐ Planning to terminate or already terminated domestic partnership with the person, but this request is still in the best interest of the person because *(explain):*

e. ☐ A bank or another entity authorized to conduct the business of a trust company.

f. ☐ A nonprofit charitable corporation that meets the requirements of Probate Code section 2104.

g. ☐ A professional fiduciary (defined in Business and Professions Code section 6501(f)). My statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*).

CONSERVATORSHIP OF *(name):* (PROPOSED) CONSERVATEE	CASE NUMBER:

4. h. ☐ A state or local public entity, officer, or employee *(explain):*

   i. ☐ Someone who has been chosen in writing (nominated) by one or more of the following *(check all that apply and attach the nomination):*

      (1) ☐ The person who needs a conservator.

      (2) ☐ The spouse or domestic partner of the person who needs a conservator.

      (3) ☐ An adult child, parent, or sibling of the person who needs a conservator.

   j. ☐ Other *(explain):*

5. **Financial relationship between you (petitioner) and the person who needs a conservator**

   I am *(check all that apply):*

   a. ☐ A creditor or an agent of a creditor of the person who needs a conservator *(this means that the person owes money to you or someone you work for)*.

   b. ☐ A debtor or an agent of a debtor of the person who needs a conservator *(this means that you or someone you work for owes money to the person)*.

   c. ☐ None of the above.

6. **Request for conservator of the person (items 6–8)**

   (A conservator of the person means the conservator would have the power to make certain decisions for the person who needs a conservator.)

   I am asking the court to appoint the following person or persons *(check one):*

   a. ☐ **Me, and no other person.**

   b. ☐ **Me, and at least one other person.** *(If two or more people hold the same role, this is called a joint conservatorship. You **must** complete form GC-309C/GC-310C (*Joint Conservator Attachment to Petition Requesting Appointment of Conservator or Limited Conservator—Probate*) for each additional person and attach it to this form.)*

   c. ☐ **One or more persons who are not me.**

      (1) Name:

      Address:

      City: State: Zip code:

      Telephone number: Email address:

      This person is *(check all that apply):*

      (a) ☐ A relative. The person who needs a conservator is their *(give relationship):*

      (b) ☐ Married to the person who needs a conservator and *(check one):*

         (i) ☐ Not involved in any open family law cases (divorce, annulment, legal separation).

         (ii) ☐ Involved in an open family law case (divorce, annulment, legal separation), but this request is still in the best interest of the person who needs a conservator because *(explain):*

      (c) ☐ Currently in a domestic partnership with the person who needs a conservator and not planning to terminate that domestic partnership.

      (d) ☐ Planning to terminate or already terminated domestic partnership with the person who needs a conservator, but this request is still in the best interest of the person who needs a conservator because *(explain):*

CONSERVATORSHIP OF (*name)*: (PROPOSED) CONSERVATEE	CASE NUMBER:

6. c. (1) (e) ☐ A bank or another entity authorized to conduct business of a trust company.

(f) ☐ A nonprofit charitable corporation that meets the requirements of Probate Code section 2104.

(g) ☐ A professional fiduciary (defined in Business and Professions Code section 6501(f)). Their statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*).

(h) ☐ A state or local public entity, officer, or employee *(explain):*

(i) ☐ Someone who has been chosen in writing (nominated) by one or more of the following *(check all that apply and attach the nomination):*

(i) ☐ The person who needs a conservator.

(ii) ☐ The spouse or domestic partner of the person who needs a conservator.

(iii) ☐ The adult child, parent, or sibling of the person who needs a conservator.

(j) ☐ Other *(explain):*

(2) ☐ Check this box if you are listing additional people. (*You must complete form GC-309C/GC-310C for each additional person and attach it to this form. If two or more people hold the same role, this is called a joint conservatorship.)*

d. ☐ **None of the above. I am requesting a conservatorship of the estate only.** *(You **must** complete form GC-309B/GC-310B (*Estate Attachment to Petition Requesting Appointment of a Conservator or Limited Conservator—Probate*) and attach it to this form.)*

7. **Powers you are requesting for the proposed conservator**

(Check the boxes for the powers that you are requesting and explain why they are needed.)

a. Power to make medical decisions for the person who needs a conservator.

☐ No

☐ Yes *(if yes, complete (1)–(4) below)*

(1) Can the person make medical decisions on their own?

☐ No *(If no, you must have form GC-335 (*Capacity Declaration*) completed and filed before the court hearing.)*

☐ Yes

(2) Does the person belong to a religion that relies on prayer alone for healing?

☐ No

☐ Yes

(3) Is the person going to be treated for a major neurocognitive disorder (example: dementia)?

☐ No

☐ Yes *(If yes, you must complete and attach form GC-313 (*Attachment Requesting Special Orders Regarding a Major Neurocognitive Disorder*).)*

(4) Explain why the power is needed:

CONSERVATORSHIP OF *(name):* (PROPOSED) CONSERVATEE	CASE NUMBER:

7. b. Other powers

Other power you are requesting, if any. *(Describe the power you are requesting and why the power is needed):*

c. Estate

Power to make financial decisions for the person who needs a conservator, also known as a "conservatorship of the estate."

☐ No

☐ Yes *(If yes, you must complete and attach form GC-309B/GC-310B (*Estate Attachment to Petition Requesting Appointment of a Conservator or Limited Conservator—Probate*).)*

8. **Powers to be kept by proposed conservatee (person who needs a conservator), if any**

(If you do not think the conservator needs certain powers that are automatically granted to protect the proposed conservatee, describe each power that you want the proposed conservatee to keep):

9. **Reasons for your request**

*(Explain why the person who needs a conservator is unable to properly provide for their personal needs for physical health, food, clothing, or shelter. You must also complete and file form GC-312 (*Confidential Supplemental Information*). Give general reasons here, give detailed reasons on form GC-312. If you are requesting the estate only, you may skip this item.)*

10. **Attending the court hearing**

(Once you file your request, the court will set a hearing date. You, the petitioner, will need to attend the hearing and generally the person who needs a conservator must attend.)

Is the person who needs a conservator able to attend the hearing?

☐ Yes

☐ No, because *(check all that apply):*

☐ They are medically unable to attend the hearing. You **must** file a completed form GC-325 (*Confidential Declaration on Medical Ability to Attend Hearing–Probate Conservatorship*) before the hearing.

☐ They will not be in the state of California.

☐ They are not willing to attend the hearing, do not wish to object, and do not prefer another person be appointed.

CONSERVATORSHIP OF (*name*): (PROPOSED) CONSERVATEE	CASE NUMBER:

11. **Preference of person who needs a conservator**

(Preferences may be expressed in spoken words or by any form of communication that does not involve talking (for example, writing, sign language or gestures, augmented communication, and facial expressions). If the person is able to form a preference, you must try to figure out that preference and tell the court.)

a. ☐ Yes, the person prefers the conservator to be *(name):*
I know this because:

b. ☐ No, because they are medically unable to express a preference *(explain):*

c. ☐ I don't know their preference, and I am not able to find out their preference because *(explain):*

12. **Relatives of the person who needs a conservator**

a. List the relatives of the person (spouse, parents, children, siblings, grandparents, or grandchildren). If the relative is no longer living, check the box for deceased.

	Name and relationship to person	Address *(number, street, city, state, and zip code)*
(1)	Relationship: ☐ Deceased	
(2)	Relationship: ☐ Deceased	
(3)	Relationship: ☐ Deceased	
(4)	Relationship: ☐ Deceased	
(5)	Relationship: ☐ Deceased	
(6)	Relationship: ☐ Deceased	
(7)	Relationship: ☐ Deceased	
(8)	Relationship: ☐ Deceased	

☐ Check here if there are additional relatives. List them on a separate sheet of paper, write "Attachment 12a" at the top, and attach it to this form. *(For each relative, list the name, address, and relationship to the person who needs a conservator.)*

CONSERVATORSHIP OF (*name*): (PROPOSED) CONSERVATEE	CASE NUMBER:

12. b. If the person has no living relatives listed in item 12a, list any stepparents, stepchildren, aunts and uncles, and nieces and nephews. If the person has no living aunts or uncles, list their cousins. If the relative is no longer living, check the box for deceased.

Name and relationship to person	Address *(number, street, city, state, and zip code)*
(1) ☐ Relationship: ☐ Deceased	
(2) ☐ Relationship: ☐ Deceased	
(3) ☐ Relationship: ☐ Deceased	
(4) ☐ Relationship: ☐ Deceased	

☐ Check here if there are additional relatives. List them on a separate sheet of paper, write "Attachment 12b" at the top, and attach it to this form. *(For each relative, list the name, address, and relationship to the person who needs a conservator.)*

c. ☐ I cannot find any living relatives. *(If this box is checked, you must try hard to find living relatives and have reasons if you cannot find them. Include who you talked to, what places you looked, what internet sites you searched, if anyone else helped you look, and the results. If you need more space for your answer, include it on a separate sheet of paper, write "Attachment 12c" at the top, and attach it to this form.)*

Explain what you did to look for living relatives and why you cannot find them:

13. Number of pages attached *(if any):* _____

Date:

_____ ▶ _____

Type or Print Name of Lawyer for Petitioner | Signature of Lawyer for Petitioner

(If there is more than one petitioner, the other petitioners must also sign below.)

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 Each Petitioner | Signature of Each Petitioner

Date:

_____ ▶ _____

Type or Print Name of Each Petitioner | Signature of Each Petitioner

Date:

_____ ▶ _____

Type or Print Name of Each Petitioner | Signature of Each Petitioner

CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name):* ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE	CASE NUMBER:

ESTATE ATTACHMENT TO PETITION REQUESTING APPOINTMENT OF CONSERVATOR OR LIMITED CONSERVATOR—PROBATE

When to use this form: Complete this form and attach it to form GC-309 or form GC-310 to ask the court for decision-making power over the estate of a person with a disability or impairment. The person has an "estate" if they have assets or income other than public benefits.

1. **Proposed conservatee** *(person who needs a conservator; listed on item 1a on form GC-309 or form GC-310)*
   Name:

2. **Information about the estate (finances) of the person who needs a conservator**
   a. Estimated value of the personal property *(personal property is anything other than land, houses, or other buildings, and includes bank accounts, personal possessions, and investments):* $
   b. Annual gross income from:
      (1) Real property (land, houses, buildings, including rental income): $
      (2) Personal property (examples: investment or retirement accounts): $
      (3) Pensions: $
      (4) Wages: $
      (5) Public assistance benefits: $
      (6) Other: $
   c. Total value of 2a and 2b: $_____
   d. Estimated value of real property (land, houses, or other buildings): $

3. **Request for conservatorship of the estate (items 3–6)**
   I am asking the court to appoint the following person or persons as conservator of the estate (person with decision-making power over the finances of the person who needs a conservator).
   a. ☐ The same person or persons who are requested to help with decision-making over the person who needs a conservator (the proposed conservator named in item 7 of form GC-309 or item 6 of form GC-310). *(If more than one person was requested you must complete from GC-309C/GC-310C and attach it to this form. If two or more people hold the same role, this is called a joint conservatorship.)*
   b. ☐ The following person *(Write who you want the court to appoint to help with finances below. If more than one person, you must also complete item 3c.):*

      Name:
      Address:
      City: State: Zip code:
      Telephone number: Email address:

      This person is *(check all that apply):*
      (1) ☐ A relative of the person who needs a conservator *(specify):*
      (2) ☐ Married to the person who needs a conservator and *(check one):*
         (a) ☐ Not involved in any open family law cases (divorce, annulment, legal separation)
         (b) ☐ Involved in an open family law case (divorce, annulment, legal separation), but this request is still in the best interests of the person who needs a conservator because *(explain):*

CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name):* ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE	CASE NUMBER:

3. b. (3) ☐ Currently in a domestic partnership with the person who needs a conservator and not planning to terminate that domestic partnership.

(4) ☐ Planning to terminate or already terminated a domestic partnership with the person who needs a conservator, but this request is still in the best interest of the person who needs a conservator because *(explain):*

(5) ☐ A bank or another entity authorized to conduct business of a trust company

(6) ☐ A nonprofit charitable corporation that meets the requirements of Probate Code section 2104

(7) ☐ A professional fiduciary (defined in Business and Professions Code section 6501(f)). Their statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*)

(8) ☐ A state or local public entity, officer, or employee *(explain):*

(9) ☐ Someone who has been chosen in writing (nominated) by one or more of the following *(check all that apply and attach the nomination):*

(a) ☐ The person who needs a conservator on form GC-309 or form GC-310 ((proposed) conservatee)
(b) ☐ Their spouse or domestic partner
(c) ☐ An adult child, parent, or sibling of the person who needs a conservator

(10) ☐ Other *(explain):*

c. ☐ More than one person. *(You must complete form GC-309C/GC-310C for each additional person and attach it to this form. If two or more people hold the same role, this is called a joint conservatorship.)*

4. **Powers you are requesting for a limited conservator**

(If the person who needs a conservator has a developmental disability, the court will identify the decisions and assets that you have the power to manage and control. Check all the powers you are requesting and explain.)

a. ☐ Control over property

(1) Describe property:

(2) Explain why the power is needed:

b. ☐ Control over debts, wages, rentals, or other claims

(1) Describe property and claims:

(2) Explain why the power is needed:

c. ☐ Contracts or debts that you may make on behalf of the person who needs a conservator

(1) Describe contracts or debts:

(2) Explain why the power is needed:

CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name):* ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE	CASE NUMBER:

4. d. ☐ Claims against the person who needs a conservator that you may pay, settle, or defend

   (1) Describe claims:

   (2) Explain why the power is needed:

   e. ☐ Other powers, limitations, or duties with respect to management of property

   (1) Describe:

   (2) Explain why it is needed:

5. **Additional powers**

   (In special circumstances, the court will allow the conservator to take certain actions without asking the court for permission each time. If you think it would be helpful for the conservator to be granted independent powers, please explain the powers you are requesting.)

   a. ☐ I am requesting the court to grant these additional powers *(describe each additional power):*

   b. Explain why these powers would assist the person who needs a conservator. *(For the court to make these orders, you must prove that the powers you are requesting in item 5a above are in the best interests of the person who needs a conservator.)*

6. **Powers to be kept by the person who I think needs a conservator**

   a. ☐ I do not think the conservator needs the following powers to protect the person who I think needs a conservator. I am asking that the person who needs a conservator keep the following powers *(describe each power):*

   b. Explain why these powers should be kept:

CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name):* ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE	CASE NUMBER:

7. **Reasons for request**

Explain why the person who needs a conservator is greatly unable to manage their finances or cannot avoid being tricked or pressured into making financial choices (fraud or undue influence). You must also complete and file form GC-312 (*Confidential Supplemental Information*). Give general reasons here, give detailed reasons on form GC-312.

8. **Bond**

A bond is like an insurance policy to protect the person who needs a conservator. The court usually requires the person managing the finances to get this bond. It must come from an approved company or follow legal guidelines. The standard amount for the bond is calculated by the court based on the property and income of the estate as stated in item 2c plus a recovery amount. However, you can also request a different amount.

I am requesting:

a. ☐ The standard amount for bond.

b. ☐ The amount to be set at: $. This amount is needed because:

(1) ☐ $ will be deposited in a blocked account at *(name and address of banking institution):*

.

After the deposit, you must file form MC-356 (*Acknowledgment of Order and Receipts of Blocked Account*).

(2) ☐ Other *(explain why this is the right amount):*

c. ☐ No bond because the person to be appointed is a corporate fiduciary or an exempt government agency.

CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name):* ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE	CASE NUMBER:

JOINT CONSERVATOR ATTACHMENT TO PETITION REQUESTING APPOINTMENT OF CONSERVATOR OR LIMITED CONSERVATOR—PROBATE

When to use this form: Only use this form if you are requesting more than one person be granted the same decision-making powers over the person who needs a conservator (the person in item 1a on form GC-309 or form GC-310). When there is more than one person appointed to the same role, they both must agree on the decisions to be made. If more than two persons are appointed to the same role, the majority must agree on the decisions. If you are requesting more than one person be appointed to the same role, complete this form for each person and attach each to form GC-309 or form GC-310. Before filing this petition, you should make sure that having more than one conservator is best for the person who needs a conservator.

1. **Proposed conservatee *(person who needs a conservator; listed on item 1a on form GC-309 or form GC-310)***

   Name:

2. **Information about the proposed joint conservator**

   a. Name:

   b. Address:

   City: State: Zip code:

   c. Telephone number: Email address:

   d. Is the proposed joint conservator a copetitioner (an additional person who has completed and signed all the forms needed to request the conservatorship)?

   ☐ Yes

   ☐ No *(If no, the proposed joint conservator will need to sign the consent at item 5 and complete and file form GC-314 (*Confidential Conservator Screening Form*).)*

3. **Relationship of proposed joint conservator to person who needs a conservator**

   This person is *(check all that apply):*

   a. ☐ A relative of the person who needs a conservator *(specify):*

   b. ☐ Married to the person who needs a conservator and *(check one):*

      (1) ☐ Not involved in any open family law cases (divorce, annulment, legal separation).

      (2) ☐ Involved in an open family law case (divorce, annulment, legal separation), but this request is still in the best interests of the person who needs a conservator because *(explain):*

   c. ☐ Currently in a domestic partnership with the person who needs a conservator and not planning to terminate that domestic partnership.

   d. ☐ Planning to terminate or already terminated domestic partnership with the person who needs a conservator, but this request is still in the best interest of the person who needs a conservator because *(explain):*

   e. ☐ A bank or another entity authorized to conduct business of a trust company.

   f. ☐ A nonprofit charitable corporation that meets the requirements of Probate Code section 2104.

CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name):* ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE	CASE NUMBER:

3. g. ☐ A professional fiduciary (defined in Business and Professions Code section 6501(f)). Their statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*).

   h. ☐ A state or local public entity, officer, or employee (*explain*)*:*

   i. ☐ Someone who has been chosen in writing (nominated) by one or more of the following *(check all that apply and attach the nomination):*

      (1) ☐ The person who needs a conservator,

      (2) ☐ The spouse or domestic partner of the person who needs a conservator, or

      (3) ☐ The adult child, parent, or sibling of the person who needs a conservator.

   j. ☐ Other *(explain):*

4. **Your request**

   I am requesting the court appoint the person in item 2 as:

   a. ☐ Joint conservator of the person (person with joint-decision making over the person who needs a conservator).

   b. ☐ Joint conservator of the estate (person with joint decision-making power over the finances of the person who needs a conservator).

   c. Explain why having more than one conservator would help the person who needs a conservator:

5. **Consent of Joint Conservator**

   (If the person listed in item 2 is not a petitioner, they must complete and sign the consent to serve below.)

   ☐ I consent to serve as joint conservator of the ☐ person ☐ estate

   Date:

   _____ ▶ _____

   Type or Print Name — Signature of Proposed Joint Conservator

GC-339

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:		
CONSERVATORSHIP OF *(name):* CONSERVATEE		
ORDER APPOINTING LIMITED CONSERVATOR—PROBATE ☐ **PERSON** ☐ **ESTATE** ☐ **JOINT** ☐ **AMENDED**		CASE NUMBER:

WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.

1. **The petition requesting appointment came on for hearing as follows:**
   a. Judicial officer *(name):*
   b. Hearing date: Time: Department:
   c. The request was for the appointment of a limited ☐ conservator. ☐ joint conservator.
   d. Petitioner *(name):* ☐ attended the hearing. ☐ did not attend the hearing.
   e. Attorney for petitioner *(name):* ☐ attended the hearing. ☐ did not attend the hearing.
   f. Attorney for (proposed) conservatee (person who needs a conservator):
      Name:
      Address:
      ☐ attended the hearing. ☐ did not attend the hearing.
   g. (Proposed) conservatee ☐ attended the hearing. ☐ did not attend the hearing *(give reason, if known, including whether they were out of state):*

   ☐ Additional information is listed on an attachment *(include additional petitioners, attorneys, or other persons who made an appearance).*

THE COURT FINDS AND ORDERS:

2. **Notice** *(check either a or b):*
   a. ☐ All notices have been given as required by law.
   b. ☐ All notice has been given as required by law, except notice to the following people has been ordered waived:
      Name and relationship:

3. **The conservatee** *(name):*
   (check all that apply):
   a. ☐ Is developmentally disabled as defined in Probate Code section 1420.
   b. ☐ Cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process and is disqualified from voting.
   c. ☐ Is an adult.
   d. ☐ Will be an adult on the effective date of this order.
   e. ☐ Is a married minor.
   f. ☐ Is a minor whose marriage has been dissolved.

CONSERVATORSHIP OF *(name):* CONSERVATEE	CASE NUMBER:

4. ☐ The appointed court investigator is *(name):*
   Address, telephone number, and email address:

5. **Conservator of the person**
   a. Reason for appointment *(check one):*
      (1) ☐ The conservatee is unable to provide for their personal needs for physical health, food, clothing, or shelter, and granting a limited conservatorship of the PERSON is the least restrictive alternative needed for their protection.
      (2) ☐ The conservatee has voluntarily requested appointment of a conservator, and good cause has been shown for appointment.
   b. Person appointed
      (1) The court appoints *(name and address):*

      as limited ☐ conservator ☐ joint conservator of the PERSON of *(name of conservatee):*
      and *Letters of Conservatorship* will issue upon qualification.
      (2) ☐ Additional persons appointed limited conservator of the PERSON are named on attached form GC-339C (*Additional Orders Regarding Joint Conservators*).
   c. The conservator or joint conservator *(check all that apply):*
      (1) ☐ Is a professional fiduciary as defined by Business and Professions Code section 6501(f).
      (2) ☐ Holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.
      License no.: Issuance or last renewal date: Expiration date:
   d. The conservator or joint conservator is *(check one):*
      (1) ☐ Not married to the conservatee.
      (2) ☐ Married to the conservatee but not involved in any open family law case (divorce, annulment, legal separation).
      (3) ☐ Married to the conservatee and involved in an open family law case (divorce, annulment, legal separation), but it is in the best interests of the conservatee to appoint the spouse as ☐ conservator. ☐ joint conservator.
   e. The conservator or joint conservator is *(check one):*
      (1) ☐ Not currently in a domestic partnership with the conservatee.
      (2) ☐ The domestic partner of the conservatee and has neither terminated nor is planning to terminate that domestic partnership.
      (3) ☐ The domestic partner of the conservatee and is planning to terminate or already terminated the domestic partnership, but it is in the best interests of the conservatee to appoint the partner or former domestic partner as ☐ conservator. ☐ joint conservator.

6. **Conservator of the estate**
   a. Reason for appointment *(check one):*
      (1) ☐ The conservatee is substantially unable to manage their own financial resources or to resist fraud or undue influence, and granting a limited conservatorship of the ESTATE is the least restrictive alternative needed for their protection.
      (2) ☐ The conservatee has voluntarily requested appointment of a conservator, and good cause has been shown for appointment.

CONSERVATORSHIP OF (*name*): CONSERVATEE	CASE NUMBER:

6. b. Person appointed
   (1) The court appoints *(name and address):*

   as limited ☐ conservator ☐ joint conservator of the ESTATE of *(name of conservatee):*
   and *Letters of Conservatorship* will issue upon qualification.

   (2) ☐ Additional persons appointed limited conservator of the ESTATE are named on attached form GC-339C (*Additional Orders Regarding Joint Conservators*).

   c. The conservator or joint conservator *(check all that apply):*
   (1) ☐ Is a professional fiduciary as defined by Business and Professions Code section 6501(f).
   (2) ☐ Holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.
   License no.: Issuance or last renewal date: Expiration date:

   d. The conservator or joint conservator is *(check one):*
   (1) ☐ Not married to the conservatee.
   (2) ☐ Married to the conservatee but not involved in any open family law case (divorce, annulment, legal separation).
   (3) ☐ Married to the conservatee and involved in an open family law case (divorce, annulment, legal separation), but it is in the best interests of the conservatee to appoint the spouse as ☐ conservator. ☐ joint conservator.

   e. The conservator or joint conservator is *(check one):*
   (1) ☐ Not currently in a domestic partnership with the conservatee.
   (2) ☐ The domestic partner of the conservatee and has neither terminated nor is planning to terminate that domestic partnership.
   (3) ☐ The domestic partner of the conservatee and is planning to terminate or already terminated the domestic partnership, but it is in the best interests of the conservatee to appoint the partner or former domestic partner as ☐ conservator. ☐ joint conservator.

7. **Medical**
   a. ☐ The conservator or joint conservator of the person is granted the authority as specified in Probate Code section 2354. This power is shared with the conservatee.
   b. ☐ The conservatee lacks capacity to give informed medical consent for medical treatment. The conservator or joint conservator of the person is granted the authority as specified in Probate Code section 2355. The conservatee may not make any medical decisions; the conservator has full power.
   c. ☐ The treatment must be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).

8. **Residence**
   a. ☐ The conservator or joint conservator of the person is granted the authority to choose the residence or specific dwelling of the conservatee. This power is shared with the conservatee.
   b. ☐ The conservatee may not choose their own residence or specific dwelling; the conservator has full power.

9. **Confidential papers**
   a. ☐ The conservator or joint conservator of the person is granted the authority to access the confidential records and papers of the conservatee. This power is shared with the conservatee.
   b. ☐ The conservatee may not access their own confidential records and papers; the conservator has full power.

CONSERVATORSHIP OF (*name*): CONSERVATEE	CASE NUMBER:

10. **Marriage and domestic partnership**
    a. ☐ The conservator or joint conservator of the person is granted the authority to grant or withhold consent to the marriage of, or the entrance into a domestic partnership by, the conservatee. This power is shared with the conservatee.
    b. ☐ The conservatee may not consent to marry or enter into a domestic partnership; the conservator has full power.

11. **Contacts and relationships**
    a. ☐ The conservator or joint conservator of the person is granted the authority to control the social and sexual contacts and relationships of the conservatee. This power is shared with the conservatee.
    b. ☐ The conservatee may not control their own social and sexual contacts; the conservator has full power.

12. **Education**
    a. ☐ The conservator or joint conservator of the person is granted the authority to make educational decisions about the conservatee. This power is shared with the conservatee.
    b. ☐ The conservatee may not make their own educational decisions; the conservator has full power.

13. **Contracts**
    ☐ The conservatee may not enter into legal contracts.

14. **Estate**
    ☐ Orders relating to the powers and duties of the conservator or joint conservator of the estate as specified in form GC-339B/GC-340B are granted.

15. **Special powers regarding major neurocognitive disorders**
    ☐ The conservatee has a major neurocognitive disorder as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders regarding placement or administration of medications. The conservator or joint conservator of the person is granted the authority:
    a. ☐ To place the conservatee in a locked care facility described in Probate Code section 2356.5(b).
    b. ☐ To authorize administration of medications for the care and treatment of a major neurocognitive disorder described in Probate Code section 2356.5(c).

16. ☐ Other orders as specified in an additional page that is attached to this order and labeled attachment 16 are granted.

17. **Fees for court-appointed attorney**
    Name of attorney appointed to represent the conservatee in this proceeding:
    Cost for representation: $
    The conservatee has the ability to pay: $

18. This order is effective on the ☐ date signed ☐ the following date *(specify):*

19. Number of boxes checked in items 2–18: _____

20. Number of pages attached: _____

Date:

_____
Judicial Officer

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:		
CONSERVATORSHIP OF *(name):* CONSERVATEE		
ORDER APPOINTING CONSERVATOR—PROBATE ☐ **PERSON** ☐ **ESTATE** ☐ **JOINT** ☐ **SUCCESSOR** ☐ **AMENDED**		CASE NUMBER:

WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.

1. **The petition requesting appointment came on for hearing as follows:**
   a. Judicial officer *(name):*
   b. Hearing date: Time: Department:
   c. The request was for the appointment of a ☐ conservator. ☐ joint conservator. ☐ successor conservator.
   d. Petitioner *(name):* ☐ attended the hearing. ☐ did not attend the hearing.
   e. Attorney for petitioner *(name):* ☐ attended the hearing. ☐ did not attend the hearing.
   f. Attorney for conservatee (person who needs a conservator):
      Name:
      Address:

      ☐ attended the hearing. ☐ did not attend the hearing.
   g. (Proposed) conservatee ☐ attended the hearing. ☐ did not attend the hearing *(give reason, if known, including whether they were out of state):* .

   ☐ Additional information is listed on an attachment *(include additional petitioners, attorneys, or other persons who made an appearance).*

THE COURT FINDS AND ORDERS:

2. **Notice** *(check either a or b):*
   a. ☐ All notices have been given as required by law.
   b. ☐ All notice has been given as required by law, except notice to the following people has been ordered waived:
      Name and relationship:

3. **The conservatee** *(name):*
   (check all that apply):
   a. ☐ Is developmentally disabled as defined in Probate Code section 1420 and lacks the capacity to perform all of the tasks necessary to provide properly for their own personal needs for physical health, food, clothing, or shelter, or to manage their own financial resources.
   b. ☐ Has voluntarily requested appointment of a conservator, and good cause has been shown for appointment.
   c. ☐ Cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process and is disqualified from voting.
   d. ☐ Is an adult.

CONSERVATORSHIP OF *(name):* CONSERVATEE	CASE NUMBER:

3. e. ☐ Will be an adult on the effective date of this order.
   f. ☐ Is a married minor.
   g. ☐ Is a minor whose marriage has been dissolved.

4. ☐ The appointed court investigator is *(name):*
   Address, telephone number, and email address:

5. **Conservator of the person**

   a. Reason for appointment *(check one):*

      (1) ☐ The conservatee is unable to provide for their personal needs for physical health, food, clothing, or shelter, and granting a conservatorship of the PERSON is the least restrictive alternative needed for their protection.

      (2) ☐ The conservatee has voluntarily requested appointment of a conservator, and good cause has been shown for appointment.

   b. Person appointed

      (1) The court appoints *(name and address):*

      as ☐ conservator ☐ joint conservator of the PERSON of *(name of conservatee):*
      and *Letters of Conservatorship* will issue upon qualification.

      (2) ☐ Additional persons appointed conservator of the PERSON are named on attached form GC-339C (*Additional Orders Regarding Joint Conservators*).

   c. The conservator, joint conservator, or successor conservator *(check all that apply):*

      (1) ☐ Is a professional fiduciary as defined by Business and Professions Code section 6501(f).

      (2) ☐ Holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.
      License no.: Issuance or last renewal date: Expiration date:

   d. The conservator, joint conservator, or successor conservator is *(check one):*

      (1) ☐ Not married to the conservatee.

      (2) ☐ Married to the conservatee but not involved in any open family law case (divorce, annulment, legal separation).

      (3) ☐ Married to the conservatee and involved in an open family law case (divorce, annulment, legal separation), but it is in the best interests of the conservatee to appoint the spouse as ☐ conservator. ☐ joint conservator.

   e. The conservator, joint conservator, or successor conservator is *(check one):*

      (1) ☐ Not currently in a domestic partnership with the conservatee.

      (2) ☐ The domestic partner of the conservatee and has neither terminated nor is planning to terminate that domestic partnership.

      (3) ☐ The domestic partner of the conservatee and is planning to terminate or already terminated the domestic partnership, but it is in the best interests of the conservatee to appoint the partner or former domestic partner as ☐ conservator. ☐ joint conservator.

CONSERVATORSHIP OF (*name*): CONSERVATEE	CASE NUMBER:

6. **Conservator of the estate**

a. Reason for appointment *(check one):*

(1) ☐ The conservatee is substantially unable to manage their own financial resources or to resist fraud or undue influence, and granting a limited conservatorship of the ESTATE is the least restrictive alternative needed for their protection.

(2) ☐ The conservatee has voluntarily requested appointment of a conservator, and good cause has been shown for appointment.

b. Person appointed

(1) The court appoints *(name and address):*

as ☐ conservator ☐ joint conservator of the ESTATE of *(name of conservatee):*
and *Letters of Conservatorship* will issue upon qualification.

(2) ☐ Additional persons appointed conservator of the ESTATE are named on attached form GC-339C (*Additional Orders Regarding Joint Conservators*).

c. The conservator or joint conservator *(check all that apply):*

(1) ☐ Is a professional fiduciary as defined by Business and Professions Code section 6501(f).

(2) ☐ Holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.
License no.: Issuance or last renewal date: Expiration date:

d. The conservator or joint conservator is *(check one):*

(1) ☐ Not married to the conservatee.

(2) ☐ Married to the conservatee but not involved in any open family law case (divorce, annulment, legal separation).

(3) ☐ Married to the conservatee and involved in an open family law case (divorce, annulment, legal separation), but it is in the best interests of the conservatee to appoint the spouse as ☐ conservator. ☐ joint conservator.

e. The conservator or joint conservator is *(check one):*

(1) ☐ Not currently in a domestic partnership with the conservatee.

(2) ☐ The domestic partner of the conservatee and has neither terminated nor is planning to terminate that domestic partnership.

(3) ☐ The domestic partner of the conservatee and is planning to terminate or already terminated the domestic partnership, but it is in the best interests of the conservatee to appoint the partner or former domestic partner as ☐ conservator. ☐ joint conservator.

7. **Medical**

a. ☐ The conservator, joint conservator, or successor conservator of the person is granted the authority as specified in Probate Code section 2354.

b. ☐ The conservatee lacks capacity to give informed medical consent for medical treatment. The conservator, joint conservator, or successor conservator of the person is granted the authority as specified in Probate Code section 2355. The conservatee may not make any medical decisions.

CONSERVATORSHIP OF (*name*): CONSERVATEE	CASE NUMBER:

7. c. ☐ The treatment must be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).

   d. ☐ The conservatee has a major neurocognitive disorder as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders regarding placement or administration of medications. The conservator, joint conservator, or successor conservator of the person is granted the authority:

      (1) ☐ To place the conservatee in a locked care facility described in Probate Code section 2356.5(b).

      (2) ☐ To authorize administration of medications for the care and treatment of a major neurocognitive disorder described in Probate Code section 2356.5(c).

8. **Contacts and relationships**

   ☐ The conservator, joint conservator, or successor conservator of the person is granted the authority to control the rights of the conservatee to receive visitors, telephone calls, or personal mail.

9. **Marriage and domestic partnership**

   ☐ The conservator, joint conservator, or successor conservator of the person is granted the authority to grant or withhold consent to the marriage of or the entrance into a domestic partnership by the conservatee.

10. **Estate**

    ☐ Orders relating to the powers and duties of the conservator, joint conservator, or successor conservator of the estate as specified in form GC-339B/GC-340B are granted.

11. ☐ The conservatee retains the powers as specified in an additional page that is attached to this order and labeled as attachment 11.

12. ☐ Other orders as specified in an additional page that is attached to this order and labeled attachment 12 are granted.

13. **Fees for court-appointed attorney**

    Name of attorney appointed to represent the conservatee in this proceeding:
    Cost for representation: $
    The conservatee has the ability to pay: $

14. This order is effective on the ☐ date signed ☐ the following date *(specify):*

15. Number of boxes checked in items 2–14: _____

16. Number of pages attached: _____

Date:

_____
Judicial Officer

CONSERVATORSHIP OF *(name):* CONSERVATEE	CASE NUMBER:

ADDITIONAL ORDERS REGARDING CONSERVATORSHIP OF THE ESTATE

(Attachment to form GC-339 (*Order Appointing Limited Conservator—Probate*) or form GC-340 (*Order Appointing Conservator—Probate*))

1. ☐ Bond is:
   a. ☐ Fixed at $ to be furnished by an authorized surety company or as otherwise provided by law.
   b. ☐ Not required.

2. ☐ Deposits of $ are ordered to be placed in a blocked account at *(specify institution and location):*

   and receipts will be filed. No withdrawals are to be made without a court order.

3. ☐ The conservator or joint conservator is not allowed to take possession of any money or property without a specific court order.

4. Special orders for limited conservators
   a. ☐ The limited conservator or limited joint conservator is entitled to possession and management of the following properties *(describe properties):*

   b. ☐ The limited conservator or limited joint conservator is entitled to collect, manage, or file suit regarding debts, rentals, wages, or other claims due to the limited conservatee *(describe):*

   c. ☐ The limited conservator or limited joint conservator may incur the following contractual or other obligations on behalf of the limited conservatee *(describe):*

   d. ☐ The limited conservator or limited joint conservator may pay, settle, or defend claims against the limited conservatee *(specify claims):*

   e. ☐ Other powers, limitations, or duties with respect to the management of the property as specifically and expressly granted *(describe):*

CONSERVATORSHIP OF *(name):* CONSERVATEE	CASE NUMBER:

5. ☐ The conservator or joint conservator is granted other powers allowed under Probate Code section 1830 or section 2590 *(explain):*

6. ☐ The conservatee retains the following powers *(explain):*

7. ☐ The appointed probate referee is *(specify name and address):*

CONSERVATORSHIP OF *(name):* CONSERVATEE	CASE NUMBER:

ADDITIONAL ORDERS REGARDING JOINT CONSERVATORS

(Attachment to form GC-339 (*Order Appointing Limited Conservator—Probate*) or form GC-340 (*Order Appointing Conservator—Probate*))

1. a. Name:
   Address:

   is appointed ☐ limited ☐ joint conservator of the PERSON of
   (name of conservatee from form GC-339 or form GC-340):
   and *Letters of Conservatorship* will issue upon qualification.

   b. Name:
   Address:

   is appointed ☐ limited ☐ joint conservator of the ESTATE of
   (name of conservatee from form GC-339 or form GC-340):
   and *Letters of Conservatorship* will issue upon qualification.

   c. ☐ The joint conservator:

   (1) ☐ Is a professional fiduciary as defined by Business and Professions Code section 6501(f).

   (2) ☐ Holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.

   License no.: Issuance or last renewal date: Expiration date:

   d. The joint conservator is *(check one):*

   (1) ☐ Not married to the conservatee.

   (2) ☐ Married to the conservatee but not involved in any open family law case (divorce, annulment, legal separation).

   (3) ☐ Married to the conservatee and involved in an open family law case (divorce, annulment, legal separation), but it is in the best interests of the conservatee to appoint the spouse as joint conservator.

   e. The joint conservator is *(check one):*

   (1) ☐ Not currently in a domestic partnership with the conservatee.

   (2) ☐ The domestic partner of the conservatee and has neither terminated nor is planning to terminate that domestic partnership.

   (3) ☐ The domestic partner of the conservatee and is planning to terminate or already terminated the domestic partnership, but it is in the best interests of the conservatee to appoint the partner or former domestic partner as joint conservator.

2. The court grants the same powers:

   a. ☐ As stated in items 6–16 of this order and ☐ the estate attachment.

   b. ☐ As stated in the previous order for conservatorship dated:

GC-349

ATTORNEY OR PARTY WITHOUT ATTORNEY After recording return to: 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*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF *(name):* CONSERVATEE	
LETTERS OF LIMITED CONSERVATORSHIP ☐ **PERSON** ☐ **ESTATE**	CASE NUMBER:

1. Name of conservatee:

2. The court appoints:

   (Name): as ☐ joint ☐ conservator of the person.
   as ☐ joint ☐ conservator of the estate.

   (Name): as ☐ joint ☐ conservator of the person.
   as ☐ joint ☐ conservator of the estate.

   (Name): as ☐ joint ☐ conservator of the person.
   as ☐ joint ☐ conservator of the estate.

   ☐ Additional conservators as listed on Attachment 2.

3. The court grants other powers or imposes other conditions as follows:

   a. **Medical**

      (1) ☐ The conservator or joint conservator of the person is granted the authority as stated in Probate Code section 2354 or if item 3a(2) is checked, then the authority as stated in Probate Code section 2355. This power is shared with the conservatee.

      (2) ☐ The person who needs help (conservatee) lacks capacity to give informed consent for medical treatment. The conservatee may not make any medical decisions; the conservator has full power.

      (3) ☐ The treatment must be performed by an accredited practitioner of a religion under Probate Code section 2355(b).

   b. **Residence**

      (1) ☐ The conservator or joint conservator of the person is granted the authority to choose the residence or specific dwelling of the conservatee. This power is shared with the conservatee.

      (2) ☐ The conservatee may not choose their own residence or specific dwelling; the conservator has full power.

   c. **Confidential papers**

      (1) ☐ The conservator or joint conservator of the person is granted the authority to access the confidential records and papers of the conservatee. This power is shared with the conservatee.

      (2) ☐ The conservatee may not access their confidential records and papers; the conservator has full power.

   d. **Marriage and domestic partnership**

      (1) ☐ The conservator or joint conservator of the person is granted the authority to grant or withhold consent to the marriage of, or the entrance into a domestic partnership by, the conservatee. This power is shared with the conservatee.

      (2) ☐ The conservatee may not consent to marry or enter into a domestic partnership; the conservator has full power.

CONSERVATORSHIP OF *(name):* CONSERVATEE	CASE NUMBER:

3. e. **Contacts and relationships**

(1) ☐ The conservator or joint conservator of the person is granted the authority to control the social and sexual contacts and relationships of the conservatee. This power is shared with the conservatee.

(2) ☐ The conservatee may not control their own social and sexual contacts; the conservator has full power.

f. **Education**

(1) ☐ The conservator or joint conservator of the person is granted the authority to make educational decisions about the conservatee. This power is shared with the conservatee.

(2) ☐ The conservatee may not make their own educational decisions; the conservator has full power.

g. **Contracts**

☐ The conservatee may not enter into legal contracts.

h. **Additional conditions**

☐ The conservator or joint conservator of the person is required to perform the conditions relating to the care, treatment, education, and welfare of the person under Probate Code section 2358 or other powers or conditions as stated in Attachment 3h.

i. **2590 powers**

☐ The conservator or joint conservator of the person is granted the authority to exercise independent powers under Probate Code section 2590 with the specific powers, restrictions, conditions, and limitations as stated in Attachment 3i.

j. **Property**

☐ The conservator or joint conservator of the person is required to perform additional conditions relating to the care and custody of property under Probate Code section 2402 as stated in Attachment 3j.

k. **Locked care facility**

☐ The conservator or joint conservator of the person is granted the authority to place the conservatee in a secured facility under Probate Code section 2356.5(b).

l. **Medications**

☐ The conservator or joint conservator of the person is granted the authority to authorize the administration of medications appropriate for the care and treatment of a major neurocognitive disorder under Probate Code section 2356.5(c).

m. **Other**

☐ Other power or limit *(explain; add additional pages if necessary):*

4. ☐ **Restriction:** The conservator is not authorized to take possession of money or any other property without a specific court order.

5. Number of pages attached: _____

(SEAL)

WITNESS, clerk of the court, with seal of the court affixed.

Date:

Clerk, by , Deputy

CONSERVATORSHIP OF *(name):* CONSERVATEE	CASE NUMBER:

NOTICE TO CONSERVATOR

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in Probate Code section 1875.

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS

(Probate Code sections 2890–2893)

When these *Letters of Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the conservator of the estate (1) to take possession or control of an asset of the conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the conservatorship, you must complete and file form GC-050 (*Notice of Taking Possession or Control of an Asset of Minor or Conservatee*) (for an institution) or form GC-051 (*Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box*) (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. Check with the court that issued the Letters for further instructions on how to file the completed form.

The conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public website free of charge at courts.ca.gov/forms. Select the form group *Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in or may be filled out online and printed out ready for signature and filing.

An *institution* under Probate Code section 2890(c) is an insurance company, agent, or broker; an investment company; an investment bank; a securities broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file form GC-050 for an asset of the conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file form GC-051 for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

LETTERS OF CONSERVATORSHIP

AFFIRMATION

1. ☐ Public guardian. No affirmation required (Prob. Code, § 2922(b)).
2. ☐ Individual: **I solemnly affirm** that I will perform the duties of conservator according to law.
3. ☐ Institutional fiduciary *(name):*

   I solemnly affirm that the institution will perform the duties of conservator according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer.
   (Name and title):

4. Executed on *(date):* ,
   at *(place):* , California.

▶ _____
Signature

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

Date:

Clerk, by

_____ , Deputy

GC-350

ATTORNEY OR PARTY WITHOUT ATTORNEY After recording return to: 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*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF *(name):* CONSERVATEE	
LETTERS OF CONSERVATORSHIP ☐ **PERSON** ☐ **ESTATE**	CASE NUMBER:

1. Name of conservatee:
2. The court appoints:
   (Name): as ☐ joint ☐ conservator of the person.
   as ☐ joint ☐ conservator of the estate.
   (Name): as ☐ joint ☐ conservator of the person.
   as ☐ joint ☐ conservator of the estate.
   (Name): as ☐ joint ☐ conservator of the person.
   as ☐ joint ☐ conservator of the estate.
   ☐ Additional conservators as listed on Attachment 2.
3. The court grants other powers or imposes other conditions as follows:
   a. ☐ **Medical:** To exclusively give consent for and to require the conservatee to receive medical treatment that the conservator in good faith based on medical advice determines to be necessary even if the conservatee objects, subject to the limitations stated in Probate Code section 2356.
      (1) ☐ This treatment must be performed by an accredited practitioner of the religion whose tenets and practices call for reliance on prayer alone for healing of which the conservatee was an adherent prior to the establishment of the conservatorship.
      (2) ☐ This medical authority ends on *(check this box only if there is a time limit, and give the end date):*
   b. ☐ **Locked care facility:** To place the conservatee in a secured facility under Probate Code section 2356.5(b).
   c. ☐ **Medications:** To authorize the administration of medications appropriate for the care and treatment of a major neurocognitive disorder under Probate Code section 2356.5(c).
   d. ☐ **Other:** Additional conditions relating to the care, treatment, education, and welfare of the person under Probate Code section 2358, or other powers or conditions as stated in Attachment 3d.
   e. ☐ **2590 powers:** To exercise independent powers under Probate Code section 2590 with the specific powers, restrictions, conditions, and limitations as stated in Attachment 3e.
   f. ☐ **Property:** Additional conditions relating to the care and custody of property under Probate Code section 2402 as stated in Attachment 3f.
   g. ☐ **Other:** Other powers, duties, or limitations as stated in Attachment 3g.
4. ☐ **Restriction:** The conservator is not authorized to take possession of money or any other property without a specific court order.
5. Number of pages attached: _____

(SEAL)

WITNESS, clerk of the court, with seal of the court affixed.
Date:

Clerk, by _____ , Deputy

CONSERVATORSHIP OF *(name):* CONSERVATEE	CASE NUMBER:

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There is no filing fee for filing the form. Check with the court that issued the Letters for further instructions on how to file the completed form.

The conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public website free of charge at courts.ca.gov/forms. Select the form group *Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in or may be filled out online and printed out ready for signature and filing.

An *institution* under Probate Code section 2890(c) is an insurance company, agent, or broker; an investment company; an investment bank; a securities broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file form GC-050 for an asset of the conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file form GC-051 for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

LETTERS OF CONSERVATORSHIP

AFFIRMATION

1. ☐ Public guardian. No affirmation required (Prob. Code, § 2922(b)).
2. ☐ Individual: **I solemnly affirm** that I will perform the duties of conservator according to law.
3. ☐ Institutional fiduciary *(name):*

   I solemnly affirm that the institution will perform the duties of conservator according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer.
   (Name and title):

4. Executed on *(date):* ,
   at *(place):* , California.

▶ _____
Signature

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

Date:

Clerk, by

_____ , Deputy

SPR26-35 Chart of Comments (DRAFT)

Probate Conservatorship: Revision to Petitions, Orders, and Letters (adopt forms GC-309, GC-309B/GC-310B, GC-309C/GC-310C, GC-339, GC-339B/GC-340B, GC-339C/GC-340C and GC-349; revise forms GC-310, GC-340, and GC-350)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Disability Rights California (DRC) by William Leiner, Managing Attorney Susan Sindelar, Senior Attorney Sacramento Joined by: State Council on Developmental Disabilities by Aaron Carruthers, Executive Director Disability Rights Education and Defense Fund by Claudia Center, Legal Director Disability Voices United by Judy Mark, President California Public Defenders Association Legislation Committee by Margo George, Co-chair Lesli Caldwell Houston, Co-chair Yarrow Neibert, Co-chair	Our allies and organizations supported Assembly Bill No. 1663 (2021-2022 Reg. Sess.) ("AB 1663") because it represented an important shift in California conservatorship law. AB 1663 recognized that people with disabilities and older adults can make their own decisions with trusted support, and that a conservatorship should be used only when necessary, only after less restrictive alternatives have been considered, and only to the extent required by the person's proven needs. We write in support of many of the overarching changes proposed to the Judicial Council forms regarding conservatorships. These changes include separating the forms for general and limited conservatorships over persons and attachment forms for conservatorships over estates, the addition of clear options to share decision making powers, and the plain language revisions incorporated into the informational form describing the duties of the conservator. We also appreciate the addition of prompts requiring the proposed conservator to ascertain the preferences of the proposed conservatee, explicitly notice that preferences may be expressed through speech, writing, sign language, gestures, augmented communication, facial expressions, or other methods. This is especially important for people with intellectual and developmental disabilities, people who do not always use speech to be heard and understood, and people who use supported forms of communication. As the proposed revisions are efforts to make the forms more in compliance with changes implemented through AB 1663, we offer the following recommended, targeted revisions to	The committee acknowledges that the commenter supports the proposal and appreciates this information.

Commenter	Comment	Committee Response
	bring the forms into closer alignment with the statutory changes.	
DRC, et al. (continued)	**Describing the proposed conservatee as "the person who needs help" misstates the legal standard and assumes a factual conclusion petitioners must prove**. We support the Judicial Council's goal of making conservatorship forms easier to understand. But plain language should not come at the expense of legal accuracy or the rights of the person who is the subject of the petition and a legal proceeding depriving them of rights. In a number of proposed updated forms (GC 309, GC 310, GC 309B / GC 310B, GC 309C / GC 310C, GC 339, GC 340, GC 339C / GC 340C), the phrases "the person who needs help" and "person who needs help making their own decisions" appear. These phrases should not be used because they suggest that needing help with decision-making is enough to justify conservatorship and assumes the very issue the court has not yet decided. That is not California law. California law presumes that adults have capacity to make decisions. A conservatorship may be ordered only if the statutory criteria are met, and only if conservatorship is the least restrictive alternative. The court must consider the person's abilities and capacities with current and possible supports, including supported decision-making powers, powers of attorney, health care surrogates, and advance health care directives. California's supported decision-making law also recognizes that adults with disabilities may use voluntary supports to understand, make, and communicate decisions while maintaining autonomy and decision-making authority. Defining the proposed conservatee as the "the person who needs help" conflates two distinct legal concepts: supported decision-making and substituted decision-making. Many	The committee agrees and has modified the initial reference to the proposed conservatee in the petitions to "Proposed conservatee (person who needs a conservator)" and thereafter to "person who needs a conservator." The committee removed the phrases "the person who needs help" and "person who needs help making their own decisions." The committee notes that these are petition forms, so they are used at the allegations phase of the proceeding. Therefore, nothing in the petition should be construed as a determination by the court.

Commenter	Comment	Committee Response
	people need help understanding information, weighing options, communicating choices, or implementing decisions. That alone is insufficient to allow a court to grant placing them under a conservatorship. The Judicial Council already recognizes this legal distinction as its self help site states that "Needing help is not enough to warrant an appointment of a conservator." **We recommend** retaining the legally accurate term "proposed conservatee" and pairing it with a plain language explanation: "the person the petition asks the court to place under conservatorship." The wording is understandable, neutral, and accurate. It makes clear that conservatorship is being requested, not already justified. It avoids presuming incapacity or need. And it better reflects the seriousness of a proceeding that may limit a person's fundamental decision-making rights.	
DRC, et al. (continued)	**Examples of less restrictive alternatives should be visible in the petition.** We appreciate that the Judicial Council already modified the Confidential Supplemental Information form (GC-312, rev. Jan 1, 2024) to require petitioners to include more information to the court about the least restrictive alternatives. But the petition forms should do more to give the court the information needed to make those findings in a meaningful way. As drafted, the petition forms generally ask why requested powers are needed. That is important, but it is not enough, nor sufficiently tied to the required information contained in the Confidential Supplemental Information form (Item 6). AB 1663 requires more than a petitioner's belief that conservatorship would be helpful and that was how the Confidential Supplemental Information form was revised. The court must consider whether the person can make decisions with current or possible supports, and whether less restrictive alternatives can meet the person's needs without removing	The committee is not recommending revisions in response to this suggestion. Probate Code section 1821 mandates that the alternatives considered and explanations for why they are not suitable be filed with other designated information in a confidential supplemental information form that is separate and distinct from the petition. This information is contained in the mandatory form GC-312, as noted in the comment. Nothing in AB 1663 overrides this statutory requirement. The petitions, forms GC-309 and GC-310, are not confidential thus making them an inappropriate place to discuss the reasons alternatives may have been ineffective.

Commenter	Comment	Committee Response
	legal rights. As drafted, the petition forms do not provide this information. On the face of the petition, a petitioner should be required to identify the supports and alternatives that have been considered or trued and explain why those supports are not sufficient. This should not be buried or implied. It should be a clear part of the petition that needs to be confidential or require the court to cross-reference multiple forms. **We recommend** adding a section titled "Less Restrictive Alternatives and Supports Considered." That section should ask what support the person currently uses, what less restrictive alternatives have been tried or considered, why those supports are not enough, and why each requested conservatorship power is necessary despite those alternatives. To be clear for lay persons and consistent with AB 1663, the form should include the enumerated examples of less restrictive alternatives (i.e., supported decision-making, powers of attorney, advanced health care directives, and health care surrogate decision-making).	
DRC, et al. (continued)	**Ensure that "shared power" is clearly documented as how the power is shared.** We support the goal of making it easier to tailor limited conservatorship powers through a shared power model on the forms. We support that the petition form (GC-309) that allows something less than full conservator authority can help courts avoid unnecessary all-or-nothing orders. The key question is what happens when the person and conservator disagree. A related question is what happens when joint conservators also disagree. According to the petition for appointment form, "shared power gives the conservator power equal to the person who needs help, but the person who needs help can still make choices without the consent of the conservator or may override the choice of the conservator."	The committee is not recommending revisions in response to this comment. The current language in the petition, order, and letters accurately expresses the law with regards to powers in a limited conservatorship. Information regarding the rights and limitations under a limited conservatorship, including the information regarding shared powers, is already contained in the mandatory form GC-341, which is required to be sent to the appropriate parties with the order appointing a conservator (either form GC-339 or GC-340). However, the committee will consider whether revisions are needed to form GC-309 to explain shared power in a future cycle.

Commenter	Comment	Committee Response
	We support this language. But it is not enough for this to be in the request for appointment of the conservator alone. **We recommend** that if a conservatee can override the choice of the conservator or joint conservators in a "shared power" model, this also needs to be clearly spelled out in the conservatorship order and letters. Likewise, the order and letters should enumerate the agreement for how disputes between joint conservators will be handled.	The committee notes that Probate Code section 2105(c) governs the actions of joint conservators in the event of a dispute and does not allow for the conservators to opt out of the application of this section by an agreement. As a result, the recommended revision that the letters enumerate "the agreement" for how disputes between joint conservators will be handled may not comply with the law.
DRC, et al. (continued)	**Additional changes are needed to ensure legal terms are defined accurately and completely.** We support the Judicial Council's goal of making conservatorship forms easier to understand. Plain language, however, must still be legally accurate, both in how the legal concept is summarized, including examples, and in the specific elements required by statutes. As drafted, several definitions and omissions in the proposed forms fall short of that standard.	The committee appreciates the information. Please see below for the committee's response regarding the commenter's specific suggestions.
DRC, et al. (continued)	**The petitions understate the statutory standard for necessity.** Summarizing the requirements under Probate Code section 1821, subdivision (a)(1)(A), that a conservatorship is necessary due to a person's alleged inability to properly provide for their needs, as simply "reasons for [the] request" is inadequate. This framing minimizes the legal standard the petitioner must meet and implies that the Confidential Supplemental Information form is a separate, secondary document rather than one that directly supplies evidence tied to this necessary element in the petition. The forms should make that connection explicit.	In light of this comment, the committee has modified the language in the instruction to more explicitly state that *Confidential Supplemental Information* (form GC-312) must also be filed (see recommended forms GC-309, items 2b and 9 and GC-310, item 9). The committee does not intend that the heading "Reasons for Request" be construed as the legal standard for the appointment of a conservator. The instructions directly below the header indicate the type of information required by the code and directs the petitioner to include additional information in form GC-312.
DRC, et al. (continued)	**The proposed plain language definitions of "fraud" and "undue influence" are inaccurate.** As drafted, these terms are defining Probate Code section 1821, subdivision (a)(1)(E)	The committee agrees and has modified the language and removed the reference to "not good for them." The committee notes that Probate Code

Commenter	Comment	Committee Response
	as a person unable to "avoid being tricked or pressured into making financial choices that are not good for them." This definition does not match Judicial Council summaries of these established terms in two ways. First, undue influence requires that a person in a close relationship with the proposed conservatee has exploited their relationship to exert control, not merely exert pressure. Second, fraud requires intentional misrepresentation of material facts. Additionally, a subjective assessment of what choices are "good for" the person is not an element to establish a conservatorship over the estate. These definitions also contradict plain language explanations adopted by the Judicial Council in other materials, including CACI 334, Series 1900, 3116, 3117.	section 1821(a)(1)(E) requires facts as to the "substantial inability of the proposed conservatee to manage their own financial resources, or to *resist* fraud or undue influence." (emphasis added). This does not require a showing that the proposed conservatee has succumbed to fraud or undue influence. As a result, the committee declines to adopt the language from the other materials referenced in the comment, as those statements are from jury instructions, which are applied after an incident is alleged to have occurred.
DRC, et al. (continued)	Additionally, the proposed attachment to request a conservatorship over the estate omits necessary references to the transactions that can be retained by the proposed conservatee under Probate Code section 1873.	In response to this suggestion, the committee has modified the attachment to include an item allowing the petitioner to detail the powers retained by the proposed conservatee.
DRC, et al. (continued)	**The proposed explanation of "due diligence" for notice purposes does not explain what diligence is actually required.** Defining due diligence as requiring that the petitioner "must try hard to find living relatives and have reasons if [they] cannot find them" does not convey the specific steps to dispense with notice. The Judicial Council has already implemented more precise due diligence standards and examples in related forms. Those same examples and changes should be incorporated here. For example, the forms could specify that a petitioner must document the use of an internet search engine to locate a last known address, describe whether mailed petitions have been returned, or provide the date of a relative's death. This is not a minor technical concern. There are instances of petitions where notice was improperly dispensed with, which has forced relatives wishing to contest a conservatorship, and support the person's autonomy, to pursue a petition to terminate rather than be heard at the establishment hearing. By leaving the due diligence standard undefined in the new petition forms, the	The committee agrees that including additional examples would be helpful. The committee has modified the language to provide an expanded explanation of options the petitioner can take to comply with the requirements of identifying relatives by providing additional search suggestions. See item 12c on forms GC-309 and GC-310. The committee notes that the explanation of "due diligence" is not provided for the purpose of waiving notice but rather to comply with Probate Code section 1821 that requires the petitioner provide, so far as they are known to the petitioner or proposed conservator, the names and addresses of relatives of the proposed conservatee.

Commenter	Comment	Committee Response
	Judicial Council is missing an additional way to fully implement AB 1663.	
DRC, et al. (continued)	**We recommend** that all legal terms in the forms use pre-existing plain language definitions and examples developed by the Judicial Council (including those addressing due diligence, fraud, and undue influence) to ensure that the correct legal standard is incorporated into the new petition forms.	The language in the forms is drafted to address the legal requirements at each stage of the proceeding. As a result, using pre-existing plain language definitions may not be appropriate in all circumstances, as explained above.
DRC, et al. (continued)	We further recommend including a section to describe "Transactions the Person Can Perform" to allow the court to make appropriate orders under Probate Code section 1873, which could be modeled after the powers requested section in the limited conservatorship petition. Likewise, the corresponding orders and letters should include a section to list the transactions retained by the conservatee to ensure both the scope and limits of the conservatorship over the estate is clearly documented.	See responses above regarding the new section that details the powers the conservatee retains. The committee declined to title the section "Transactions the Person Can Perform" to avoid the appearance that if a transaction or item is not included in the petition, orders, or letters, it is therefore not available to the conservatee. The orders have been updated to directly reference the section added. The letters already had space for the court to include any additional orders.
DRC, et al. (continued)	**Additional technical changes are necessary for clarity and consistency within and across forms** We support the Judicial Council's goal of making it easier to tailor conservatorships through the use of different easy to understand forms for each type of conservatorship. The proposed petition forms reflect meaningful progress toward this goal. However, there are several technical inconsistencies between petition forms and the proposed order and letters forms that require attention to ensure these changes carry through after the conservatorship is established.	No general response required. See below for the committee's response to specific comments.

DRC, et al. (continued)	**The order and letters forms must be updated to reflect the structural changes in the petition forms.** As drafted, the modified GC-340 retains items that now belong exclusively on GC-339. GC-350 also has not been updated to reflect the changes in the petition. For example, the medical power listed in Item 3.a. Is an exclusive power, which conflicts with the limited conservatorship powers over this issue in Item 3.e and the GC-350A. Also, Item 3.f. is a power specific to the conservatorships over the estate, but remains grouped in the powers for conservatorships over the person. These are no simply formatting issues. The orders and letters are not just used by courts, they are used by conservators and third parties, like banks, medical professionals, direct service providers, and regional centers. The documents must clearly and accurately reflect not just the type of conservatorship, but the scope and limits of the powers given to a conservator or joint conservators. Internal contradictions in the order and letters undermine that purpose.	The committee is not recommending modification to form GC-340 as a result of this comment. The committee notes that AB 1663 amended Probate Code section 1800.3 to state that if the court becomes aware that a proposed conservatee has a developmental disability, and the proposed conservator is not seeking authority to act under Section 2356.5, the court shall deem the proceeding to be seeking a limited conservatorship. Therefore, form GC-340 should retain some items related to limited conservatorship as the court still has discretion to appoint a general conservator over a person with a developmental disability, particularly if the court is ordering major neurocognitive disorder authority. The committee has revised its recommendation and is recommending separate letters for a limited conservatorship (form GC-349) to eliminate the possibility of conflicting language between the letters and an attachment. The committee has also modified the general letters (form GC-350) so the estate powers are grouped together.
DRC, et al. (continued)	**The order and letters should include a mechanism to document powers retained by the conservatee.** None of the orders or the letters currently include a field or a checkbox to affirmatively reflect a key finding by the court: that petitioner failed to prove by clear and convincing evidence that a power should be removed and that the conservatee affirmatively retains that power. This omission is significant in the context of limited conservatorships and Probate Code section 1873 when reviewed by third parties. Without a designated place in the order and letters to enumerate retained powers or retained transactions, the courts continue to lack a clear mechanism to implement a core goal of AB 1663; the ability of conservatees to retain rights when possible.	The committee has modified the orders and letters to reflect the modifications to the petitions and attachments as noted above. However, the committee is not recommending further revisions as a result of this comment. The committee does not want to create the negative presumption that if the order fails to state that the conservatee affirmatively retains the power or right then the conservatee has lost it. In addition, the powers and rights retained by the proposed conservatee are contained in form GC-342, which provides a personalized inventory of the powers of the conservator and the conservatee and specified exclusive or shared.

DRC, et al. (continued)	**The order and letters must address how shared power will operate in practice.** As we note above, we fully support the shared power model. But the order and letters forms must also clearly describe how disagreements between a conservatee and conservator, or between joint conservators, are resolved in a format and using language that is clear to third parties who will rely on these documents.	See response above.
DRC, et al. (continued)	**We recommend** that the Judicial Council treat these technical revisions as a way to fully implement AB 1663, We request to engage in further discussion about the appropriate revisions to the orders and letters forms to discuss whether additional items can be designated by conservatorship type or additional forms are needed to meet the demands needed by third parties reviewing these documents. We would appreciate the opportunity to further discuss these important issues before these forms are finalized. Please reach out to [contact information omitted] if you have questions about these comments or to arrange a meeting for further discussion.	The committee appreciates this comment. The committee does not believe it should defer the current proposal which followed the council's standard practice of circulating for public comment. The committee is committed to ensuring these forms meet the demands of those who rely on them and welcomes suggested improvements for consideration in the future.
Los Angeles County Office of the County Counsel By Kate Glaspey, Senior Deputy County Counsel	Position: Agree with proposed changes if modified.	The committee acknowledges that the commenter agrees with the proposal if it is modified.
Los Angeles County Counsel (continued)	Request for Appointment of Probate Conservator GC-310 #8. Recommend including more room to explain why the person needs help, especially for handwritten responses, which are common for pro-per litigants. Either provide more space or instruct that is more space is needed, use a separate piece of paper and attach it as Attachment 8.	In response to this suggestion, the committee modified the instruction to direct the petitioner to include additional information on the *Confidential Supplemental Information* (form GC-312).
Los Angeles County Counsel (continued)	#9, Conveys the GC-325 form is required only if the person is unable to attend the hearing; however the form is necessary for all cases regardless of attendance. Suggest moving the	The committee is not recommending revising the instruction in now item 10 on form GC-310 as it accurately reflects the legal requirement under Probate Code section 1825, which only requires an

	sentence stating that a completed form GC-325 must be filed to the top of #9.	affidavit of certificate if the proposed conservatee is unable to attend the hearing because of medical inability. The committee notes that even though form GC-325 is designated as a "mandatory" form, it is only mandatory when legally required.
Los Angeles County Counsel (continued)	Estate Attachment GC-309B/GC-310B The attachment is for both "Probate Limited Conservatorship" and "Probate Conservatorship" but only refers to "Probate Conservatorship" in the caption.	In response to this suggestion, the committee has modified the caption to include references to both Probate Conservatorship and Probate Limited Conservatorship.
Los Angeles County Counsel (continued)	#4 This section for Limited Conservator powers references only Developmental Disability and makes no reference to Limited Conservatorship This may lead a petitioner for a Probate Conservatorship to inadvertently ask for additional powers not relevant in Probate Conservatorships.	In response to this suggestion, the committee has modified the language to refer to Limited Conservatorship.
Los Angeles County Counsel (continued)	A separate attachment for each petition would be less confusing.	The committee is not recommending creating a separate attachment as most of the content would be identical and the above clarification to #4 will clearly indicate which sections are available for Limited Conservatorships.
Los Angeles County Counsel (continued)	Joint Conservator Attachment GC-309/GC-310 The attachment is for both "Probate Limited Conservatorship" and "Probate Conservatorship" but only references "Probate Conservatorship" in the caption.	In response to this suggestion, the committee has modified the caption to clarify that the attachment may be used with the petition for a probate limited conservatorship (form GC-309) and a probate conservatorship (form GC-310).
Los Angeles County Counsel (continued)	Order appointing Probate Conservator GC-340 "(Proposed)" should not be indicated in the caption, the court will have already granted the conservatorship at the time the order is filed.	The committee agrees and has changed "proposed conservatee" to "conservatee" in the caption.

Los Angeles County Counsel (continued)	Although there are 2 separate proposed orders, one for Limited Conservatorships (GC-339) and one for Probate Conservatorships (GC-340), the Probate Conservatorship form references Developmental Disability under #3a and Limited conservatorship under #5b(2) and 6a(1), which is confusing.	The committee is not recommending the removal of references to developmental disability as the court still has discretion to appoint a general conservator over a person with a developmental disability, particularly if the court is ordering major neurocognitive disorder authority. However, the committee has modified items 5b(2) and 6a(1) as the inclusion of "limited" was a typographical error.
Los Angeles County Counsel (continued)	The caption indicates who the conservatee is without noting "the person who needs help." To make the connection clear, change 1g from "Person who needs help" to "Conservatee (Person who needs help)" and thereafter only refence the person as the conservatee. The order may otherwise be confusing for financial and other entities.	In response to several comments on this issue, the committee is recommending the initial reference to "the person who needs help" be modified to "proposed conservatee (person who needs a conservator)" with "person who needs a conservator" used thereafter. The committee has also modified the orders to use "Conservatee."
Los Angeles County Counsel (continued)	Letters of Conservatorships GC-350 To limit confusion, create a new form for letters in Limited Conservatorships, rather than needing a separate attachment.	Based on the comments received, the committee is recommending adopting separate letters of limited conservatorship, *Letters of Limited Conservatorship* (form GC-349).
Los Angeles County Counsel (continued)	The letters say "Guardianship and Conservatorships" in the footer, but they are not applicable to Guardianships	In response to this comment, the committee has updated the footers for all of the forms to remove the reference to "Guardianship and Conservatorships."
Orange County Bar Association (OCBA) by Shirin Forootan, President	Position: Agree.	The committee acknowledges the commenter's agreement with the proposal.
OCBA (continued)	The proposal appropriately addresses the stated purpose.	The committee appreciates this comment.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree with proposed changes.	The committee acknowledges the commenter's agreement with the proposal.

Superior Court of Los Angeles County (continued)	Comments: The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-35 Probate Conservatorship: Revisions to Petitions, Orders, and Letters," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates this comment.
Superior Court of Los Angeles County (continued)	The proposal will not provide cost savings.	The committee appreciates the information.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train judicial officers, staff, and Probate Legal Unit. The Court will also need to modify its case management system to add new events for forms. The Court would also need to update its forms and notify legal aid providers of changes. Additionally, physical materials and handouts will need to be updated to include the new forms. The new forms will not negatively impact the Court (who has adopted its own local form) but will require the Court to revise its local form.	The committee appreciates the information and the court's identification of implementation activities.
Superior Court of Los Angeles County (continued)	Two months is not sufficient for implementation, and the Court believes additional time will be needed.	The committee appreciates the information. In consideration of the comments received on this issue, the committee agrees that courts and other stakeholders will benefit from additional time to implement this proposal and is therefore recommending a delayed effective date of July 1, 2027.
Superior Court of Orange County, Appellate/Civil/Probate Divisions	**Does the proposal appropriately address the stated purpose?** Yes. The proposal separates the limited and general conservatorship forms, updates outdated petition/orders/ Letters language and creates standardized attachments that should make the process clear for court users and staff.	The committee appreciates this comment.

Superior Court of Orange County (continued)	**Would the proposal provide cost savings? If so, please quantify.** No measurable direct cost savings are anticipated. The proposal may provide indirect efficiencies over time by reducing deficient filings, reducing the need for local attachments, and making conservatorship petitions, orders, and Letters more consistent. However, implementation will require significant one-time costs and staff time for training, procedure updates, form-packet updates, CMS changes, and related Probate workflow updates.	The committee appreciates the information and acknowledges the court's assessment that the proposal is not expected to result in measurable direct cost savings, although it may provide indirect efficiencies.
Superior Court of Orange County (continued)	**What would the implementation requirements be for courts—for example, training staff, revising processes and procedures, changing docket codes in case management systems, or modifying case management systems?** Implementation would require updates across multiple Probate units, procedures, form packets, and systems. Training would be needed for Probate case-processing staff, courtroom staff, examiners, order checkers, and supervisors on the new mandatory forms, order processing, required attachments and Letters issuance, including when GC-350A must be attached to Letters. Judicial officers, investigators, and research attorneys would need informational updates or bench/reference materials. Self-Help and eFiling vendor updates may also be needed depending on local implementation. Procedures would need to be updated for conservatorship petitions, examiner review, courtroom processing, order checking, investigations, form packets, and Letters issuance. This would include updates to conservatorship orientation materials and any local guidance that currently references the existing petition, order, attachment, or Letters forms. CMS and related system updates would likely be needed to add new filing/document types, update docket or text codes,	The committee appreciates the information and the court’s identification of implementation activities.

	add or modify conservatorship macro codes for general and limited conservatorships, and update related Probate applications used for compliance tracking, examiner notes, packet generations, and investigator workflows. Because these updates depend on final forms, system configuration, and approved procedures, training time cannot be measured only by classroom hours. Courts would need sufficient preparation time to complete procedure, packet, and system updates before training begins.	
Superior Court of Orange County (continued)	**Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?** No. Two months would not provide sufficient time given the scope of the proposal. The changes affect multiple mandatory conservatorship forms, form packets, examiner review, order processing, Letters issuance, CMS codes, macro codes, and related Probate applications. Courts would benefit from the maximum amount of lead time possible so procedures, system updates, packet revisions, and training materials can be completed before staff training begins. Early final forms and implementation materials would be especially helpful because training cannot be completed until the related procedures, forms, and system updates are finalized.	The committee appreciates the information. In consideration of the comments received on this issue, the committee agrees that courts and other stakeholders will benefit from additional time to implement this proposal and is therefore recommending a delayed effective date of July 1, 2027.
Superior Court of Orange County (continued)	**How well would this proposal work in courts of different sizes?** Larger courts may need more coordination across Probate units because the proposal affects case processing, examiner review, courtroom processing, order checking, Letters issuance, and system updates. Smaller courts should benefit from the clearer statewide form structure and reduced need for local attachments but may experience a greater	The committee appreciates the information.

	implementation burden if they have limited staff or system support resources.	
Superior Court of Orange County (continued)	**Would these new forms negatively impact courts that have adopted their own forms/attachments to address the need to multiple attachments to the current petition?** No, not overall; however courts using local attachments will need transition planning. Courts that currently use local limited conservatorship, estate, or joint conservator attachments may need to review, retire, or revise those materials to avoid conflicting instructions once the new mandatory forms become effective, There may be some temporary transition impact for staff and court users, but the standardized statewide attachments should reduce the need for local attachments over time.	The committee appreciates the information.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree with proposed changes if modified.	The committee acknowledges that the commenter agrees with the proposal if it is modified.
Superior Court of San Diego County (continued)	Q: Does the proposal appropriately address the stated purpose? A: Yes and no. While the use of attachments will simplify the process for the very straight-forward, one-petitioner, one proposed conservator, no estate cases, it will significantly complicate the process for conservatorships with multiple petitioners/proposed conservators, which is the vast majority of Limited Conservatorships. The proposed forms go beyond what is necessary for courts to deem a petition for conservatorship a petition for limited conservatorship, when appropriate. While there may be some benefit to distinguishing the forms, as noted in the proposal, those changes do not appear to be expressly required by AB 1663.	The committee notes the current petition does not have a designated space for additional petitioners or proposed conservators, which results in confusion as to where to include these persons and how to make the necessary allegations regarding their relationship to the proposed conservatee. The committee notes that AB 1663 amended Probate Code section 1800.3 to state that if the court becomes aware that a proposed conservatee has a developmental disability, and the proposed conservator is not seeking authority to act under Section 2356.5, the court shall deem the proceeding to be seeking a limited conservatorship. While the bill did not expressly direct the Judicial Council to create new forms to implement this change, the clear intent of the legislature was that courts consider whether appointing a limited conservator

	Many courts already offer self-help programs to assist with conservatorship filings, especially larger courts. For smaller courts, it may be more helpful for the Judicial Council to expand resources through INFO forms or the self-help website. Instead of overhauling the existing forms, the committee could consider addressing specific gaps, like the lack of attachment forms, which could be used alongside what is already in place.	would be sufficient to protect the interests of every proposed conservatee with a developmental disability. The committee believes that a separate form set fulfills the intent of AB 1663, as it provides the court with the additional allegations and evidence necessary to make the decisions required in granting a limited conservatorship.
Superior Court of San Diego County (continued)	Also, the shift from "petition" to "request" seems unnecessary. There is no clear reason these forms should depart from the terminology used across probate and other case types.	The committee agrees and is revising its recommendation to title form GC-309 as follows "Petition Requesting Appointment of Limited Conservator Over Adult With Developmental Disability - Probate" and to title form GC-310 as follows "Petition Requesting Appointment of Conservator – Probate."
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.
Superior Court of San Diego County (continued)	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: 100+ hours - Training staff, including frontline, courtroom, examiners, judicial officers. Update packets, websites, and case management system.	The committee appreciates the information and the court's identification of implementation activities.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?	The committee appreciates the information. In consideration of the comments received on this issue, the committee agrees that courts and other stakeholders will benefit from additional time to implement this proposal and is therefore

	A: We would request additional time for implementation—significant updates to informational local forms and packets will be required.	recommending a delayed effective date of July 1, 2027.
Superior Court of San Diego County (continued)	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 information.
Superior Court of San Diego County (continued)	Q: Would these new forms negatively impact courts that have adopted their own forms/attachments to address the need for multiple attachments to the current petition? A: Yes, several local forms will require significant updating to refer to the new and revised forms. The issues these forms would create, particularly with the proposed request forms and orders, appear to outweigh the need for statewide attachment forms.	The committee appreciates the response. However, in light of comments received on this issue, the committee believes that maintaining statewide forms will reduce the impact on courts over time.
Superior Court of San Diego County (continued)	Separating the Limited Conservatorship petition from the General will be helpful, particularly with correctly identifying the powers being requested and granted.	The committee appreciates this information.
Superior Court of San Diego County (continued)	GC-309 Caption/Title: The form should mirror the title for the general: Petition for Appointment of Probate Limited Conservator of Adult with Developmental Disability. Naming it "Request," with (Petition for Appointment) in parentheses at the end overly complicates the title. Additionally, "Joint" conservators are more commonly referred to as "Co" Conservators. It would be helpful to have "Co-Conservator" and "Amended" in the header. These are commonly written into the existing form.	See previous response to the commenter regarding the title of the form. The committee is not recommending changing the "Joint" conservators to "Co" Conservators as the use of the "Joint" more accurately reflects the language used in the Probate Code. The committee also notes that the option for "Amended" is included in the header.
Superior Court of San Diego County (continued)	Item #4: Most limited conservatorships have a minimum of 2-3 petitioners/proposed conservators (Mother/Father/	See previous response to the commenter regarding attachments for joint conservators.

	Sibling(s)). Requiring an attachment for each will unnecessarily complicate the process.	
Superior Court of San Diego County (continued)	Item #8: The limited powers should mirror, in number and phrasing, how they are listed in Probate Code section 2351.5. Additionally, they should mirror the numbering in GC-339 and GC-340.	The committee is not recommending revising the number or phrasing of the limited powers. The powers, as listed in the petition, were rearranged from the Probate Code to list medical powers first, since it seemed to be one of the more commonly requested powers, and to group other similar powers together. The committee considers this ordering more intuitive for the user. However, the committee did intend that the numbering should be consistent throughout the forms and has modified the proposal accordingly.
Superior Court of San Diego County (continued)	GC-310 Caption/Title: There is no need to change the form title from "Petition" to "Request" while also adding "(Petition for Appointment)." This does not simplify the process for the litigant and will require unnecessary updates to case management systems and local forms to reflect the change. As stated under comments for GC-309, "Joint" conservators are more commonly referred to as "Co" Conservators.	See previous response to the commenter regarding the title of the form.
Superior Court of San Diego County (continued)	GC-309C/GC-310C: As previously stated, "Joint" conservators are more commonly referred to as "Co" Conservators.	The committee is not recommending changing "Joint" conservators to "Co" Conservators as the use of Joint more accurately reflects the language used in the Probate Code.
Superior Court of San Diego County (continued)	GC-339: The limited powers should mirror, in numbering and phrasing, how they are listed in Probate Code section 2351.5. Additionally, they should mirror the numbering in GC-309 and GC-340.	See previous response to commenter regarding the numbering and phrasing of the limited powers.
Superior Court of San Diego County (continued)	GC-340: The limited powers should mirror, in numbering and phrasing, how they are listed in Probate Code section 2351.5.	The committee notes that form GC-340 does not include limited powers. However, the powers that are included on form GC-340 appear in the same

	Additionally, they should mirror the numbering in GC-309 and GC-339.	sequence as they do on the request form (form GC-310).

Rules Committee Action Request Form

Item number: 36

Rules Committee Meeting Date: September 10, 2026

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

Title of proposal: Protective Orders: Gun Violence Restraining Order Forms to Implement Assembly Bill 2917

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Revise forms GV-100 and GV-100-INFO

Advisory 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: October 16, 2025; Amended July 8, 2026
Project description from annual agenda: Effective January 1, 2025, AB 2917 (Stats. 2024, ch. 539) created new requirements for gun violence restraining orders, including a requirement that the court consider any recent threats of violence or acts of violence directed toward another group or location, or a past history of those threats or acts, when determining whether the order is warranted. AB 2917 likely requires revisions to gun violence restraining order forms

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-120

For business meeting on October 16, 2026

Protective Orders: Gun Violence Restraining Order Forms to Implement Assembly Bill 2917 (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Revise forms GV-100 and GV-100-INFO

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 10, 2026

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

Executive Summary

The Civil and Small Claims Advisory Committee recommends revising two forms to implement Assembly Bill 2917 (Stats. 2024, ch. 539). AB 2917 changed the types of evidence courts consider in determining whether grounds for a gun violence restraining order exist. Additionally, the committee recommends various changes to improve the forms and to address related issues raised during the public comment period for a recent proposal to implement Senate Bill 899 (Stats. 2024, ch. 544).

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2027, revise *Petition for Gun Violence Restraining Order* (form GV-100) and *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO) to implement AB 2917, improve the forms, and respond to feedback from the California Department of Justice.

The proposed revised forms are attached at pages 7–14.

Relevant Previous Council Action

Under Penal Code section 18105, the Judicial Council must provide forms for use in gun violence restraining order (GVRO) matters and has done so for several years. The forms have been revised when changes to the law required revisions and in response to suggestions from the public, judicial officers, and court professionals. Effective January 1, 2025, the council revised item 6 of form GV-100 to instruct the petitioner to explain why an order is needed, including how the respondent poses a danger and why other alternatives are inadequate, and then provide a bulleted list of the evidence that the petitioner can offer to make such showings. Form GV-100-INFO was most recently revised effective January 1, 2026, to make a minor change to reflect current law.

Analysis/Rationale

Penal Code sections 18100 through 18225[1] govern the process and standards that must be met for the issuance of a GVRO. Section 18150 provides that a temporary ex parte GVRO may issue if the petitioner shows a substantial likelihood that (1) the respondent "poses a significant danger, in the near future, of causing personal injury to the subject of the petition or another by having in their custody or control, owning, purchasing, possessing, or receiving " a firearm or related item; and (2) a GVRO is necessary because less restrictive means have been ineffective or are inadequate or inappropriate."[2] Section 18155 specifies evidence that the court "shall" consider in determining if the grounds for a GVRO exist and also provides a nonexclusive list of evidence the court "may" consider.[3] AB 2917 (see Link A) made substantive amendments to both types of evidence, including adding new types of evidence that the court may consider and rephrasing several types of evidence that the court must consider.

In order for the applicable forms (GV-100 and GV-100-INFO) to accurately reflect the complex statutory scheme set out in the Penal Code, the committee recommends the following form revisions.

Adding subitem b to item 6 of form GV-100

As mentioned above, petitioners must demonstrate two different elements for a GVRO to issue. The current petition (form GV-100) instructs petitioners to provide information about both elements in a single form item. To encourage petitioners to specifically explain why both

[1] All further statutory references are to the Penal Code unless otherwise stated.

[2] Section 18175 requires the same two factors to be shown for a GVRO after notice and hearing to issue, except that there is no temporal requirement "in the near future" and the petitioner must prove the factors "by clear and convincing evidence."

[3] Section 18155 applies these provisions to temporary ex parte GVROs. Section 18175 applies these provisions to GVROs issued after notice and hearing.

elements have been met, the committee recommends separating the elements into separate subitems 6a and 6b.

Verbs for "having" a firearm

Item 6 in the current version of form GV-100 uses the phrase "having a firearm" and omits all the other words and verbs ("having in their custody or control, owning, purchasing, possessing, or receiving . . . ") in section 18150(b)(1), which construes the first required element for a GVRO. The committee understands that such simplification may imply that a GVRO may only issue if the person already possesses a firearm, which is not supported by the statute. Accordingly, the committee recommends replacing the verb "having" with the full list of verbs listed in statute and including "acquiring" as a plain language option for the word "receiving."[4]

Types of evidence

Form GV-100 encourages petitioners to include information about certain specified incidents when explaining why a GVRO is needed. Such evidence is derived from the statutory lists of evidence that a court "shall" and "may" consider.[5] To implement the statutory amendments in AB 2917 and to provide additional clarity, the committee recommends the following revisions to the types of evidence listed in item 6 on form GV-100.[6]

- Including three separate bullet points on threats, violence, and patterns of violence to detail the evidence provided in section 18155(b)(1)(A), 1(B), 1(F), and (2)(B). Subdivisions (b)(1)(A) and (F) were amended by AB 2917 to additionally mention violence directed toward another "individual, group, or location."
- Adding bullet points to reflect new types of evidence added by AB 2917 including stalking and cruelty to animals.
- Revising the bullet point reading "the unlawful and reckless use, display, or brandishing of a firearm (gun) by the respondent" to additionally indicate that these actions must indicate "an increased risk for violence or actual threat of violence," including acts using electronic means of communication, such as social media postings or messages, text messages, or email.
- Including two separate bullet points on the acquisition of firearms and related items because AB 2917 added "attempted acquisition" for firearms, ammunition, and other deadly weapons, but not body armor.
- Revising the bullet point reading "recent criminal offenses by the respondent involving illegal drugs or alcohol" to additionally mention the broader "ongoing abuse of illegal drugs or alcohol." The committee also recommends more directly reflecting the statutory language to contemplate documentary evidence of these acts.

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[4] A commenter suggested that "possessing or acquiring" be the only verbs used. The committee agrees that "acquiring" is helpful on the form but also recommends including the other verbs from the statute.

[5] See section 18155.

[6] The committee also recommends simplifying the instruction preceding the list of evidence directing petitioners to include information about specific situations and omitting "but not limited" from the third bullet point to improve comprehension.

- To assist form users, replacing the term "recent" with the phrase "within the past six months" throughout item 6, given the definition of that term in Penal Code section 18155(b)(3).
- Deleting the bullet point reading "[t]he respondent being convicted of illegally possessing a firearm (gun)" because the committee has received feedback that it is rarely used in practice.
- In response to a comment, revising form GV-100-INFO to remove references to any specific types of evidence that can be used in a GVRO petition and instead refer court users to item 6 of form GV-100 where the most salient types of evidence are listed.

Temporary order on the petition

Item 11 of the GVRO petition, form GV-100, allows petitioners to request that the court issue a temporary restraining order that will last until the hearing. Section 18150 provides that such temporary ex parte GVROs require a finding that the respondent poses a significant danger "in the near future" of causing personal injury to themselves or another person. There is no temporal proximity requirement for orders after hearing. Accordingly, the committee recommends adding a question to item 11 asking why the respondent poses a significant danger "in the near future" of causing personal injury to themself or another person.

GVRO information sheet

In addition to the recommended revisions to the petition, the committee also recommends revisions to the GVRO information sheet, form GV-100-INFO. The recommended revisions that were included as part of this proposal's circulation for comment are summarized below, and additional revisions that are being recommended in response to comments received are included in the discussion about comments.

- The form currently directs filers to tell the judge everything known about the firearms and related items "that the person to be restrained currently owns." The information is derived from section 18107, which requires a GVRO petition "to describe the number, types, and locations of any firearms and ammunition presently believed by the petitioner to be possessed or controlled by the subject of the petition." Since "possession and control" are broader than ownership, the committee recommends revising the language on the form to use the statutory language.[7]
- The committee also proposes revisions throughout the attached forms to improve accuracy, readability, and clarity, including deletion of a screenshot capturing the first page of *Notice of Court Hearing* (form GV-109).

Policy implications

The revised forms in this proposal implement new law that revises the types of evidence considered by courts in determining whether grounds for issuing a GVRO exist. Accordingly, the key policy implications for those changes are ensuring that council forms reflect the law

[7] The relevant item on the petition, item 5 on form GV-100, already uses "possesses or controls."

correctly and are not misleading to parties. The revised forms also incorporate feedback from the California Department of Justice[8] and other commenters to make the forms more user-friendly and to eliminate a possible misconception by form users that the respondent must currently possess a firearm. The revised forms help implement Goal I, "Access, Fairness, Diversity, and Inclusion," of *The Strategic Plan for California's Judicial Branch* by helping to make forms easier to complete and understand for self-represented litigants.

Comments

This proposal was circulated for public comment from April 13 through May 18, 2026. Ten commenters responded to the proposal. Five commenters agreed with the proposal and five commenters did not indicate a position on the proposal; no commenters disagreed with the proposal. Commenters were the Superior Courts of Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties; the California Department of Justice Office of Gun Violence Prevention; the California Partnership to End Domestic Violence; Everytown for Gun Safety; the Orange County Bar Association; and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee.

The substantive comments 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 15–35.

Item 6a of form GV-100

Commenters offered numerous suggestions on the phrasing of item 6a in the petition, including which verbs for having a firearm to include, using "related items" instead of "firearm parts or magazines," mentioning "firearm suicide," and emphasizing that the respondent could purchase or receive firearms "in the future." As discussed above, the committee recommends including all the verbs section 18150 lists in addition to "acquiring." The committee does not recommend using "related items" in place of "firearm parts or magazines" because the full list of devices appears in various locations across the existing GV form series. The committee also found that "danger to themselves" covers the concept of firearm suicide and is closer to the statutory construction. Finally, the corresponding information sheet (form GV-100-INFO), for which the committee recommends additional information about the person to be restrained not needing to currently own a firearm, addresses concerns expressed by commenters about the possibility of proactively preventing acquisition of a firearm.

Permissive versus required consideration of evidence

A commenter suggested considering whether item 6a of the petition should be organized to clearly distinguish the evidence the court must consider under section 18155(b)(1) and the evidence that courts may consider under section 18155(b)(2). The committee does not recommend this suggestion because the item already references the applicable Penal Code section where the requisite court consideration of specific evidence is found and because

[8] Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899* (Oct. 15, 2025).

dividing the evidence into those that must be considered and those that may be considered could be confusing to a person filling out the form.

Other evidence that may be considered

Commenters also expressed concern that item 6a on form GV-100 may inaccurately imply that petitioners should not include evidence beyond the types of evidence listed in the item. Indeed, section 18155(b)(2) expressly states that the court "may consider any other evidence of an increased risk for violence," not limited to those specified in the subdivision. To address this concern, the committee recommends including a final bullet point in the list of types of evidence in item 6a stating, "[a]ny other evidence of an increased risk for violence by the respondent."

Information sheet (form GV-100-INFO)

Commenters offered several suggestions to improve from GV-100-INFO including ensuring that the information sheet and the petition list the same types of evidence that can be used to make the requisite showings for a GVRO to issue and relocating information stating that the courts may still issue a GVRO even if the person to be restrained does not own firearms. In response to these comments, the committee recommends the following changes to the information sheet. First, rather than listing some subset of the types of evidence that can (or must) be considered for a GVRO to issue, the committee instead recommends that the information sheet cross-reference "item 6a of the petition for examples of the types of information to tell the court about" in lieu of listing types of evidence. Additionally, the committee recommends adding a new question and answer to the information sheet explaining that a person to be restrained does not need to currently own a firearm for a GVRO to issue.

Alternatives considered

The committee did not consider the alternative of taking no action because form revisions are warranted by statutory amendments and the benefit the revisions would provide to courts and court users. The committee considered describing in plain language some of the offenses listed in section 29805 in the list of types of evidence in item 6a of form GV-100, such as domestic battery or child abuse. However, given the broad scope of the offenses listed in section 29805 and the fact that consideration of these offenses by the court is mandatory, the committee concluded that referencing the code section as a whole was more appropriate.

Fiscal and Operational Impacts

The committee anticipates that this proposal will result in costs incurred by courts to train court staff and incorporate the revised forms into their paper or electronic processes. Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the changes in statute, not the forms proposal.

Attachments and Links

1. Forms GV-100 and GV-100-INFO, at pages 7–14
2. Chart of comments, at pages 15–35
3. Link A: Assem. Bill 2917 (Stats. 2024, ch. 539)

GV-100 Petition for Gun Violence Restraining Order

Clerk stamps date here when form is filed.

Read *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO) before completing this form.

1 Petitioner

a. Your Full Name or Name of Law Enforcement Agency:

_____

I am:

- ☐ A family member of the respondent.
- ☐ An officer of a law enforcement agency *(A petition may be filed in the name of the law enforcement agency in which the officer is employed. If you wrote your full name above, write the name of the law enforcement agency that employs you):*

  _____
- ☐ An employer of the respondent *(your position and name of company):*

  _____
- ☐ A coworker of the respondent. I have had substantial and regular interactions with the respondent for at least one year, and I have obtained the approval of my employer to file this petition *(name of company):* _____
- ☐ An employee or teacher of a secondary or postsecondary school that the respondent has attended in the last 6 months. I have obtained the approval of a school administrator to file this petition *(name of the school):*

  _____
- ☐ A roommate of the respondent. I currently live with the respondent or lived with the respondent within the past six months and have had substantial and regular interactions with the respondent for at least one year.
- ☐ A person who has a dating relationship with the respondent.
- ☐ A person who has a child in common with the respondent. I have had substantial and regular interactions with the respondent for at least one year.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

b. Your Lawyer *(if you have one for this case):* Name: _____
Firm Name: _____ State Bar No.: _____

c. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email. Law enforcement officer, give agency information.)*

Address: _____ Telephone: _____
City: _____ State: _____ Zip: _____ Fax: _____
Email Address: _____

2 Respondent

Full Name: _____ Age: _____
Address *(if known):* _____
City: _____ State: _____ Zip: _____

This is not a Court Order.

Case Number:

3 Venue

Why are you filing in this county? *(Check all that apply):*

a. ☐ The respondent lives in this county.

b. ☐ Other *(specify):* _____

4 Other Court Cases

a. Are you aware of any other court cases, civil or criminal, involving the respondent?

☐ Yes ☐ No *If yes, check each kind of case and give as much information as you know as to where and when each was filed:*

Kind of case	Filed in *(county/state)*	Year filed	Case number *(if known)*
(1) ☐ Civil Harassment			
(2) ☐ Domestic Violence			
(3) ☐ Divorce, Nullity, Legal Separation			
(4) ☐ Paternity, Parentage, Child Custody			
(5) ☐ Elder or Dependent Adult Abuse			
(6) ☐ Eviction			
(7) ☐ Workplace Violence			
(8) ☐ Criminal			
(9) ☐ Other *(specify):* _____			

b. Are there now any protective or restraining orders in effect relating to the respondent?

☐ Yes ☐ No ☐ I don't know *If yes, attach a copy if you have one.*

5 Description of Respondent's Firearms (Guns), Firearm Parts, Ammunition, or Magazines

Answer 5a or check 5b if you have reason to believe that the respondent is in possession of firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

a. ☐ I am informed, and on that basis believe, that the respondent currently possesses or controls the following firearms, firearm parts, ammunition, or magazines *(describe the number, types, and locations of any of those items that you believe that the respondent currently possesses or controls):*

	Types of firearms (guns), firearm parts, ammunition, or magazines	How many or what amount?	Location, if known
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

b. ☐ I am informed, and on that basis believe, that the respondent currently possesses or controls firearms, firearm parts, ammunition, or magazines, but I have no further specific information as to the number, types, and locations of those items.

Case Number:

6 Reasons a Gun Violence Restraining Order Is Needed

a. Explain how the respondent poses a danger to themselves or others by having in their custody or control, owning, purchasing, acquiring, possessing, or receiving a firearm (gun), firearm part (any receiver, frame, or unfinished receiver or frame as defined by Penal Code section 16531), ammunition, or magazine.

Please include information about any of the following situations that apply to your case (Pen. Code, § 18155):

- Threats or use of physical force by the respondent against another person.
- Threats or acts of violence within the past six months by the respondent directed towards themselves or another individual, group, or location.
- A pattern of violent acts or violent threats within the past 12 months, including threats of violence or acts of violence by respondent directed toward themselves or another individual, group, or location.
- Violation of a protective order by the respondent.
- Stalking by the respondent.
- Cruelty to animals by the respondent.
- Threats of violence or property damage by the respondent due to personal characteristics like race or ethnicity, nationality, religion, disability, gender, or sexual orientation.
- The respondent being arrested for a felony offense.
- The unlawful and reckless use, display, or brandishing of a firearm (gun) by the respondent indicating an increased risk for violence or actual threat of violence. This can include acts using electronic technologies like social media, text messages, or email.
- The respondent's ongoing abuse of illegal drugs or alcohol, or criminal offenses within the past 6 months that involve illegal drugs or alcohol. (This may be shown using documentary evidence like a police report or conviction record.)
- The respondent's acquisition or attempted acquisition within the past 6 months of firearms (guns), ammunition, or other deadly weapons.
- The respondent's acquisition of body armor.
- A conviction for any offense listed in Penal Code section 29805.
- Any other evidence of an increased risk for violence by the respondent.

The facts above are set forth:

☐ Below ☐ On *Attached Declaration* (form MC-031)

This is not a Court Order.

Case Number:

6 b. Explain whether any less restrictive alternatives to a gun violence restraining order have been tried and found to be ineffective, or why other less restrictive alternatives have been determined to be inadequate or inappropriate for the current circumstances.

The facts above are set forth:

☐ Below ☐ On *Attached Declaration* (form MC-031).

7 Request for Gun Violence Restraining Order

I request that the court issue an order prohibiting the respondent from having in their custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, any firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). I further request that the respondent be ordered to immediately surrender (turn in, sell, or store) all firearms, firearm parts, ammunition, and magazines currently in their possession to a law enforcement officer or to sell those items to or store them with a licensed gun dealer.

a. I request the order above for _____ years. *(Please include a number of years between one and five years.)*

b. I am asking for this amount of time because:

8 No Body Armor

If an order is granted, the respondent will be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

9 No Fee to Serve (Notify) Restrained Person

If you want the sheriff or marshal to serve (notify) the restrained person about the orders, they will do it for free.

10 Request for Hearing

I request that the court set a hearing in this matter for the purpose of issuing a gun violence restraining order that will last between one and five years.

This is not a Court Order.

Case Number:

11 ☐ Temporary Gun Violence Restraining Order

I request that a temporary gun violence restraining order be issued against the respondent to last until the hearing. I am presenting *Temporary Gun Violence Restraining Order* (form GV-110) for the court's signature together with this Petition.

a. Considering the information listed in item 6a, why does the respondent pose a significant danger **in the near future** of causing personal injury to themself or another person?

☐ Reasons stated in Attachment 11a.

b. Has the respondent been told that you were going to court to seek a temporary gun violence restraining order?

☐ Yes ☐ No *(If you answered no, explain why below):*

☐ Reasons stated in Attachment 11b.

12 ☐ Request to Give Less Than Five Days' Notice of Hearing

You must have your papers personally served on the respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (See What Is "Proof of Personal Service"? *(form GV-200-INFO).* Proof of Personal Service *(form GV-200) may be used to show the court that the papers have been served.)*

If you want there to be fewer than five days between service and the hearing, explain why below:

☐ Reasons stated in Attachment 12.

13 Number of pages attached to this form, if any: _____

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 and on all attachments is true and correct.

Date: _____

_____ ▶ _____

Type or print your name Sign your name

GV-100-INFO Can a Gun Violence Restraining Order Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer or a self-help center.

What is a gun violence restraining order?

It is a court order that temporarily prohibits someone from having any of the following items:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531) (these may also be called "ghost guns");
- Ammunition; and
- Magazines (any ammunition feeding device).

The person must turn in, sell, or store any prohibited items listed above that that person currently owns. The police will come and remove the items, or the person can store them with a licensed gun dealer while the restraining order is in effect. The restrained person also cannot buy any of the prohibited items during this time. The restrained person also may not own, possess, or buy body armor. If they have body armor, they must relinquish it.

For more information about prohibited items, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Can I get a gun violence restraining order against someone?

You can ask for one if you are connected to the person you think is dangerous as:

- An immediate family member;
- An employer;
- A coworker who has substantial and regular interactions with the person and has worked with them for at least a year. You must have permission from your employer to ask for the restraining order;
- An employee or teacher at a school that the person has attended in the last six months, where you have permission from a school administrator or staff member who has a supervisorial role;
- A law enforcement officer or agency;
- A roommate who resided in the household in the past six months and has had substantial and regular interactions with the person for at least a year;
- Somebody in a dating relationship; or
- Somebody who shares a child with the person and has had substantial and regular interactions with the person for at least a year.

Immediate family members include:

- Your spouse or domestic partner;
- You or your spouse's parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparents or stepgrandparents; and
- You or your spouse's aunts, uncles, nieces, nephews, first and second cousins, great-grandparents, and great-grandchildren if you have had substantial and regular interactions for at least a year.

If you do not have the necessary relationship, advise a law enforcement officer of the situation. The officer may investigate and file the petition if grounds exist.

Will I have to pay a filing fee to request the order?

No.

Will the order protect me in other ways, such as keeping the person from coming near me?

No, the only order the court can make is to force the person to not have the prohibited items listed above. If you need personal protection from a family member, you should proceed under the Domestic Violence Prevention Act. See *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO) for information on how to proceed. For information on other civil restraining orders, please see selfhelp.courts.ca.gov/types-restraining-orders.

What forms do I need to get the order?

You must fill out the following forms:

- *Petition for Gun Violence Restraining Order* (form GV-100);
- *Confidential Information for Law Enforcement* (form CLETS-001);
- *Notice of Court Hearing* (form GV-109), items 1 and 2 only; and
- *Temporary Gun Violence Restraining Order* (form GV-110), items 1 and 2 only.

You may need other local forms. Ask your self-help center or visit your court's website.

GV-100-INFO Can a Gun Violence Restraining Order Help Me?

Where can I get these forms?

You can get the forms from legal publishers or the internet at courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must file your papers with the superior court in the county where the person to be restrained lives. Check online or ask the court how to file your request for a gun violence restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) File your forms electronically or give your forms to the clerk of the court. The court will give you a hearing date on the *Notice of Court Hearing*.

How soon can I get the order?

You can ask for a temporary gun violence restraining order, which will be effective right away if granted. The court may decide whether or not to grant the temporary order based only on the facts that you have stated in your petition. If so, the court will decide within 24 hours whether or not to make the temporary order. Sometimes the court will want to examine you personally under oath. If you file in person, the clerk will tell you whether you should wait to talk to the judge or come back later to find out if the court has signed a temporary order.

If you don't ask for a temporary restraining order, you will have to wait until the hearing, at which the court will decide whether to make an order that will last for a period of time between one to five years.

How will the person to be restrained know about the order?

If the court issues a temporary restraining order, someone age 18 or older—**not you**—must personally "serve" (give) the person to be restrained a copy of the order. The server must then fill out *Proof of Personal Service* (form GV-200) and give it to you to file with the court. If the person to be restrained attends the hearing, no further proof of service is required. But if they do not attend the hearing, then any order issued at the hearing must also be personally served. For help with service, ask the court clerk for *What Is "Proof of Personal Service"?* (form GV-200-INFO). Note: A sheriff or marshal can serve the order for free.

Do I need a lawyer?

Having a lawyer is always a good idea but is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

What do I have to prove to get the order?

You will have to convince the judge that the person to be restrained poses a significant danger of causing personal injury to themself or another person by having in their custody or control, owning, purchasing, possessing, or receiving any of the prohibited items listed on page 1.

You will also have to convince the judge that a gun violence restraining order is needed to prevent personal injury to the person to be restrained or to another person because less restrictive alternatives either have been tried and haven't worked, or are inadequate or inappropriate for the current circumstances.

You will need to give the judge specific information. Tell the judge everything that you know about any firearms, firearm parts, ammunition, body armor, or magazines that the person to be restrained currently possesses or controls, including how many the person has, the types, and where they are kept, if you know.

Then you will need to present facts to show that the person to be restrained is dangerous to themself or others. See item 6a of the petition (form GV-100) for examples of the types of information to tell the court about. Include all of this information in your petition, and also be prepared to present it to the judge at the hearing.

Does the person to be restrained need to currently own a firearm?

No. A gun violence restraining order can issue even if the person to be restrained does not own a firearm or ammunition, such as when the person poses a danger to themselves or others by being able to purchase or receive those items.

GV-100-INFO Can a Gun Violence Restraining Order Help Me?

Do I have to attend a court hearing?

Yes. Attend the hearing on the date listed on *Notice of Court Hearing* (form GV-109).

You can attend the hearing remotely, such as by telephone or videoconference, or go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: courts.ca.gov/find-my-court.

Can someone attend the hearing with me?

Yes. Someone can sit with you during the hearing, but that person cannot speak for you to the court. Only you or your lawyer (if you have one) can speak for you.

Do I need to bring a witness to the hearing?

Witnesses are not required, but it helps to have more proof than just your word. For example, consider bringing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, bring their written statements under oath to the hearing. (You can use *Declaration* (form MC-030) for this purpose.)

Will I see the restrained person at the court hearing?

If the person attends the hearing, yes. If you are afraid, tell the court.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date, which must be within 21 days of the date of the temporary order. If at the hearing the court issues a more permanent order, it will last for one to five years. It may be renewed for an additional one to five years.

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Can I agree with the restrained person to terminate the order?

No. Once the order is issued, only the judge can change or terminate it. The restrained person would have to file a request with the court to terminate the order.

What if I need help to understand English?

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

What if I have a disability?

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

Information about the process is also available online.

See selfhelp.courts.ca.gov/GV-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

SPR26-36 Chart of Comments

Protective Orders: Gun Violence Restraining Order Forms to Implement Assembly Bill 2917 (revise forms GV-100 and GV-100-INFO)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Department of Justice Office of Gun Violence Prevention	Position: Not indicated The California Department of Justice's Office of Gun Violence Prevention (OGVP) respectfully submits this comment in response to the Judicial Council's Invitation to Comment (Invitation) for SPR 26-36 regarding proposed revisions to the GV-100 and GV-100-INFO. The Invitation noted that these revisions were proposed to reflect relevant changes in Gun Violence Restraining Order (GVRO) statutes enacted by Assembly Bill 2917 (Stats. 2024, ch. 539) and to respond to revisions the Department of Justice has previously proposed on these GVRO forms in response to other invitations to comment in 2024 and 2025. The OGVP appreciates the Judicial Council's responsiveness to our prior feedback and the opportunity to submit this comment. This comment expresses support for many of the proposed revisions. It also suggests adding additional text or alternative phrasing in five areas where revisions have been proposed. The OGVP's suggestions seek to provide form users with even more accessible language and guidance to address common points of confusion in the GVRO process, in line with the Judicial Council's goals outlined in SPR 26-36 and the intent of Assembly Bill 2917. Background for Comments: The Office of Gun Violence Prevention has provided subject matter expertise and trainings on the Gun Violence Restraining Order (GVRO) process, has provided technical assistance to grantees focused on GVRO implementation and to policymakers and advocates proposing legislative amendments to the GVRO process, including through AB 2917. The OGVP has also published reports and related materials on the GVRO and other firearm-prohibiting protective orders. Most recently, in March 2026, the OGVP published a Model GVRO Policy for California law enforcement agencies, a data-focused 10-year GVRO Progress Report	The committee appreciates the information. Please see the committee's response below regarding the commenter's specific suggestions.

Commenter	Comment	Committee Response
	identifying leading areas for improved implementation, and a comprehensive GVRO training and implementation guide for law enforcement agencies. (1) The data and implementation research analyzed in these materials indicates that utilization of the GVRO process is increasing, but remains highly uneven across the state. Would-be petitioners navigating crisis situations frequently report confusion about multiple aspects of this process, particularly when unrepresented. This comment summarizes two of these confusion points below to explain why we suggest additional or alternative revisions to the GV-100 and GV-100-INFO to address them. Confusion Point #1: First, many petitioners do not understand that GVROs may be issued against a person who does not currently possess or control any firearms; rather, they mistakenly believe the person must currently possess a firearm. This misconception may be exacerbated by the current phrasing in the GV-100 and GV-100-INFO that prompts petitioners to provide information indicating that the respondent is a danger "by having" firearms. For this reason, OGVP strongly supports the concept of revising the language on the GV-100 and GV-100-INFO. However, as outlined below, we believe alternative and more accessible phrasing would more fully inform petitioners and address this point of confusion. For example, if an individual has made recurring statements indicating a desire to commit a school shooting but a would-be petitioner does not otherwise know if the individual already owns firearms or has access to firearms in their home, a GVRO could still be a critical and important safety intervention. The petitioner is not required to provide any evidence that the respondent already has firearms or has attempted to acquire them, and the court is not required to make any such finding either to issue a GVRO.(2) In other cases, law enforcement officers may have taken temporary custody of the respondent's firearms at the scene of a crisis response without obtaining any other court order that would prevent the individual from passing	

Commenter	Comment	Committee Response
	firearm-related background checks to purchase or receive other firearms; in this circumstance, the respondent would not currently possess firearms but may represent a significant danger of firearm violence by retaining the legal ability to purchase or receive firearms and ammunition. A GVRO may be an important intervention in such cases to obtain a legally enforceable prohibition on both possession and acquisition of firearms and related items. Confusion Point #2: Second, researchers have found that another leading confusion point is that many petitioners appear to believe they must present evidence of dangerousness primarily or exclusively through evidence that respondents have engaged in criminal conduct or specific criminal shooting threats. In a survey study by the California Firearm Violence Research Center published in 2023, researchers presented law enforcement officers with a range of potentially dangerous scenarios and asked whether they would agree with requesting a GVRO (or equivalent order) in that scenario. The most common reasons officers gave for not pursuing a GVRO were that the potentially dangerous individual described in the scenario had not yet committed a crime or made specific threats to commit a shooting. (3) These responses reflected possible misconceptions about the GVRO process, since the GVRO authorizes courts to issue GVROs as a proactive, preventative civil measure to address dangerous behavior before an individual has necessarily escalated their conduct to criminal threats or violence or threatened to commit a shooting in particular. Indeed, the GVRO is a civil preventative process designed to reduce risk across a range of varied forms of dangerousness involving firearms, including significant danger to the public (such as generalized mass shooting risk); to groups of people (such as risk of committing a hate-motivated shooting targeting members of a particular group); to specific identifiable victims; to address significant danger of self-harm or suicide; significant danger of intentionally or unintentionally causing injury to self or others due to significantly impaired cognitive capacity (such as due to cognitive impairments of severe dementia or alcohol abuse); or significant danger of causing other people to injure themselves or others with firearms (such as a person who leaves unsecured firearms accessible to unsupervised children).	

Commenter	Comment	Committee Response
	Presenting evidence of these varied forms of dangerousness may, in different cases, require evidence that a respondent poses a danger of causing intentional criminal violence and/or other non-criminal suicidal or unintentional injury with firearms. In either respect, relevant evidence that helps demonstrate and contextualize that danger may include evidence of conduct that is itself criminal or non-criminal in nature. The 2014 Isla Vista mass shooting that led the Legislature to enact the GVRO into law was perpetrated by a young man who had exhibited a constellation of concerning warning sign behaviors but had no known history of criminal arrests or convictions, violence, or threats directed at specific identifiable victims. To address this point of confusion, the OGVP's GVRO implementation and training materials emphasize that the GVRO is not issued to punish past conduct but rather, is a forward-looking preventative civil process designed to assess risk of future harm. Accordingly, these materials emphasize that petitioners may present evidence based on a constellation of behaviors that fit together, like pieces of a behavioral threat assessment puzzle, to show that a respondent poses a significant danger of causing future injury with firearms. While evidence of past criminal or violent conduct may be highly relevant to a determination of future risk, other non-criminal evidence may often be relevant too. For example, in combination with other evidence, "final act" behaviors or farewell communications that indicate a person may expect to die soon may be a worrisome sign that a person is planning to attempt suicide and/or interpersonal violence. It may commonly be relevant to note in a GVRO petition that a respondent has engaged in such final act behaviors, even though state law does not specifically say so. The proposed revisions to the GV-100 and GV-100-INFO update the language used to describe the kinds of evidence that a petitioner may consider presenting in support of a GVRO petition. These proposed revisions correspond to some of the amendments made by Assembly Bill 2621 to Penal Code section 18155. We appreciate and support the concept of updating these forms to include additional language added by Assembly Bill 2621. However, the OGVP is concerned that the proposed revisions counterproductively omit and obscure the most important	

Commenter	Comment	Committee Response
	element of Penal Code section 18155, which as amended by AB 2621, continues to emphasize that courts evaluating a GVRO petition may consider any relevant evidence indicating that the respondent is an increased risk for violence against themselves or others, including but not limited to the examples listed in that statute. Especially since petitioner confusion is a documented issue on this subject, the GVRO forms should emphasize that petitioners should describe any relevant evidence to inform the court's determination that the respondent is a significant danger of causing injury with firearms. The GVRO forms should make clear that any list of suggested types of evidence are non-exhaustive examples or guideposts and not a closed list restricting petitioners from presenting other forms of evidence or evidence of other types of dangerousness, including risk of causing unintentional injury. With these considerations in mind, we respectfully suggest that the Judicial Council consider alternative phrasing or additional revisions to the GV-100 and GV-100-INFO, as described below, to further address these points of confusion.	
California Department of Justice Office of Gun Violence Prevention (continued)	(1) These materials are published on the Office of Gun Violence Prevention's website at https://oag.ca.gov/ogvp/gvro-dvro. (2) See Pen. Code, §§ 18150, 18155, 18175 (authorizing courts to issue a GVRO if the respondent poses a significant danger of causing personal injury by, among other things "purchasing" or "receiving" a firearm or ammunition). See also, Pen. Code, §§ 18108, subd. (b) (encouraging use of GVROs "to prevent future violence involving a firearm," including but not limited to, circumstances in which a person who poses a significant danger has "expressed an intent to acquire a firearm"); 18155, subd. (b)(2)(G) ("While evidence of recent acquisitions is a factor the court may consider, the court may still issue a gun violence restraining order to temporarily prevent legal access to firearms even if the respondent does not own firearms, ammunition, or other deadly weapons at the time that the court is considering issuing a gun violence restraining order."). (3) See Veronica A. Pear, et al., "Law Enforcement Officer Knowledge of, Attitudes Toward, and Willingness to Use Extreme Risk Protection	The committee appreciates the information.

Commenter	Comment	Committee Response
	Orders," JAMA Netw. Open (Oct. 2023), at https://jamanetwork.com/journals/ jamanetworkopen/fullarticle/2810874.	
California Department of Justice Office of Gun Violence Prevention (continued)	Comment #1 (Item 6a on the GV-100). In prior public comments, the OGVP has previously urged the Judicial Council to incorporate updates to the GV-100 text at the start of Item 6 that currently prompts petitioners to explain why a GVRO is needed by including information about "(a) how the respondent poses a danger to themselves or others by having a firearm[. . .]." As the Invitation to Comment notes, the OGVP believes this current text has contributed to confusion as to whether courts may issue a GVRO to proactively block firearm acquisition by a person who does not currently "have" a firearm but has nonetheless demonstrated that they pose a significant danger of firearm violence, suicide, or other injury with weapons they could acquire or receive in the future. The proposed revisions to this text would likely help address this issue, and we appreciate the Judicial Council's interest in updating this text. But we believe alternative phrasing could more clearly prevent confusion and inform unrepresented litigants about the information they should provide in this Item. The proposed revision would prompt a petitioner to explain how the respondent poses a danger to themselves or others "*by having in their custody or control, owning, purchasing, possessing, or receiving a firearm (gun), firearm, part (any receiver, frame, or unfinished receiver or frame as defined by Penal Code section 16531), ammunition, or magazine*." First, this revision appears to introduce a typo by introducing a comma between "firearm," and "part" ("receiving a firearm (gun), firearm, part (any receiver…"). Second, we believe this language may be unnecessarily confusing and legalistic to unrepresented litigants. Ultimately, we believe the language could more clearly and accessibly prompt form users to explain why a GVRO is needed by explaining how the respondent has demonstrated that they pose danger of firearm violence, firearm suicide, or causing other injury with firearms.	Except for adding "acquiring" and correcting the typo between "firearm" and "part," the committee does not recommend the instruction for item 6a as suggested by commenter. The committee instead recommends that the instruction include all the verbs used in the Penal Code. Additionally, the committee does not recommend replacing "firearm parts or magazines" with "related items," as the full list of devices appears in various locations across the GV form series. The committee concluded that the phrase "danger to themselves" covers the concept of firearm suicide and is closer to the statutory construction. Finally, the corresponding information sheet (form GV-100-INFO), for which the committee is recommending additional information about the person to be restrained not needing to currently own a firearm, addresses the commenter's concerns about the possibility of proactively preventing acquisition of a firearm.

Commenter	Comment	Committee Response
	The quoted statutory language has caused confusion about the fact that a GVRO may be issued to proactively prevent acquisition because its references to acquisition (purchasing or receiving a firearm) are somewhat buried in legalistic language. That confusion likely caused use of the existing language regarding "having" a firearm on the current version of the GV-100. Additionally, listing out all the firearm parts and magazines contained in the definitions of "firearm" and "ammunition" here seems counterproductive, as it may contribute to confusion and continue to imply that petitioners should present evidence of current possession of these firearm-related items as the basis for the GVRO. Item 5 already asks petitioners to provide information about any of these items that the petitioner believes the respondent possesses and Item 7 makes clear that the GVRO would prohibit possession and acquisition of these items. But a petitioner alleging that a GVRO is necessary is, by definition, alleging that the respondent poses a danger of causing injury with firearms. If a petitioner alleges that the respondent is a danger by owning or receiving ammunition or a firearm part, they are in practice alleging that the respondent is a danger of causing firearm violence, firearm suicide, or other injury with firearms. OGVP Proposed Revisions: We believe a less legalistic and more accessible way to phrase this could be: *"Explain why a gun violence restraining order is needed to prevent the respondent from possessing or acquiring firearms, ammunition, and related items. This explanation should describe how the respondent has demonstrated that they pose a danger of causing firearm violence, firearm suicide, or other injury with firearms. The respondent may pose a danger of causing injury with firearms, ammunition, and related items that the respondent already owns, possesses, or controls, and/or with firearms, ammunition, and related items that the respondent could purchase or receive in the future."*	
California Department of Justice Office of Gun Violence Prevention (continued)	Comment #2 (Item 6a on the GV-100). Penal Code section 18155 lists various types of evidence that courts may, or in some cases must, consider in determining whether there are	The committee appreciates the information. Please see the committee's

Commenter	Comment	Committee Response
	sufficient grounds to issue a GVRO. AB 2917 added a number of items to this list and the proposed revisions to Item 6 include a number of updates to reflect those additions. According to Everytown for Gun Safety, the gun violence prevention organization that sponsored AB 2917, this legislation intended to provide a more consistent floor in similar statutes enacted in many states nationwide about factors courts should commonly consider in support of a GVRO petition; this legislation grew out of concerns that some courts were not recognizing relevant conduct as indicating increased risk of firearm violence, like stalking, hate-motivated conduct, and animal cruelty, or more generalized threats of harm directed at a group of people or location. But AB 2917 did not impose a ceiling that excludes relevant evidence of dangerousness that is not otherwise specifically listed in this statute. The OGVP believes that petitioners completing the GV-100 should be clearly informed about the overarching standard in Penal Code section 18155(b)(2), which states that "In determining whether grounds for a gun violence restraining order exist, the court may consider **any other evidence** of an increased risk for violence, **including but not limited to**" the examples listed in that statute (emphasis added). Unfortunately, we are concerned that the lengthy proposed additions to Item 6 would not clearly inform petitioners that they should present any relevant evidence demonstrating that the respondent poses a significant danger of causing injury with firearms. We are also concerned that the proposed additions include some limiting language that is inconsistent with a statutory framework that provide a non-exhaustive list of examples to serve as guideposts for petitioners and courts about *some* of the past behaviors that may be relevant in a GVRO case. While the proposed revised text for Item 6 notes that "the court may also consider other types of information described in Penal Code section 18155," we suggest that Item 6 much more clearly emphasize that the petitioner should provide any relevant evidence indicating that the respondent is a danger of causing injury to themselves or others with firearms.	response below regarding the commenter's specific suggestions.
California Department of Justice Office of Gun Violence Prevention (continued)	OGVP Proposed Revisions: We recommend: First, clearly and simply informing petitioners—perhaps in boldfaced text—that they should provide any evidence indicating that	Indicating the possibility of "any other evidence" may prevent petitioners from inaccurately assuming that the

Commenter	Comment	Committee Response
	the respondent is an increased risk of causing firearm violence, suicide, or other injury with firearms, and more clearly stating that the list of evidence in the bullet point list is a non-exhaustive list of *some* of the types of evidence courts may consider in support of a GVRO petition. Without this clear instruction, Item 6 risks inaccurately implying that petitioners should not include otherwise relevant evidence authorized by section 18155. For example, the proposed revisions to this Item note that courts may consider the respondent's "recent" acquisition or attempted acquisition of firearms as relevant evidence, and note that "recent" is defined by statute to mean within the past six months. However, without language that more clearly instructs petitioners to provide any relevant evidence in this Item 6, petitioners may believe they cannot or should not provide other evidence that, for example, a person who has exhibited multiple warning sign behaviors of mass shooting risk attempted to acquire a firearm ten months ago or has engaged in other common warning sign behaviors like "final act" communications and behaviors.	information listed on item 6a of form GV-100 is exhaustive. In light of the comments received, the committee is recommending adding an additional bullet point to item 6a that reads, "Any other evidence of an increased risk for violence by the respondent." However, the committee prefers this phrasing over the phrasing suggested by the commenter, as it more closely adheres to the language of Penal Code section 18155(b)(2).
California Department of Justice Office of Gun Violence Prevention (continued)	Second, we recommend removing limiting language that in practice instructs petitioners to present only certain forms of evidence as follows: The proposed revisions state that evidence regarding the respondent's ongoing abuse of illegal drugs or alcohol, or criminal offenses within the past six months that involve illegal drugs or alcohol, "*should* be shown using documentary evidence like a police report or conviction record." (emphasis added). We recommend replacing "should" with "may" in this sentence and also noting that this conduct may be shown through other forms of evidence too. Section 18155 specifically states that courts *may* consider documentary evidence of these offenses or ongoing abuse of controlled substances or alcohol, but, again, this statute also states that any other relevant evidence may be considered too. AB 2917 specifically mentioned "documentary evidence" in order to clarify that courts may consider documentary evidence like police reports, notwithstanding limitations that may otherwise stem from hearsay evidence rules, etc., but this was not intended to restrict courts from hearing other forms of relevant evidence on this subject, which section 18155(b)(2) clearly permits. As a result, we believe it is inaccurate to state that petitioners "should" show ongoing abuse of alcohol or illegal drugs through	In light of the comments received, the committee notes that Penal Code section 18155(b)(2) uses the verb "may," and therefore is recommending replacing "should be shown using documentary evidence" with "may be shown using documentary evidence" in item 6a of form GV-100. As noted above, the committee further recommends adding a bullet point speaking to "any other evidence of an increased risk of violence by the respondent" to that same item.

Commenter	Comment	Committee Response
	documentary evidence only. Testimony from a victim or witness indicating that the respondent abuses alcohol and poses a significant danger of misusing firearms as a result may often be relevant evidence for courts to consider in assessing dangerousness in accordance with section 18155. There is a strong research base connecting alcohol abuse to both suicide and violence risk and this may frequently be relevant to the court's determination of dangerousness absent a police report or conviction record.	
California Department of Justice Office of Gun Violence Prevention (continued)	Comment #3 (Item 6b on the GV-100). The proposed revisions to Item 6 would also separate out a new Item 6b to prompt petitioners to explain whether less restrictive alternatives to the GVRO have been tried and found to be ineffective, or why less restrictive alternatives have been determined to be inadequate or inappropriate for the current circumstances. The OGVP supports and appreciates this recommendation. OGVP Proposed Revision: We believe some additional information in this new Item 6b could also help inform petitioners about what the term "less restrictive alternatives" means in practice. This term is not defined in statute but to help stakeholders understand this term, the OGVP included the text pasted below in our Model GVRO Policy for California Law Enforcement Agencies. The Judicial Council could consider quoting from this language, especially the underlined portion below**,** to help more fully inform GV-100 form users about how to provide responsive information in the new Item 6b: "Less Restrictive Alternatives": To issue a GVRO, the court must find that the GVRO is necessary under the circumstances because "less restrictive alternatives" have either been ineffective at addressing the respondent's risk, or would be inadequate or inappropriate under the circumstances. "Less restrictive alternatives" to the GVRO are interventions that do not include a comparable, legally enforceable prohibition on firearm possession and acquisition, and do not otherwise place more restrictive limitations on a person's conduct, movements, or communications. i. Examples of "less restrictive alternatives" include:	The committee notes that the definition of "less restrictive alternatives" suggested by the commenter does not originate in statute. Given that the definition is instructive rather than authoritative, the committee is not recommending revisions in light of this suggestion.

Commenter	Comment	Committee Response
	A. Connecting an individual with mental health or substance abuse services on a voluntary basis. B. Encouraging an individual and their household members to voluntarily transfer firearms to a licensed firearms dealer or other authorized third-party for temporary safekeeping during a period of crisis, in accordance with Penal Code sections 26892, 27882, or 27883. C. Taking an individual's firearms into law enforcement custody without obtaining other legally enforceable firearm prohibitions to prevent the individual from possessing or acquiring other firearms. ii. These "less restrictive alternatives" are often inadequate or inappropriate to address significant danger of firearm violence, suicide, or other injury because they would not prevent a dangerous individual from passing firearm-related background checks to purchase firearms, and do not authorize courts and law enforcement to enforce prohibitions on firearm possession and acquisition. iii. Many alternative safety interventions are more restrictive than a GVRO, including: A. Criminal proceedings and incarceration. B. Involuntary mental health holds and treatment. C. Other court protection and restraining orders that include legally enforceable firearm prohibitions and additional restrictions on a respondent's conduct, movements, and communications.	
California Department of Justice Office of Gun Violence Prevention (continued)	Comment #4 (GV-100-INFO). On Page 2 of the GV-100-INFO, the penultimate paragraph instructs the petitioner to tell the judge everything the petitioner knows about the firearms, firearm parts, ammunition, body armor, or magazines that the respondent currently possesses or controls, including how many the person has, the types, and where they are kept, if known. The GV-100-INFO does not clarify until near the end of the following paragraph that the petitioner may still request a GVRO against a person who does not possess or control any of these items. OGVP Proposed Revision: We appreciate that the proposed revisions add a sentence to the end of the following paragraph to note that "the court may still issue an order to prevent legal access to firearms even if the	In light of this comment, the committee recommends adding an additional question and answer to form GV-100-INFO explaining that a gun violence restraining order can issue even if the person to be restrained does not own a firearm or ammunition. Additionally, the committee recommends that the form refer to "any" firearms that the person to be restrained currently possesses or controls, rather than "the" firearms that they possess or control.

Commenter	Comment	Committee Response
	person to be restrained does not own firearms, ammunition, or other deadly weapons," but believe that it may be more helpful to state this in the preceding paragraph, which otherwise reinforces a common point of confusion by implying that GVRO petitioners must present evidence that the respondent currently possesses firearms. We suggest adding language like the underlined text below to this paragraph: "You will need to give the judge specific information. The court may issue a gun violence restraining order to prevent a person from purchasing or acquiring firearms and related items they do not yet possess or control, but you should make sure to tell ~~Tell~~ the judge everything that you know about ~~the~~ any firearms, firearm parts, ammunition, body armor, or magazines that the person to be restrained may currently possess or control, including how many the person has, the types, and where they are kept, if you know.	
California Department of Justice Office of Gun Violence Prevention (continued)	Comment #5 (GV-100-INFO). In the final paragraph on Page 2 of the GV-100-INFO, we also suggest the following: First, adding language informing the petitioner that the GV-100 should describe any relevant evidence indicating that the respondent is an increased risk of causing firearm violence, firearm suicide, or other injury with firearms. This paragraph currently does not clearly indicate that the petitioner should present any relevant evidence and does not clearly indicate that the list of examples provided are just that: a non-exhaustive list of examples.	In light of this comment and others on the issue, the committee recommends that the final paragraph of "What do I have to prove to get the order?" on form GV-100-INFO instead refer filers to item 6a on the petition (form GV-100) for examples of the types of information to tell the court about. As described above, the committee also recommended that item 6a include a final bullet point for "any other evidence of an increased risk for violence by the respondent."
California Department of Justice Office of Gun Violence Prevention (continued)	Second, replacing the references in this paragraph to a crime of violence and criminal offenses within the past six months involving illegal drugs or alcohol. We believe references to criminal offenses or convictions are counterproductively narrow and less commonly relevant than other similar examples of dangerous behaviors this paragraph could offer instead. • Instead of referring only to a crime of violence, this paragraph could reference acts or threats of violence or self-harm, which are also expressly listed in section 18155.	In light of this comment and others on the issue, the committee recommends that the final paragraph of "What do I have to prove to get the order?" on form GV-100-INFO instead refer filers to item 6a on the petition (form GV-100) for examples of the types of information to tell the court about.

Commenter	Comment	Committee Response
	• Instead of referring more narrowly to "criminal offenses within the past six months involving illegal drugs or alcohol," this paragraph could prompt petitioners to provide testimony or evidence about the respondent's ongoing abuse of alcohol or controlled substances, which is also expressly listed in section 18155. We believe petitioners should be prompted to present evidence of dangerous behaviors, regardless of whether this conduct led to a recent criminal conviction or constituted, e.g., a specific criminal threat under the Penal Code. This would better reflect the GVRO's civil preventative framework and also account for the fact that many people who have been convicted of crimes related to violence or illegal drugs or alcohol may already be prohibited from possessing or acquiring firearms for at least 10 years without a GVRO, as a result of that conviction. Therefore, we recommend revising this sentence to replace references to criminal convictions with broader references to the underlying behaviors that may be relevant to establishing dangerousness of future harm for the court.	
California Department of Justice Office of Gun Violence Prevention (continued)	Conclusion The OGVP appreciates the Judicial Council of California's efforts in updating the GV-100 and GV-100-INFO and is grateful for the opportunity to provide this public comment. We would welcome the opportunity to provide further support and feedback about these proposed revisions.	No response required.
California Partnership to End Domestic Violence by Christopher Negri	Position: Agree The California Partnership to End Domestic Violence, California's recognized domestic violence coalition, provides comments on the proposed form amendments. We support splitting 6a and 6b and matching the statute language. We also express support for the plainer language "what has already been tried to lessen the danger before you filed the restraining order" on the self-help webpage. We support replacing "recent" with "within the past six months. We support including language on electronic technologies, as that's very relevant. And we are glad to see inclusion of stalking and domestic battery in the "new types of evidence field." We thank Judicial Council for these helpful updates.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.

Commenter	Comment	Committee Response
Everytown for Gun Safety by Krystal LoPilato, Policy Advocacy Director	Position: Not indicated Everytown for Gun Safety respectfully submits this comment in response to the Judicial Council's Invitation to Comment for SPR26-36 regarding proposed revisions to GV-100 and GV-100-INFO. The Invitation to Comment identifies implementation of Assembly Bill 2917 (Stats. 2024, ch. 539) as a key reason for the revision of these two forms. As the primary bill sponsor for Assembly Bill 2917, we are grateful to the Judicial Council for taking the important step to update these forms to reflect the various changes made to Penal Code 18155 in our bill. The primary policy goal behind the drafting and enactment of AB 2917 was ensuring that judges have as much relevant information as possible when determining whether a GVRO should be issued. Accordingly, the bill modified the existing statutory sections which set forth lists of risk factors a court "shall" and "may" consider. The bill added language clarifications and specific examples of the types of evidence that could help a judge assess whether grounds for a GVRO exist. Item 6(a) on Form GV-100 is where the bulk of these changes are memorialized into the petition stage, and that is where most of this Comment will focus. I. Item 6(a) on Form GV-100: The Invitation to Petitioners to Provide Relevant Evidence The GVRO is a critical tool for the prevention of a wide spectrum of different types of gun violence and can be particularly useful when a respondent's conduct indicates potential risk of using a firearm for a mass shooting, interpersonal shooting, or self-harm. As such, the types of evidence that may be relevant to a court will necessarily be broad, nuanced, and may vary widely from case to case. The types of evidence set forth in Penal Code section 18155 should therefore be viewed as a "floor" but not a "ceiling" on the potentially relevant information a petitioner should be invited to provide. While Penal Code section 18155(b)(1) identifies a finite list of factors a court must consider, Penal Code section 18155(b)(2) contains an	The committee appreciates the information provided. Indicating the possibility of "any other evidence" may prevent petitioners from inaccurately assuming that the information listed on item 6a of form GV-100 is exhaustive. In light of the comments received, the committee recommends adding an additional bullet point to item 6a that reads, "Any other evidence of an increased risk for violence by the respondent."

Commenter	Comment	Committee Response
	intentionally non-exhaustive list of types of evidence a court may consider. (See Penal Code section 18155 (b)(2): "In determining whether grounds for a gun violence restraining order exist, the court may consider any other evidence of an increased risk for violence, including, but not limited to, evidence of any of the following: (...)" [emphasis added].) As such, it will be of utmost importance that the GV-100 form is extremely clear that petitioners are encouraged to provide any relevant evidence. The specifics currently identified in the revised form can be presented as examples of the types of information that may be relevant and which a court is authorized to consider. However, as currently written on the revised form, an unrepresented petitioner could easily - and inaccurately - assume that the only types of information to offer are details specifically falling within the factors listed on the form or in the statute.	
Everytown for Gun Safety (continued)	II. Item 6(a) on Form GV-100: References to Threats or Acts of Violence Toward Any Other "Individual, Group, or Location" and Threats Made Over Electronic Means Of Communication One important goal of AB 2917 was to make the statutorily-outlined risk factors more clear to ensure all judges understand that a GVRO may be issued for threats against groups or locations, and that courts can consider threats made on social media or in other electronic communications. The bill also made clear that particular threats of violence should be considered in the decision whether to issue a GVRO - including threats against groups protected under California hate crimes laws or threats of violence to advance a political objective or to interfere with another person's constitutional rights like voting. None of this actually changed the scope of what types of information could be sufficient grounds to issue a GVRO. Their inclusion in AB 2917's updates to the law merely highlights ways in which the GVRO can be a uniquely impactful tool relative to other protective orders or criminal proceedings. Specifically, the GVRO is an intervention capable of preventing gun violence even where the respondent has not made	The proposed form language that went out for comment mentioned both electronic technologies (the ninth bullet point) and threats against an individual, group, or location (the second and third bullet points) within close proximity to the underlying statutory language (see Penal Code section 18155(b)(1)(A), (b)(1)(F), and (b)(2)(A)). The committee is not recommending moving this language to a preamble, instead preferring to mirror the phrasing and proximity seen in statute.

Commenter	Comment	Committee Response
	threats against a specific named individual or communicated the threats or brandished a weapon in the physical presence of the petitioner. To that end, an alternate approach that could be considered for section 6(a) of Form GV-100 would be to include a user-friendly, layperson-accessible preamble clarifying that relevant threats of violence or acts of violence may include threats or acts committed against individuals, groups of people, or locations, and that relevant information can include threats made over electronic communications or on social media.	
Everytown for Gun Safety (continued)	III. Item 5 and Item 6(a) on Form GV-100: Gathering Relevant Information Where A Respondent Has Not Yet Acquired A Gun. AB 2917 revised Penal Code section 18155(b)(2)(G) to explicitly note that evidence of recent acquisition of a firearm is a factor the court may consider, but clarified that the court "may still issue a gun violence restraining order to temporarily prevent legal access to firearms even if the respondent does not own firearms, ammunition, or other deadly weapons at the time that the court is considering issuing a gun violence restraining order." (Penal Code section 18155(b)(2)(G); AB 2917 (2024).) GV-100 Form Question 5 could benefit from a similar caveat to deter petitioners from thinking a GVRO is not appropriate simply because they do not have information about firearms currently owned by the respondent. Similarly, Question 6(a)'s revised language recites a somewhat "legalese" set of terms in which "receiving" a firearm is the only description applicable to a respondent who does not currently have firearms. To maintain consistency with the policy rationale behind AB 2917, we would recommend a more user-friendly, layperson-accessible phrasing for Question 6(a) that makes it more clear the form is seeking information about why the respondent poses a danger by having firearms in their possession and/or by acquiring firearms in the near future.	Given that the committee is recommending an additional question and answer on the corresponding information sheet (form GV-100-INFO), the committee does not recommend adding a caveat to item 5 on form GV-100 to explain that a gun violence restraining order may issue even if the respondent does not own guns. Except for adding "acquiring" and correcting a typo, the committee does not recommend changes to the instruction for item 6a. The committee recommends that the instruction include all the verbs used in the Penal Code. The corresponding information sheet (form GV-100-INFO), for which the committee is recommending additional information about the person to be restrained not needing to currently own a fireman, addresses the concerns expressed by commenter.
Orange County Bar Association by Shirin Forootan, President	Position: Agree The proposed forms appropriately address the stated purpose.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-36 Protective Orders: Gun Violence Restraining Order Forms to Implement AB 2917," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
Superior Court of Los Angeles County (continued)	The proposal will not result in cost savings. To implement the proposal, the Court would need to train judicial officers and clerical staff. Training would be minimal for clerical staff. It would also need to update its procedures. Two months should be sufficient time for implementation. The proposal will work for courts of different sizes.	The committee appreciates the response.
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions. by Christine Nguyen, Operations Analyst	Position: Not indicated 1. Does the proposal appropriately address the stated purpose? Response: ☒ Yes ☐ No Yes. The proposal updates GV-100 and GV-100-INFO to reflect AB 2917's revised evidence factors and related DOJ feedback. The revisions should make the forms more accurate and easier for petitioners, staff, and judicial officers to use.	The committee appreciates the response.
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions. (continued)	For final review, there are two possible clarification points. First, the Judicial Council may wish to consider whether item 6a on GV-100 should be organized to more clearly distinguish the factors the court must consider under Penal Code section 18155(b)(1) from the additional evidence the court may consider under section 18155(b)(2).	The committee does not recommend this suggestion because (1) the item already references the applicable Penal Code section setting out which evidence the court must or may consider and (2) dividing the evidence into those items that must be considered and those that may be considered could be confusing to a person filing out the form.
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions. (continued)	Second, it may be helpful to review GV-100-INFO and any related instructions for consistency with GV-100 and Penal Code section 18155, including applicable timing language and the distinction between	The committee appreciates the suggestion and believes the revised forms as recommended are consistent with statute and each other.

Commenter	Comment	Committee Response
	attempted acquisition of firearms, ammunition, or other deadly weapons and acquisition of body armor.	
	Also suggest confirming whether item 11 or related instructions should clarify that petitioners may rely on the applicable Penal Code section 18155 evidence factors when explaining near-future danger for a temporary GVRO.	Penal Code section 18150, which governs temporary GVROs, provides as follows: "The subject of the petition poses a significant danger, *in the near future,* of causing personal injury to the subject of the petition or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm *as determined by considering the factors listed in Section 18155*" (emphasis added). Therefore, the committee is recommending revising item 11a of form GV-100 to begin with, "Considering the information listed in item 6a, why does . . . ."
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions. (continued)	2. Would the proposal provide cost savings? If so, please quantify. Response: No measurable direct cost savings are anticipated. Any efficiencies would likely be indirect, such as fewer incomplete petitions or fewer questions about what evidence may support a GVRO request. Implementation may require one-time staff time to update procedures, form packets, and training materials.	The committee appreciates the response.
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions. (continued)	3. What would the implementation requirements be for courts – for example, training staff, revising processes an procedures, changing docket codes in case management systems, or modifying case management systems? Response: Implementation would require updating GVRO packets, self-help materials, protective order procedures, and any filing or review resources that reference GV-100 or GV-100-INFO. Case processing clerks, eFiling staff, courtroom clerks, self-help staff, supervisors, and judicial officers or research staff would need brief training or written guidance on the revised evidence factors and the new temporary-order prompt.	The committee appreciates the response.

Commenter	Comment	Committee Response
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions. (continued)	4. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Response: ☒ Yes ☐ No Yes. Two months should generally be sufficient if final forms are issued promptly.	The committee appreciates the response.
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions. (continued)	5. How well would this proposal work in courts of different sizes? Response: It would work well. Larger courts may need more coordination across protective-order, self-help, and courtroom units. Smaller courts should be able to implement the form revisions with limited operational burden.	The committee appreciates the response.
Superior Court of Riverside County	Position: Not indicated. The Civil and Small Claims Advisory Committee proposes the revision of two forms to implement Assembly Bill 2917 (Stats. 2024, ch. 539), which revised the types of evidence courts must consider in determining whether grounds for a gun violence restraining order exist. Additionally, the committee proposes making various changes to improve these forms and to address related issues raised during the public comment period for a recent proposal to implement Senate Bill 899 (Stats. 2024, ch. 544).	No response required.
Superior Court of Riverside County (continued)	Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the response.
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? No.	The committee appreciates the response.
Superior Court of Riverside County (continued)	What would the implementation requirements be for the court? Some trainings for judicial officers and staff (Self-Help, Courtroom and Clerk's Office).	The committee appreciates the response.
Superior Court of Riverside County (continued)	Would 2 months provide sufficient time for implementation? Yes, provided the final forms are available timely.	The committee appreciates the response.
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? This proposal should work well for courts of all sizes	The committee appreciates the response.
Superior Court of San Bernardino	Position: Not indicated. Does the proposal appropriately address the statutes purpose?	The committee appreciates the response.

Commenter	Comment	Committee Response
	Yes	
Superior Court of San Bernardino (continued)	Would the proposal provide cost savings? If so, please quantify No	The committee appreciates the response.
Superior Court of San Bernardino (continued)	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? Judicial Officers- 1 hour- Informative training of the new language/law and updated forms. Judicial Assistants-1 hour or less- Informative training/Notice of the new language/law and updated forms. Clerk's Office- Informational notice of the new language/updated forms. Court Tech- No changes with the case management system needed.	The committee appreciates the response.
Superior Court of San Bernardino (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes	The committee appreciates the response.
Superior Court of San Bernardino (continued)	How well would this proposal work in courts of different sizes? Yes, this would work well for any court size.	The committee appreciates the response.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the response.
Superior Court of San Diego County (continued)	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 local packets and internal procedures.	The committee appreciates the response.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?	The committee appreciates the response.

Commenter	Comment	Committee Response
	A: Yes, provided the final versions of the forms are provided at that time.	
Superior Court of San Diego County (continued)	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.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree The JRS notes that the proposal is required to conform to a change of law.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.

Rules Committee Action Request Form

Item number: 37

Rules Committee Meeting Date: September 10, 2026

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

Title of proposal: Protective Orders: Rules and Forms to Implement Assembly Bill 561

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Adopt form EA-210; revise forms CH-100-INFO, CH-109, CH-110, CH-116, CH-120-INFO, CH-710, CH-730, EA-100-INFO, EA-109, EA-110, EA-116, EA-120, EA-120-INFO, EA-200, EA-200-INFO, EA-250, EA-300-INFO, EA-309, EA-316, EA-320, EA-320-INFO, EA-710, and EA-730; revoke form EA-260

Advisory 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: October 16, 2025; Amended July 8, 2026
Project description from annual agenda: AB 561 (Stats. 2025, ch. 267) allows parties, support persons, and witnesses to appear remotely at a hearing on a petition for a civil harassment. AB 561 will likely require rule amendments and revisions to protective order forms.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-119

For business meeting on October 16, 2026

Protective Orders: Rules and Forms to Implement Assembly Bill 561 (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Adopt form EA-210; revise forms CH-100-INFO, CH-109, CH-110, CH-116, CH-120-INFO, CH-710, CH-730, EA-100-INFO, EA-109, EA-110, EA-116, EA-120, EA-120-INFO, EA-200, EA-200-INFO, EA-250, EA-300-INFO, EA-309, EA-316, EA-320, EA-320-INFO, EA-710, and EA-730; revoke form EA-260

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

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 12, 2026

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

Executive Summary

The Civil and Small Claims Advisory Committee recommends adopting 1 form, revising 23 forms, and revoking 1 form to implement Assembly Bill 561 (Stats. 2025, ch. 267). AB 561 amends the statutes governing civil harassment restraining orders and elder or dependent adult abuse restraining orders. For both civil harassment restraining orders and elder or dependent adult abuse restraining orders, AB 561 authorizes the electronic submission of certain documents and also authorizes certain persons to appear remotely. For elder or dependent adult abuse restraining orders, AB 561 authorizes alternative methods of service if there is reason to believe that the respondent is evading service or cannot be located.

Recommendation

To implement AB 561, make clarifications and corrections, and make the forms more user-friendly, the Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Adopt *Summons (Elder or Dependent Adult Abuse Restraining Order)* (form EA-210).

2. Revise the following forms:

   - *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO);
   - *Notice of Court Hearing* (form CH-109);
   - *Temporary Restraining Order (Civil Harassment Prevention)* (form CH-110);
   - *Order on Request to Continue Hearing* (form CH-116);
   - *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO);
   - *Notice of Hearing to Renew Restraining Order* (form CH-710);
   - *Order Renewing Civil Harassment Restraining Order* (form CH-730);
   - *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO);
   - *Notice of Court Hearing* (form EA-109);
   - *Temporary Restraining Order (Elder or Dependent Adult Abuse Prevention)* (form EA-110);
   - *Order on Request to Continue Hearing* (form EA-116);
   - *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120);
   - *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form EA-120-INFO);
   - *Proof of Personal Service* (form EA-200);
   - *What Is "Proof of Personal Service"?* (form EA-200-INFO);
   - *Proof of Service of Response by Mail* (form EA-250), retitled to *Proof of Service by Mail*;
   - *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO);
   - *Notice of Court Hearing to Allow Contact* (form EA-309);
   - *Order on Request to Continue Hearing on Request to Allow Contact* (form EA-316);
   - *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-320);
   - *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?* (form EA-320-INFO);
   - *Notice of Hearing to Renew Restraining Order* (form EA-710); and
   - *Order Renewing Elder or Dependent Adult Abuse Restraining Order* (form EA-730).

3. Revoke *Proof of Service of Order After Hearing by Mail* (form EA-260).

The proposed new, revised, and revoked forms are attached at pages 8–74.

Relevant Previous Council Action

Under Code of Civil Procedure section 527.6 and Welfare and Institutions Code section 15657.03, the Judicial Council must provide forms for use in civil harassment and elder and dependent adult abuse protective order matters. The forms have been revised when changes to the law required revisions and in response to suggestions from the public, judicial officers, and court professionals.

Additionally, in 2022 and 2023, the council implemented several pieces of legislation similar to AB 561 for other protective order types. Senate Bill 538 (Stats. 2021, ch. 686) (Link B) required a court or court facility that receives domestic violence restraining orders (DVROs) and gun violence restraining orders (GVROs) to permit petitions and any related filings to be submitted electronically. SB 538 also authorized parties and witnesses in a DVRO or GVRO proceeding to appear remotely and required superior courts to develop local rules and instructions for these remote appearances, which had to be posted on court websites. To implement SB 538, the council revised several forms and information sheets to notify litigants that they could file their court papers online, attend hearings remotely, and find more information on the court's website.[1] Assembly Bill 1143 (Stats. 2021, ch. 156) (Link C) authorized courts to specify another method of service in civil harassment restraining order (CHRO) cases if the court determines at the hearing that, after diligent effort, the petitioner has been unable to accomplish personal service and there is reason to believe that the respondent is evading service or cannot be located. To implement AB 1143, the council amended a rule and revised, created, and revoked certain forms to facilitate the request and court authorization of alternative service in CHRO cases.[2]

Analysis/Rationale

The Civil and Small Claims Advisory Committee recommends adopting 1 form, revising 23 forms, and revoking 1 form to implement Assembly Bill 561 (see Link A). Since AB 561 extends similar provisions from SB 538 and AB 1143 to CHROs and elder or dependent adult abuse restraining orders (EAROs), the committee recommends implementing AB 561 in substantially the same way that the council implemented the earlier legislation.[3]

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[1] Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Rule and Form Changes to Implement New Laws* (Sept. 2, 2022). Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Gun Violence Forms Implementing Statutory Amendments Permitting Remote Appearances and Modifying the Definition of Firearms* (Aug. 10, 2022).

[2] Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Civil Harassment Form Adoptions and Revisions, and Rule Amendment* (Apr. 20, 2022).

[3] Additionally, one rule of court and two forms, which contain changes to implement AB 561, are included in a concurrent report to the council because they are impacted by legislation other than AB 561. See Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85*, item 26-132 (pending).

Electronic submission

AB 561 permits requestors of CHROs and EAROs to submit petitions and any related filings electronically.[4] Additionally, AB 561 provides that for EAROs, but not CHROs, the court may not charge fees for electronic submissions.[5] Accordingly, the committee recommends revisions to three information sheets (forms CH-100-INFO, EA-100-INFO, and EA-300-INFO) to mention the ability to file forms electronically (at no charge by the court for EAROs) and that additional information is available online.

Remote appearances

AB 561 authorizes remote appearances at hearings not only by parties and witnesses in CHRO and EARO proceedings, but also by a representative of the county adult protective services agency in EARO proceedings.[6] Superior courts must develop local rules and instructions for remote appearances and post them on their websites.[7]

To implement these requirements, the committee recommends revising several forms to alert parties that they may attend their hearing remotely and that additional information is available on the court's website. The revised forms include the applicable information sheets for petitions and responses (forms CH-100-INFO, EA-100-INFO, CH-120-INFO, CH-120-INFO, EA-300-INFO, and EA-320-INFO), the notice of hearing forms (forms CH-109, EA-109, EA-309, CH-710, and EA-710), and the order on request to continue hearing forms (forms CH-116 and EA-116). The recommended revisions include changing verbs like "go to" or "were at" to the broader "attend" or "attended" to account for remote appearances and specifying who can appear remotely and who can appear remotely at no charge by the court for CHROs and for EAROs. For the CHRO information sheets, the committee recommends indicating that remote appearances are at "no additional charge" to distinguish remote appearance fees from filing fees, which are allowed in certain circumstances.

Alternative service

AB 561 authorizes the court in EARO matters to specify another method of service that is reasonably calculated to give actual notice to the respondent if the court determines that, after a diligent effort, the petitioner has been unable to accomplish personal service and there is reason to believe that the respondent is evading service or cannot be located.[8] The committee recommends the adoption, revision, and revocation of several forms, as follows:

- Include an order authorizing the petitioner to serve the respondent through alternative means on the order forms for requests to continue hearings (forms EA-116 and EA-316).

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[4] Code Civ. Proc., § 527.6(y)(1)(A) (CHROs); Welf. & Inst. Code, § 15657.03(r)(2)(A) (EAROs).

[5] Welf. & Inst. Code, § 15657.03(r)(2)(A) (EAROs).

[6] Code Civ. Proc., § 527.6(i)(2) (CHROs); Welf. & Inst. Code, § 15657.03(w) (EAROs).

[7] *Ibid.*

[8] Welf. & Inst. Code, § 15657.03(k)(2).

- Revise *What Is "Proof of Personal Service"?* (form EA-200-INFO) to include information about alternative service under a new heading.[9]

- Adopt *Summons (Elder or Dependent Adult Abuse Restraining Order)* (form EA-210) a mandatory form to facilitate an alternative method of service, publication of the petitioner's court papers.

- Revise *Proof of Service of Response by Mail* (form EA-250) to expand its use as a proof of service by mail for any EARO form and retitle the form to *Proof of Service by Mail*. Additionally, the committee recommends adding *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130) as an option for the forms that have been mailed because that form was previously listed on *Proof of Service of Order After Hearing by Mail* (EA-260), which the committee recommends the council revoke.

- Revise *Proof of Personal Service* (form EA-200) to reflect the recommended new title of form EA-250, *Proof of Service by Mail*.[10]

- Revoke *Proof of Service of Order After Hearing by Mail* (EA-260), as the expanded scope of form EA-250 will make form EA-260 unnecessary.

Related rule amendments and form revisions

As discussed above, one rule of court and two forms are included in a separate, concurrent report to the council entitled *Civil Practice and Procedure: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85* because they are impacted by legislation other than AB 561.[11] That report includes recommended amendments to California Rules of Court, rule 3.1160 to reflect that the court may specify another method of service for a request for an EARO.

The recommended revisions to implement AB 747 and SB 85 also include renumbering form CH-205-INFO to form CH-205-INFO/EA-205-INFO, retitling it *What If I Am Unable to Personally Serve the Person I Want Protection From?*, and revising it to include information for EARO petitioners. Finally, that proposal renumbers *Order Granting Alternative Service* from form CH-117 to form CH-117/EA-117, makes it a standalone form rather than an attachment,

[9] Additionally, the committee recommends a number of conforming revisions to align form EA-200-INFO more closely with forms CH-200-INFO and DV-200-INFO, such as using plain language, new graphics, two columns, and step-by-step instructions. Given the extent of the proposed revisions to form EA-200-INFO, the form attached to this report does not display changes using green font.

[10] Various other forms are also recommended to be revised to reflect the new name of form EA-250. For example, on forms EA-120 and EA-320, the only revision is the deletion of "of Response" from the title of form EA-250.

[11] See Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85*, item 26-132 (pending).

and revises it to implement AB 561 for EAROs, among other revisions. The attached forms therefore contain various revisions to refer to form CH-117/EA-117 instead of form CH-117.[12]

Policy implications

The revised forms in this proposal largely implement new law enacted by the Legislature. Additionally, the revised forms are designed to promote consistency with the protective order forms under the purview of the Family and Juvenile Law Advisory Committee and the Criminal Law Advisory Committee because consistency in protective orders across case type is beneficial to courts, litigants, and law enforcement. Finally, the recommended revisions include a number of clarifications and corrections and make the forms more user-friendly. These recommendations help implement Goal I, "Access, Fairness, Diversity, and Inclusion," of *The Strategic Plan for California's Judicial Branch* by helping to make forms easier to complete and understand for self-represented litigants.

Comments

This proposal was circulated for public comment from April 13 through May 18, 2026. Seven commenters responded to the proposal: the Superior Courts of Los Angeles, Orange, Riverside, and San Diego Counties; the Orange County Bar Association; Bet Tzedek Legal Services; and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. Four commenters agreed with the proposal and three commenters did not indicate a position on the proposal; no commenters disagreed with the proposal.

The committee received only one substantive suggestion on the proposal. Bet Tzedek Legal Services suggested adding information regarding alternative service to form EA-100-INFO, the information sheet on EARO petitions. The committee does not recommend including such information on the form because the form is intended to be general and providing specific guidance about a means of service that is only available after a showing by the petitioner and a determination by the court may be confusing to litigants. Additionally, the form directs users to a separate information sheet about service (form EA-200-INFO), which the committee is recommending revising to include an explanation of alternative service.

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 75–79.

[12] The forms attached to this report also contain various revisions to use plain language, prevent duplication, and promote ease of use, including removal of screenshots from forms CH-109 and EA-109, changing "judge" to "judicial officer," standardizing uses of form names and form numbers, minor restructuring of certain items to avoid using checkboxes combined with fill-in-the-blank fields in the middle of a sentence, and changing a heading to refer to the "Service of Documents by the Person in (1)" as opposed to "Service of Documents for the Person in (1)."

Alternatives considered

The committee considered whether form EA-210 should also be a bilingual form, like *Summons (Civil Harassment Restraining Order)* (form CH-210) and *Summons (Domestic Violence Restraining Order)* (form DV-210). Code of Civil Procedure section 412.20(a)(6) provides that certain information on a summons form should appear in boldface type in both English and Spanish but does not require a summons to be bilingual. The specified information that is to appear in both languages warns of default judgment unless the party "respond[s]," which may be misleading in a restraining order case because a written response is not required.

The committee instead therefore recommends that new form EA-210 largely appear in English, with a notice at the top of the form in English and in Spanish alerting the form recipient that "the person in ① is asking for an Elder or Dependent Adult Abuse Restraining Order against you." Additionally, the recommended forms include an accompanying hyperlink pointing form users to a separate Spanish translation of the entire form, rather than relying on in-text translations. The committee believes this approach balances language access without increasing costs to the petitioner if service by publication is required.

Fiscal and Operational Impacts

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

Attachments and Links

1. Forms CH-100-INFO, CH-109, CH-110, CH-116, CH-120-INFO, CH-710, CH-730, EA-100-INFO, EA-109, EA-110, EA-116, EA-120, EA-120-INFO, EA-200, EA-200-INFO, EA-210, EA-250, EA-260, EA-300-INFO, EA-309, EA-316, EA-320, EA-320-INFO, EA-710, and EA-730, at pages 8–74
2. Chart of comments, at pages 75–79
3. Link A: Assem. Bill 561 (Stats. 2025, ch. 267)
4. Link B: Sen. Bill 538 (Stats. 2021, ch. 686)
5. Link C: Assem. Bill 1143 (Stats. 2021, ch. 156)

CH-100-INFO Can a Civil Harassment Restraining Order Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a civil harassment restraining order?

It is a court order that helps protect people from harassment.

Can I get a civil harassment restraining order?

You can ask for one if you are worried about your safety because someone:

- Is harassing you
- Is stalking you
- Has committed acts of violence against you, *or*
- Has threatened you with violence.

You do not need to reside in California to file your request for a civil harassment restraining order.

How will the order help me?

The court can order a person to:

- Not harass or threaten you,
- Not contact or go near you, *and*
- Not have any firearms (guns), firearm parts, ammunition, or body armor. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

  For more information about the items a restrained person cannot have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

You can also ask for protection for people who live with you and family members.

In a civil harassment case, the court cannot:

- Order a person to move out of your residence,
- Order a person to pay child support to you, *or*
- Make orders for custody and visitation.

If you need these orders, you should proceed under the Domestic Violence Protection Act. File form DV-100 (*Request for Domestic Violence Restraining Order*).

The court also cannot:

- Order a person to pay money that the person owes you,
- Order someone to move out of rental property that you own, *or*
- Order someone to stop creating a nuisance that doesn't involve harassment.

If you need these remedies, you must file a civil action.

How much does it cost?

That depends on the type of harassment. If the restrained person has used or threatened to use violence against you or has stalked you, you do not have to pay a filing fee; otherwise, you must pay the fee.

If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form FW-001 (*Request to Waive Court Fees*) is available for this purpose.

If the order is based on prior acts of violence, a credible threat of violence, or stalking, you are entitled to free service of the order by a sheriff or marshal. Also, if you are eligible for a fee waiver, you can ask the sheriff or marshal to serve the order for free. If you are not eligible for free service, you may pay the sheriff or marshal to serve the order.

What forms do I need to get the order?

You must fill out all of form CH-100 (*Request for Civil Harassment Restraining Orders*) and form CLETS-001 (*Confidential Information for Law Enforcement*). If you need attachments, you may use form MC-025 (*Attachment to Judicial Council Form*). You must also fill out items 1 and 2 on form CH-109 (*Notice of Court Hearing*) and items 1, 2, and 3 on form CH-110 (*Temporary Restraining Order (CLETS-TCH)*).

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/rules-forms/find-your-court-forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must file your papers with the superior court in the county where the harassment took place, the person to be restrained resides, or you reside or are temporarily located. Another court may also have jurisdiction over your case. Check online or ask the court how to file your request for a civil harassment restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.)

File your forms electronically or give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. If you file in person, the clerk will tell you whether you should wait or come back later to get the signed *Notice of Court Hearing* and *Temporary Restraining Order*.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to five years.

How will the person to be restrained know about the order?

Someone age 18 or older—**not you** or anyone else to be protected by the order—must "serve" (give) the person to be restrained a copy of the order. The server must then fill out form CH-200 *(Proof of Personal Service)* and give it to you to file with the court. For help with service, ask the court clerk for form CH-200-INFO *(What is "Proof of Personal Service"?)*.

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to attend a court hearing?

Yes. Attend the hearing on the date listed in item 3 of form CH-109 (*Notice of Court Hearing*).

You can attend the hearing remotely, such as by telephone or videoconference, at no additional charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: courts.ca.gov/find-my-court.

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the harassment than just your word. You can bring:

- Witnesses,
- Written statements from witnesses made under oath,
- Photos,
- Medical or police reports,
- Damaged property, *and*
- Threatening letters, emails, or telephone messages.

A witness may appear remotely at the hearing, such as by telephone or videoconference. A witness can also go to court in person.

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form MC-030 (*Declaration*) for this.)

Do I need a lawyer?

Having a lawyer is always a good idea but is not required, and you are not entitled to a free, court-appointed lawyer. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Will I see the restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I have a disability?

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

Information about the process is also available online.

See selfhelp.courts.ca.gov/CH-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

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

Can I agree with the restrained person to cancel the order?

No. Once the order is issued, only the judicial officer can change or cancel it. You or the restrained person would have to file a request with the court to cancel the order.

CH-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full 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: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Person From Whom Protection Is Sought

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2:

Name and address of court if different from above:

_____

_____

_____

_____

Hearing Date →

Date: _____ Time: _____

Dept.: _____ Room: _____

You may attend your hearing 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-my-court.

To the person in 2:

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

4 Temporary Restraining Orders *(Any orders granted are on form CH-110, served with this notice.)*

a. Temporary restraining orders for personal conduct and stay-away orders as requested in form CH-100 (*Request for Civil Harassment Restraining Orders*) are *(check only one box below):*

(1) ☐ All **GRANTED** until the court hearing.

(2) ☐ All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

(3) ☐ Partly **GRANTED** and partly **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

Case Number:

4 b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form CH-100 (*Request for Civil Harassment Restraining Orders*) are:

(1) ☐ The facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in 1 and caused substantial emotional distress.

(2) ☐ Other *(specify):* ☐ As stated on Attachment 4b.

5 Confidential Information Regarding Minor

a. ☐ A request to keep minor's information confidential was made (see form CH-160) and **GRANTED**. *(See form CH-165* (Order on Request to Keep Minor's Information Confidential)*, served with this form.)*

b. **If the request was granted, the information described in item 7 on the order (form CH-165) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to $1,000 or other court penalties.**

6 Service of Documents by the Person in 1

a. Someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court's file-stamped copy of this form CH-109 to the person in 2 along with a copy of all the forms indicated below:

(1) CH-100 *(Request for Civil Harassment Restraining Orders)* (file-stamped)
(2) ☐ CH-110 *(Temporary Restraining Order)* (file-stamped) **IF GRANTED**
(3) CH-120 *(Response to Request for Civil Harassment Restraining Orders)* (blank form)
(4) CH-120-INFO *(How Can I Respond to a Request for Civil Harassment Restraining Orders?)*
(5) ☐ CH-170 *(Notice of Order Protecting Information of Minor)* and CH-165 *(Order on Request to Keep Minor's Information Confidential)* (file-stamped) **IF GRANTED**
(6) ☐ Other *(specify):* _____

b. The service described in 6a must be completed at least:

(1) ☐ Five days before the hearing.
(2) ☐ _____ days before the hearing.

Date: _____

_____
Judicial Officer

Case Number:

To the Person in ❶ :

- The court cannot make the restraining orders after the court hearing unless the person in ❷ has been personally given (served) a copy of your request and any temporary orders. To show that the person in ❷ has been served, the person who served the forms must fill out a proof of service form. Form CH-200 (*Proof of Personal Service*) may be used.
- For information about service, read form CH-200-INFO (*What Is "Proof of Personal Service"?*).
- You may ask to reschedule the hearing if you are unable to find the person in ❷ and need more time to serve the documents, or for other good reasons. Read form CH-115-INFO (*How to Ask for a New Hearing Date*).
- You must attend the hearing if you want the judge to make any of the orders you requested on form CH-100, *Request for Civil Harassment Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form CH-100-INFO (*Can a Civil Harassment Restraining Order Help Me?*).

To the Person in ❷:

- If you want to respond to the request for orders in writing, file form CH-120 (*Response to Request for Civil Harassment Restraining Orders*) and have someone age 18 or older—**not you or anyone to be protected—**mail it to the person in ❶.
- The person who mailed the form must fill out a proof of service form. Form CH-250 (*Proof of Service by Mail*) may be used. File the completed form with the court before the hearing, and bring a copy with you to the court hearing.
- Whether or not you respond in writing, attend the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts, and ammunition that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form CH-115-INFO (*How to Ask for a New Hearing Date*).

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/rules-forms/find-your-court-forms for form MC-410 (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

CH-110 Temporary Restraining Order

Clerk stamps date here when form is filed.

Person in (1) must complete (1), (2), and (3) only.

(1) Protected Person

a. Your Full 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: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

(2) Restrained Person

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: _____ *Age: _____ Date of Birth: _____
*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
*Gender: ☐ M ☐ F ☐ Nonbinary Home Address: _____
City: _____ State: _____ Zip: _____
Relationship to Protected Person: _____

(3) ☐ Additional Protected Persons

In addition to the person named in (1), the following family or household members of that person are protected by the temporary orders indicated below:

Full Name	Gender	Age	Household Member?	Relation to Protected Person
			☐ Yes ☐ No	
			☐ Yes ☐ No	
			☐ Yes ☐ No	
			☐ Yes ☐ No	

☐ *Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025* (Attachment).

The court will complete the rest of this form.

(4) Expiration Date

This order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

This is a Court Order.

Case Number:

To the Person in (2):

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to $1,000, or both.

(5) Personal Conduct Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

a. You must **not** do the following things to the person named in (1)
☐ and to the other protected persons listed in (3) :

(1) ☐ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.

(2) ☐ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.

(3) ☐ Take any action to obtain the person's address or location. If this subitem (3) is not checked, the court has found good cause not to make this order.

(4) ☐ Other *(specify):*
☐ Other personal conduct orders are attached at the end of this order on Attachment 5a(4).

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in (1).

(6) Stay-Away Order

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

a. You must stay at least _____ yards away from *(check all that apply):*

(1) ☐ The person in (1)
(2) ☐ Each person in (3)
(3) ☐ The home of the person in (1)
(4) ☐ The job or workplace of the person in (1)
(5) ☐ The school of the person in (1)
(6) ☐ The school of the children of the person in (1)
(7) ☐ The place of child care of the children of the person in (1)
(8) ☐ The vehicle of the person in (1)
(9) ☐ Other *(specify):*

b. This stay-away order does not prevent you from going to or from your home or place of employment.

(7) No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in (7) b on the next page.

This is a Court Order.

Case Number:

7 b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

c. You must:

(1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control. This must be done within 24 hours of being served with this order.

(2) File a receipt with the court within 48 hours of receiving this order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form CH-800) for the receipt.)

d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

8 ☐ Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. **Firearms and/or firearm parts**

	Description *(include serial number, if known)*	Location, if known	Proof of compliance received by the court
(1)	_____	_____	☐ *(date):* _____
(2)	_____	_____	☐ *(date):* _____
(3)	_____	_____	☐ *(date):* _____
(4)	_____	_____	☐ *(date):* _____

b. **Ammunition**

	Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1)	_____	_____	_____	☐ *(date):* _____
(2)	_____	_____	_____	☐ *(date):* _____
(3)	_____	_____	_____	☐ *(date):* _____
(4)	_____	_____	_____	☐ *(date):* _____

☐ Check here to list additional items. List them on a separate piece of paper, write "CH-110, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

9 No Body Armor

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

This is a Court Order.

Case Number:

10 ☐ Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

In addition to the hearing listed on form CH-109, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in 7 b) you still have or own, including any items listed in 8. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

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

Name and address of court, if different than court address listed on page 1:

_____
_____
_____

11 Possession and Protection of Animals

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows** *(specify):*

a. ☐ The person in 1 is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by them, or reside in their household.
(Identify animals by, e.g., type, breed, name, color, sex.)

_____
_____

b. ☐ The person in 2 must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals listed above.

12 Other Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows** *(specify):*

_____
_____
_____
_____

☐ Additional orders are attached at the end of this order on Attachment 12.

To the Person in 1 :

13 Mandatory Entry of Order Into CARPOS Through CLETS

This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

a. ☐ The clerk will enter this order and its proof-of-service form into CARPOS.

b. ☐ The clerk will transmit this order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

This is a Court Order.

Case Number:

(13) c. ☐ By the close of business on the date that this order is made, the person in (1) or their lawyer should deliver a copy of the order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency | Address *(City, State, Zip)*

☐ Additional law enforcement agencies are listed at the end of this order on Attachment 13.

(14) No Fee to Serve (Notify) Restrained Person ☐ **Ordered** ☐ **Not Ordered**

The sheriff or marshal will serve this order without charge because:

a. ☐ The order is based on unlawful violence, a credible threat of violence, or stalking.

b. ☐ The person in (1) is entitled to a fee waiver.

(15) Number of pages attached to this order, if any: _____

Date: _____ _____

Judicial Officer

Warnings and Notices to the Restrained Person in (2)

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in (7)b on page 3 while this order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition that you have or control as stated in (7) above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form CH-109 (*Notice of Court Hearing*), but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in (2).

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO (*How Can I Respond to a Request for Civil Harassment Restraining Orders?*) to learn how to respond to this order.

This is a Court Order.

Case Number:

- If you want to respond, fill out form CH-120 (*Response to Request for Civil Harassment Restraining Orders*) and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in (1).
- You must have form CH-120 served by mail on the person in (1) or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250 (*Proof of Service by Mail*). File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030 (*Declaration*) for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at courts.ca.gov/rules-forms/find-your-court-forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also attend the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in (4) on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Case Number:

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b)); Code Civ. Proc., § 527.12(d)(2)):

1. *Emergency Protective Order (EPO):* If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
2. *No-Contact Order:* If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. (5) a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO):* If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. *Civil Restraining Orders:* If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

(Clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

CH-116 Order on Request to Continue Hearing

Clerk stamps date here when form is filed.

Complete (1) and (2) only.

(1) **Protected Party:** _____

(2) **Restrained Party:** _____

The court will complete the rest of this form

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 form CH-110 *(Temporary Restraining Order)* 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**. Your court date is rescheduled for the day and time listed below. See (4)–(8) for more information.

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court, if different from above:

_____

_____

_____

(4) 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 still in full force and effect** because:

(1) ☐ The court extends the TRO previously granted on *(date):* _____.
It now expires on *(date):* _____.

(If no 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 CH-110).

Warning and Notice to the Restrained Party:
If (4) b is checked, a civil harassment restraining order has been issued against you. You must follow the orders until they expire.

c. ☐ Other *(specify):* _____

This is a Court Order.

Case Number:

5 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: _____

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.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. ☐ **Protected party**	b. ☐ **Restrained party**	c. ☐ **Court**
(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.	(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.	(1) ☐ Further notice is not required.
(2) ☐ You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form CH-109, item 6, by *(date):* _____	(2) ☐ You must have the protected party personally served with a copy of this order by *(date):* _____	(2) ☐ The court will mail a copy of this order to all parties 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):* _____	(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):* _____	(3) ☐ Other: _____
(4) ☐ The court gives you permission to have the restrained party served as ordered on form CH-117/ EA-117.	(4) ☐ Other: _____	
(5) ☐ Other: _____		

This is a Court Order.

Case Number:

7 No Fee to Serve (Notify) Restrained Person ☐ Ordered ☐ Not Ordered

The sheriff or marshal will serve this order for free because:

a. ☐ The order is based on unlawful violence, a credible threat of violence, or stalking.

b. ☐ The person in 1 is entitled to a fee waiver.

8 Remote Appearances

You may attend your hearing listed in 3 remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed on page 1. To find the court's website, go to courts.ca.gov/find-my-court.

9 ☐ Other Orders

_____

_____

_____

_____

10 Number of pages attached to this order, if any: _____

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 hearing. Contact the clerk's office or go to courts.ca.gov/forms for form MC-410 (*Disability Accommodation Request*). (Civ. Code, § 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 Hearing (Temporary Restraining Order) (CLETS-TCH)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

CH-120-INFO How Can I Respond to a Request for Civil Harassment Restraining Orders?

What is a civil harassment restraining order?

It is a court order that prohibits you from doing certain things and going to certain places.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

  For more information about the items you would not be allowed to have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Who can ask for a civil harassment restraining order?

A person who is worried about safety because they have been or are being:

- Stalked
- Harassed
- Assaulted, including sexually, *or*
- Threatened with violence

I've been served with a request for civil harassment restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form CH-120 (*Response to Request for Civil Harassment Restraining Orders*) before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025 (*Attachment to Judicial Council Form*). You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/forms. Forms may also be at your local courthouse or county law library.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form CH-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out form CH-250 (*Proof of Service by Mail*). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Should I attend the court hearing?

Yes. You should attend court on the date listed on form CH-109 *(Notice of Court Hearing)*. If you do not attend the hearing, the judicial officer can make orders against you without hearing from you.

You can attend the hearing remotely, such as by telephone or videoconference, at no additional charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: courts.ca.gov/find-my-court.

How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

CH-120-INFO How Can I Respond to a Request for Civil Harassment Restraining Orders?

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to them unless the judicial officer or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. A witness may appear remotely at the hearing, such as by telephone or videoconference. A witness can also go to court in person.

If possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form MC-030 *(Declaration)* for this.

What if I don't speak English?

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

Information about the process is also available online.

See selfhelp.courts.ca.gov/CH-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

What if I have a firearm (gun), firearm part, or ammunition?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun), firearm parts, or ammunition, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

What if I need to have a firearm or ammunition for my job?

If the judicial officer grants a restraining order against you, you cannot have firearms or ammunition. The judicial officer may give you permission to have a firearm or ammunition for work. Before permission can be granted, you will be required to show the judicial officer that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to selfhelp.courts.ca.gov/respond-to-CH-restraining-order/obey-firearms-orders/exception, or see Code of Civil Procedure section 527.9(f).

What if I need to have body armor?

If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with the chief of police or sheriff in the county where you will have and use the body armor (see Penal Code section 31360(c)).

Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judicial officer can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

What if I have a disability?

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

CH-710 Notice of Hearing to Renew Restraining Order

Clerk stamps date here when form is filed.

1 Protected Person

a. Your Full 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 e-mail.):*

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Restrained Person

Full Name: _____

Address *(if known):* _____

City: _____ State: _____ Zip: _____

To the Restrained Person

3 Court Hearing

The judge has set a court hearing date. *Court will fill in box below.*

The current restraining order stays in effect until the end of the hearing.

Name and address of court if different from above:

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

You may attend your hearing 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-my-court.

At the hearing, the judge can renew the current restraining order for up to another five years. You *must* continue to obey the current restraining order until the hearing. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* obey the order even if you do not attend the hearing.

If you wish to make a written response to the request to renew the restraining order, you may fill out form CH-720 (*Response to Request to Renew Restraining Order*). File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the protected person at the address in 1 at least _____ days before the hearing. Also file form CH-250 (*Proof of Service by Mail*) with the court before the hearing.

This is a Court Order.

Case Number:

To the Protected Person:

4 Service and Response

Someone age 18 or older**—not you or anyone else protected by the restraining order—**must personally serve (give) a copy of the following forms on the restrained person at least _____ days before the hearing.

- CH-700 (*Request to Renew Restraining Order*);
- CH-710 (*Notice of Hearing to Renew Restraining Order*) (this form);
- CH-720 (*Response to Request to Renew Restraining Order*) (blank copy);
- CH-130 (*Civil Harassment Restraining Order After Hearing*), the current order for which renewal is requested.

After the restrained person has been served, file form CH-200 (*Proof of Personal Service*) with the court clerk. For help with service, read form CH-200-INFO (*What Is "Proof of Personal Service"?*).

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 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.

CH-730 Order Renewing Civil Harassment Restraining Order

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Person

a. Your Full 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 e-mail.):*
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

2 Restrained Person

Full Name: _____
Address *(if known):* _____
City: _____ State: _____ Zip: _____

3 Hearing

There was a hearing on *(date):* _____ at *(time):* _____ ☐ a.m. ☐ p.m. Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
These people attended the hearing:

a. ☐ The protected person
b. ☐ The restrained person
c. ☐ The lawyer for the protected person *(name):* _____
d. ☐ The lawyer for the restrained person *(name):* _____

☐ Additional persons present are listed on Attachment 3.

4 Renewal and Expiration

The request to renew the attached *Civil Harassment Restraining Order After Hearing*, originally issued on *(date)* _____, is:

a. ☐ **GRANTED**. The attached order is renewed and will now expire on:

Time: _____ ☐ a.m. ☐ p.m. or ☐ midnight on *(date):* _____

If no expiration date is written here, the order expires three years from the date of the hearing in item 3.

b. ☐ **DENIED**. The attached order expires as stated in item 4 of the order.

Date: _____

_____
Judicial Officer

This is a Court Order.

EA-100-INFO Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a restraining order?

It is a court order that helps protect people from being abused.

Can I get a restraining order?

If you are a person 65 years or older or a dependent adult, you can ask for a restraining order if you have been or are being:

- Physically abused,
- Financially abused,
- Mentally or emotionally abused,
- Neglected,
- Abandoned or abducted,
- Isolated, *or*
- Deprived by a caregiver of goods or services you needed to avoid harm or suffering.

How will the order help me?

The court can order a person to:

- Not physically abuse, harass, hit, or threaten you,
- Not contact or go near you, *and*
- Not have any firearms (guns), firearm parts, ammunition, or body armor. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).
  For more information about the items a restrained person cannot have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

You can also ask for protection for people who live with you and family members.

Who can apply for an elder or dependent adult abuse restraining order?

In addition to the elder or dependent adult, the following persons may apply for a restraining order on behalf of the elder or dependent adult:

- A conservator or trustee of the elder or dependent adult,
- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney,
- A person appointed as a guardian ad litem for the elder or dependent adult, *and*
- Any other person legally authorized to seek such relief.

How much does it cost?

There is no fee for filing a request for a restraining order.

You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged.

The court can make the person who loses the case pay all the court fees and the lawyer's fees for the other party.

What forms do I need to get the order?

You must fill out all of form EA-100 (*Request for Elder or Dependent Adult Abuse Restraining Orders*) and form CLETS-001 (*Confidential Information for Law Enforcement*). If you need attachments, you may use form MC-025 (*Attachment*). You must also fill out items 1 and 2 on form EA-109 (*Notice of Court Hearing*) and items 1, 2, and 3 on form EA-110 (*Temporary Restraining Order*).

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must file your papers with the superior court in the county where the abuse took place or the person to be restrained lives. Check online or ask the court how to file your request for an elder or dependent adult abuse restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.)

File your forms electronically or give your forms to the clerk of the court. You can submit your forms electronically at no charge to you by the court. The clerk will give you a hearing date on the *Notice of Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. If you file in person, ask the clerk whether you should wait or come back later to get the signed *Notice of Court Hearing* and *Temporary Restraining Order.*

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to five years.

How will the person to be restrained know about the order?

Someone age 18 or older—**not you** or anyone else to be protected by the order—must "serve" (give) the person to be restrained a copy of the order. The server must then fill out form EA-200 (*Proof of Personal Service*) and give it to you to file with the court. For help with service, ask the court clerk for form EA-200-INFO (*What Is "Proof of Personal Service"?*).

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to attend a court hearing?

Yes. Attend court on the date listed on form EA-109 (*Notice of Court Hearing*).

You can attend the hearing remotely, such as by telephone or videoconference, at no charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: courts.ca.gov/find-my-court.

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the abuse than just your word. You can bring:

- Witnesses,
- Written statements from witnesses made under oath,
- Photos,
- Medical or police reports,
- Damaged property, *and*
- Threatening letters, emails, or telephone messages.

A representative of the county adult protective services agency or witness may appear remotely at the hearing, such as by telephone or video conference, at no charge by the court. These people can also go to court in person.

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form MC-030 (*Declaration*) for this.)

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Will I see the restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

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

Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

What if the restrained person's abuse caused me to owe money or debts?

If the restrained person's financial abuse caused you to have certain debts or bills (such as using your name to open a credit card and make purchases that you didn't agree to), you can ask the judicial officer to make a special decision or finding that the restrained person caused you to have the debts or bills. This special finding may be helpful if you are sued for the debts or bills.

Information about the process is also available online.

See selfhelp.courts.ca.gov/EA-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

Can I agree with the restrained person to cancel the order?

No. Once the order is issued, only the judicial officer can change or cancel it. You or the restrained person would have to file a request with the court to cancel the order.

What if I have a disability?

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

EA-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult in Need of Protection

a. Full Name: _____

☐ Person requesting protection for the elder or dependent adult, if different *(person named in item 3 of form EA-100):*
Full Name: _____

Lawyer for person named above *(if any for this case):*
Name: _____ State Bar No.: _____
Firm Name: _____

b. Address for person named above *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you 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: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Person You Want Protection From

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2:

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

Name and address of court if different from above:
_____
_____
_____
_____

You may attend your hearing 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-my-court.

To the person in 2:

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

Case Number:

4 Temporary Restraining Orders *(Any orders granted are on form EA-110, served with this notice.)*

a. Temporary restraining orders for personal conduct and stay-away orders as requested in form EA-100 *(Request for Elder or Dependent Adult Abuse Restraining Orders)* are *(check only one box below):*

(1) ☐ All **GRANTED** until the court hearing.

(2) ☐ All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

(3) ☐ Partly **GRANTED** and partly **DENIED** until the court hearing. *(Specify reasons for denial in 4 b, below.)*

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form EA-100 *(Request for Elder or Dependent Adult Abuse Restraining Orders)* are:

(1) ☐ The facts as stated in form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in 2.

(2) ☐ Other *(specify):* ☐ As stated on Attachment 4b.

5 Service of Documents by the Person in 1

a. Someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court's file-stamped copy of this form EA-109 to the person in 2 along with a copy of all the forms indicated below:

(1) EA-100 (*Request for Elder or Dependent Adult Abuse Restraining Orders*) (file-stamped)

(2) ☐ EA-110 (*Temporary Restraining Order*) (file-stamped) **IF GRANTED**

(3) EA-120 (*Response to Request for Elder or Dependent Adult Abuse Restraining Orders*) (blank form)

(4) EA-120-INFO (*How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*)

(5) ☐ Other *(specify):* _____

b. The service described in 5 a must be completed at least:

(1) ☐ five days before the hearing.

(2) ☐ _____ days before the hearing.

Date: _____

_____
Judicial Officer

Case Number:

To the Person in (1):

- The court cannot make the restraining orders after the court hearing unless the person in (2) has been personally given (served) a copy of your request and any temporary orders. To show that the person in (2) has been served, the person who served the forms must fill out a proof of service form. Form EA-200 (*Proof of Personal Service*) may be used.
- For information about service, read form EA-200-INFO (*What Is "Proof of Personal Service"?*).
- You may ask to reschedule the hearing if you are unable to find the person in (2) and need more time to serve the documents, or for other good reasons. Read form EA-115-INFO (*How to Ask for a New Hearing Date*).
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-100 (*Request for Elder or Dependent Adult Abuse Restraining Orders*). Bring any evidence or witnesses you have. For more information, read form EA-100-INFO (*Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?*).

To the Person in (2):

- If you want to respond to the request for orders in writing, file form EA-120 (*Response to Request for Elder or Dependent Adult Abuse Restraining Orders*), and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in (1).
- The person who mailed the form must fill out a proof of service form. Form EA-250 (*Proof of Service by Mail*) may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, attend the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to sell or turn in any firearms (guns), firearm parts, and ammunition that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.**
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-115-INFO (*How to Ask for a New Hearing Date*).

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.)

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

EA-110 Temporary Restraining Order

Clerk stamps date here when form is filed.

Person in (1) must complete (1), (2), and (3) only.

(1) Protected Elder or Dependent Adult

a. Full Name: _____

☐ Person requesting protection for the elder or dependent adult, if different *(person named in item 3 of form EA-100):*

Full Name: _____

Lawyer for person named above *(if any, 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: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

(2) Restrained Person

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: _____ *Age: _____ Date of Birth: _____

*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

*Gender: ☐ M ☐ F ☐ Nonbinary Home Address: _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

(3) ☐ Additional Protected Persons

In addition to the elder or dependent adult named in (1), the following family or household members or conservator of that person are protected by the temporary orders indicated below:

Full Name	Gender	Age	Household Member?	Relation to Protected Person
_____	_____	_____	☐ Yes ☐ No	_____
_____	_____	_____	☐ Yes ☐ No	_____

☐ *Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025 (*Attachment*).*

(4) Expiration Date

This order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

This is a Court Order.

To the Person in (2):

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to $1,000, or both.

(5) Personal Conduct Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

a. You must **not** do the following things to the elder or dependent adult named in (1)

☐ and to the other protected persons listed in (3):

(1) ☐ Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.

(2) ☐ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text messages, by fax, or by other electronic means.

(3) ☐ Take any action to obtain the person's address or location. If this subitem (3) is not checked, the court has found good cause not to make this order.

(4) ☐ Other *(specify):*

☐ Other personal conduct orders are attached at the end of this order on Attachment 5a(4).

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in (1).

(6) Stay-Away Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

a. You **must** stay at least _____ yards away from *(check all that apply):*

(1) ☐ The elder or dependent adult in (1)

(2) ☐ Each person in (3)

(3) ☐ The home of the elder or dependent adult

(4) ☐ The job or workplace of the elder or dependent adult

(5) ☐ The vehicle of the person in (1)

(6) ☐ Other *(specify):*

b. This stay-away order does not prevent you from going to or from your home or place of employment.

(7) Move-Out Order

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

You must immediately move out from and not return to *(address):*

This is a Court Order.

8 No Firearms (Guns), Firearm Parts, or Ammunition

☐ **Not Issued (financial abuse only)** ☐ **Granted as Follows:**

This order must be granted unless only financial abuse is alleged.

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b below.

b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

c. You must:

(1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control. This must be done within 24 hours of being served with this order.

(2) File a receipt with the court within 48 hours of receiving this order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use form EA-800 (*Receipt for Firearms, Firearm Parts, and Ammunition*) for the receipt.)

d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

9 ☐ Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. **Firearms and/or firearm parts**

	Description *(include serial number, if known)*	Location, if known	Proof of compliance received by the court
(1)			☐ *(date):*
(2)			☐ *(date):*
(3)			☐ *(date):*
(4)			☐ *(date):*

b. **Ammunition**

	Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1)				☐ *(date):*
(2)				☐ *(date):*
(3)				☐ *(date):*
(4)				☐ *(date):*

☐ Check here to list additional items. List them on a separate piece of paper, write "EA-110, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

10 No Body Armor

If the order in 8 is granted, you cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

This is a Court Order.

(11) ☐ Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

In addition to the hearing listed on form EA-109, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in (8) b) you still have or own, including any items listed in (9). If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

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

Name and address of court, if different than court address listed on page 1:

_____
_____
_____

(12) Financial Abuse

This case ☐ does **not** ☐ does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

(13) Possession and Protection of Animals

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows** *(specify):*

a. ☐ The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by them, or reside in their household.
(Identify animals by, e.g., type, breed, name, color, sex.)

_____
_____
_____
_____

b. ☐ The person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

(14) Other Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows** *(specify):*

_____
_____
_____
_____
_____

☐ Additional orders are attached at the end of this order on Attachment 14.

This is a Court Order.

To the Person in 1 :

15 Mandatory Entry of Order Into CARPOS Through CLETS

This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

a. ☐ The clerk will enter this order and its proof of service form into CARPOS.

b. ☐ The clerk will transmit this order and its proof of service form to a law enforcement agency to be entered into CARPOS.

c. ☐ By the close of business on the date that this order is made, the petitioner or the petitioner's lawyer should deliver a copy of the order and its proof of service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency	Address *(City, State, Zip)*

☐ Additional law enforcement agencies are listed at the end of this order on Attachment 15.

16 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this order, the sheriff or marshal will do so for free.

17 Number of pages attached to this order, if any: _____

Date: _____

_____
Judicial Officer

Warnings and Notices to the Restrained Person in 2

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

If the court grants the orders in 8, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in 8b on page 3 while this order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition that you have or control as stated in 8. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form EA-109 (*Notice of Court Hearing*), but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from this order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in 2.

If this address is not correct or you wish to verify that the temporary restraining order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

This is a Court Order.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form EA-120-INFO (*How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*) to learn how to respond to this order.
- If you want to respond, fill out form EA-120 (*Response to Request for Elder or Dependent Adult Abuse Restraining Orders*) and file it with the court clerk. You do not have to pay any fee to file your response.
- You must have form EA-120 served on the person in (1) (the person asking the court for protection of the elder or dependent adult or the elder or dependent adult if no other person is named in that item), or that person's attorney, by mail. You cannot do this yourself. The person who does the mailing should complete and sign form EA-250 (*Proof of Service by Mail*). File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served signed by you and other persons who have personal knowledge of the facts. You may use form MC-030 (*Declaration*) for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also attend the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in (4) on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

This is a Court Order.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

1. *Emergency Protective Order (EPO):* If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
2. *No-Contact Order:* If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. **5** a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO):* If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. *Civil Restraining Orders:* If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

(Clerk will fill out this part.)

Clerk's Certificate

—Clerk's Certificate—

[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

EA-116 Order on Request to Continue Hearing

Clerk stamps date here when form is filed.

Complete (1) and (2) only.

(1) **Protected Party:** _____

(2) **Restrained Party:** _____

The court will complete the rest of this form

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 form EA-110 (*Temporary Restraining Order*) 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**. Your court date is rescheduled for the day and time listed below. See (4)–(8) for more information.

New Court Date →

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court, if different from above:

_____

_____

_____

(4) 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 still in full force and effect** because:

(1) ☐ The court extends the TRO previously granted on *(date):* _____.
It now expires on *(date):* _____.
(If no 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 EA-110).

Warning and Notice to the Restrained Party:
If (4)b is checked, an elder or dependent abuse restraining order has been issued against you. You must follow the orders until they expire.

c. ☐ Other *(specify):* _____

This is a Court Order.

Case Number:

5 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: _____

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.

6 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 EA-109, item 5, 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 have the restrained party served as ordered on form CH-117/EA-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:

7 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.

8 Remote Appearances

You may attend your hearing listed in 3 remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed on page 1. To find the court's website, go to courts.ca.gov/find-my-court.

9 ☐ Other Orders

_____
_____
_____
_____

10 Number of pages attached to this order, if any: _____

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 hearing. Contact the clerk's office or go to courts.ca.gov/forms for form MC-410 (*Disability Accommodation Request*). (Civ. Code, § 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 form EA-116 (*Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TEA or TEF)*) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

EA-120 Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

Use this form to respond to the *Request* (form EA-100)

- Read form EA-120-INFO (*How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person requesting protection in (1) by mail with a copy of this form and any attached pages. *(Use form* EA-250 *(*Proof of Service by Mail*).)*

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) Elder or Dependent Adult Seeking Protection

Name: _____

☐ Name of person asking for the protection, if different *(This is the person named in item 3 of the request (form EA-100).)*

_____

(2) Person From Whom Protection Is Sought

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: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-109, item 3, here:

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

If you were served with a temporary restraining order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

(3) ☐ Personal Conduct Orders

a. ☐ I agree to the orders requested.

b. ☐ I do not agree to the orders requested. *(Specify why you disagree in (15) on page 5.)*

c. ☐ I agree to the following orders *(specify below or in (15) on page 5):*

_____

_____

(4) ☐ Stay-Away Orders

a. ☐ I agree to the orders requested.

b. ☐ I do not agree to the orders requested. *(Specify why you disagree in (15) on page 5.)*

c. ☐ I agree to the following orders *(specify below or in (15) on page 5):*

_____

_____

Case Number:

5 ☐ Move-Out Orders

a. ☐ I agree to the orders requested.

b. ☐ I do not agree to the orders requested. *(Specify why you disagree in 15 on page 5.)*

c. ☐ I agree to the following orders *(specify below or in 15 on page 5):*

6 ☐ Additional Protected Persons

a. ☐ I agree that the persons listed in item 6 of form EA-100 may be protected by the order requested.

b. ☐ I do not agree that the persons listed in item 6 of form EA-100 may be protected by the order requested.

7 ☐ Order for Counseling or Anger Management Courses

ⓘ This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

a. ☐ I agree to the orders requested.

b. ☐ I do not agree to the orders requested. *(Specify why you disagree in 15 on page 5.)*

c. ☐ I agree to the following orders *(specify below or in 15 on page 5):*

8 Firearms (Guns), Firearm Parts, and Ammunition

If you were served with form EA-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item 8 of form EA-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control within 24 hours of being served with form EA-110. You must file a receipt with the court. You may use form EA-800 *(Receipt for Firearms, Firearm Parts, and Ammunition)* for the receipt.

a. ☐ I do not own or control any firearms (guns), firearm parts, or ammunition.

b. ☐ I have turned in my firearms (guns), firearm parts, and ammunition to law enforcement or sold them to or stored them with a licensed gun dealer. A copy of the receipt

(1) ☐ is attached.

(2) ☐ has already been filed with the court.

c. ☐ I ask for an exception to carry a firearm or ammunition for work. *(Complete items (1)–(3) below):*

(1) Are you a sworn peace officer?

☐ No

☐ Yes

Case Number:

8 c. (2) Are there any orders or state or federal laws that prohibit you from having firearms or ammunition?

☐ No

☐ I don't know *(explain):*

_____

_____

_____

☐ Yes *(explain):*

_____

_____

_____

(3) *(Explain what your job is and why you need a firearm or ammunition):*

_____

_____

_____

(Note: You **must** follow any orders to turn in, sell, or store prohibited items until the judge decides whether to grant you an exception. Before an exception can be granted, you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders/exception or see Code of Civil Procedure section 527.9(f).)

9 No Body Armor

If you were served with form EA-110 (*Temporary Restraining Order*), you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

a. ☐ I do not own or have any body armor.

b. ☐ I have relinquished all body armor that I have in my possession.

c. ☐ I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). *(Attach a copy of the letter granting permission, if you have one.)*

10 ☐ Debts Caused by Financial Abuse

a. ☐ I agree to the findings requested.

b. ☐ I do not agree to the findings requested. *(Specify why you disagree in* **15** *on page 5.)*

c. ☐ I agree to the following findings *(specify below or in* **15** *on page 5):*

_____

_____

Case Number:

11 ☐ Possession and Protection of Animals

a. ☐ I agree to the orders requested.

b. ☐ I do not agree to the orders requested. *(Specify why you disagree in 15 on page 5.)*

c. ☐ I agree to the following orders *(specify below or in 15 on page 5):*

12 ☐ Other Orders

a. ☐ I agree to the orders requested.

b. ☐ I do not agree to the orders requested. *(Specify why you disagree in 15 on page 5.)*

c. ☐ I agree to the following orders *(specify below or in 15 on page 5):*

13 ☐ Denial

I did not do anything described in item 8 of form EA-100. *(Skip to 15.)*

14 ☐ Justification or Excuse

If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons *(explain):*

☐ *Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 14–Justification or Excuse" as a title. You may use form MC-025* (Attachment).

Case Number:

15 ☐ Reasons I Do Not Agree to the Requests

Explain your answers to each order or finding requested that you do not agree with.

☐ *Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 15—Reasons I Disagree" as a title. You may use form MC-025 (*Attachment*).*

16 ☐ Lawyer's Fees and Costs

a. ☐ I ask the court to order payment of my ☐ lawyer's fees ☐ court costs. The amounts requested are:

Item	Amount	Item	Amount
	$		$
	$		$
	$		$

☐ *Check here if there are more items. Put the items and amounts on an attached sheet of paper and write "Attachment 16—Lawyer's Fees and Costs" for a title. You may use form MC-025 (*Attachment*).*

b. ☐ I ask the court to deny the request of the person asking for protection named in 1 that I pay their lawyer's fees and costs.

17 Number of pages attached to this form, if any: _____

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 and on all attachments is true and correct.

Date: _____

_____ _____
Type or print your name Sign your name

EA-120-INFO How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?

What is an elder or dependent adult abuse restraining order?

It is a court order that prohibits you from doing certain things and going certain places.

What does the order do?

The court can order you to:

- Not contact the person who is protected by the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

  For more information about the items you would not be allowed to have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Who can ask for a restraining order?

A person who is being:

- Financially abused
- Abandoned or abducted
- Harmed
- Neglected
- Isolated
- Deprived by a caregiver of goods or services necessary to live on

A conservator may seek an order on behalf of an elder or dependent adult.

I've been served with a request for elder or dependent adult abuse restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form EA-120 (*Response to Request for Elder and Dependent Adult Abuse Restraining Orders*) before your hearing date and file it with the court. If you need to include attachments, you can use form *MC-025* (*Attachment to Judicial Council Form*). You can get the forms from legal publishers or from the California Courts website at *courts.ca.gov/forms*. You also may be able to find them at your local courthouse or county law library.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form EA-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out form EA-250 (*Proof of Service by Mail*). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Do I need a lawyer?

Having a lawyer is always a good idea but is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

What if I don't speak English?

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

EA-120-INFO How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?

What if I have a disability?

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

Should I attend the court hearing?

Yes. You should attend court on the date listed on form EA-109, *Notice of Court Hearing*. If you do not attend the hearing, the judicial officer can make orders against you without hearing from you.

You can attend the hearing remotely, such as by telephone or videoconference, at no charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: courts.ca.gov/find-my-court.

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to the person unless the judicial officer or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. A representative of the county adult protective services agency or witness may appear remotely at the hearing, such as by telephone or video conference, at no charge by the court. These people can also go to court in person.

But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form MC-030 for this.

How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date.

At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

What if I have a firearm (gun), firearm part, or ammunition?

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun), firearm parts, or ammunition, you must sell it to or store it with a licensed gun dealer or turn it in to a law enforcement agency.

What if I need to have a firearm or ammunition for my job?

If the judicial officer grants a restraining order against you, you cannot have firearms or ammunition. The judicial officer may give you permission to have a firearm or ammunition for work. Before permission can be granted, you will be required to show the judicial officer that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders/exception, or see Code of Civil Procedure section 527.9(f).

What if I need to have body armor?

If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with the chief of police or sheriff in the county where you will have and use the body armor (see Penal Code section 31360(c)).

Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judicial officer can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

Information about the process is also available online.

See selfhelp.courts.ca.gov/EA-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

EA-200 Proof of Personal Service

Clerk stamps date here when form is filed.

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 Elder or Dependent Adult

Name: _____

2 Person From Whom Protection Is Sought or Person Alleged to Be Preventing Contact

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items 1, 3, or 6, of form EA-100 or be listed in items 1, 2, 3, or 4 of form EA-300.
- Give a copy of all documents checked in 4 to the person in 2. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in 1.

PROOF OF PERSONAL SERVICE

4 I gave the person in 2 a copy of the forms checked below:

a. ☐ EA-109 (*Notice of Court Hearing*)
b. ☐ EA-110 (*Temporary Restraining Order*)
c. ☐ EA-100 (*Request for Elder or Dependent Adult Abuse Restraining Orders*)
d. ☐ EA-120 (*Response to Request for Elder or Dependent Adult Abuse Restraining Orders*) (blank form)
e. ☐ EA-120-INFO (*How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*)
f. ☐ EA-130 (*Elder or Dependent Adult Abuse Restraining Order After Hearing*)
g. ☐ EA-250 (*Proof of Service by Mail*) (blank form)
h. ☐ EA-800 (*Receipt for Firearms, Firearm Parts, and Ammunition*) (blank form)
i. ☐ EA-300 (*Request for Elder or Dependent Adult Restraining Order Allowing Contact*)
j. ☐ EA-309 (*Notice of Court Hearing to Allow Contact*)
k. ☐ EA-320 (*Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*) (blank form)
l. ☐ EA-320-INFO (*How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*)
m. ☐ EA-330 (*Elder or Dependent Adult Restraining Order Allowing Contact After Hearing*)
n. ☐ Other *(specify):* _____

5 I personally gave copies of the documents checked above to the person in 2:

a. On *(date):* _____
b. At *(time):* _____ ☐ a.m. ☐ p.m.
c. At this address: _____

City: _____ State: _____ Zip: _____

Case Number:

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(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*

EA-200-INFO What Is "Proof of Personal Service"?

What is "service"?

Service is the act of giving your legal papers to the other party in your case. There are different ways to serve the other party: in person, by mail, and others.

Why do my court papers need to be served?

Before a judicial officer can grant a civil harassment 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.

Also, if a restraining order is in place, the police cannot arrest the restrained person for violating the restraining order until the restrained person is served with the order.

What is "personal service"?

Personal service is when someone, known as a server, personally delivers your court papers to the other party.

In most cases, these forms must be served on the other party by personal service if you want a restraining order:

- Form EA-100;
- Form EA-109; and
- Form EA-110.

If you want an order allowing contact, you must personally serve the following forms instead: forms EA-300 and EA-309.

Who can serve my court papers?

Any adult who is not protected by the restraining order can serve your court papers. **You cannot serve your own court papers.**

Some situations may be dangerous. Think about people's safety when deciding who you want to serve your papers.

The sheriff or marshal may be authorized to serve the court's orders **for free.**

Another peace officer may also serve the orders for free. See selfhelp.courts.ca.gov/EA-restraining-order/sheriff-serves-request for additional information regarding free service by a sheriff, marshal, or other peace officer.

A "registered process server" is a business you pay to deliver papers. To hire a process server, look for "process server" on the internet or in the yellow pages.

How do I have my court papers served?

○ Step 1: Choose a server

The person who gives your court papers to the other party is called a server. Your server must be at least 18 years old. They must not be protected by the restraining order or involved in your case. This means that you cannot serve your own court papers.

○ Step 2: Have your server give your court papers to the other party

Give your server these instructions:

1. Before you serve the forms, note which forms you have, including the name of the form and the form number. See form EA-200 for a list of forms.
2. Find the person you need to serve. Make sure you are serving the right person by asking the person's name.
3. Give the person the papers. If the person refuses to take the papers, put them on the ground or somewhere next to the person. The person doesn't have to touch or sign for the papers. It is okay if they tear them up.
4. Fill out form EA-200 completely and sign.
5. File form EA-200 with the court or give form EA-200 to the person who is asking for the restraining order so they can file it.

○ Step 3: File proof with the court

The court needs proof that service happened and that it was done correctly. If your server was successful, have your server fully complete and sign form EA-200. **The person you want restrained does not sign anything.**

File form EA-200 with the court in your case as soon as possible. This information will automatically go into a restraining order database that police have access to.

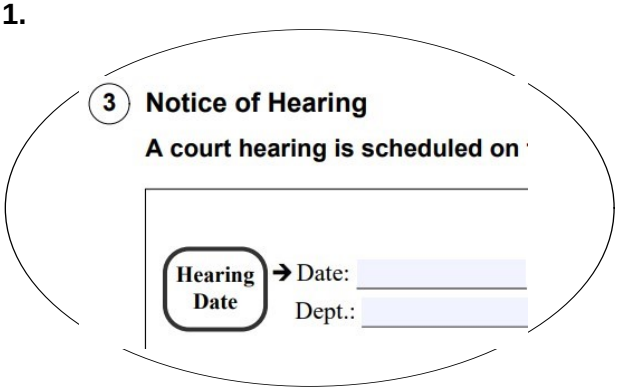
If the sheriff or marshal served your court papers, they may use another form for proof besides form EA-200. Make sure a copy is filed with the court and that you get a copy.

EA-200-INFO What Is "Proof of Personal Service"?

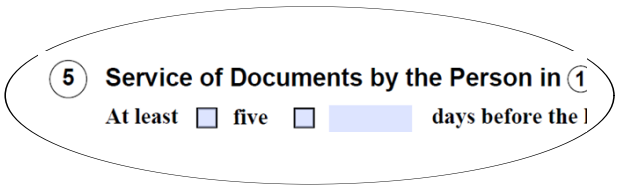
When is the deadline to serve my court papers?

It depends. To know the exact date, you have to look at two items on form EA-109 (*Notice of Court Hearing*) or form EA-309 (*Notice of Court Hearing to Allow Contact*). Follow these steps:

◯ **Step 1: Look at the court date listed on page 1.**



◯ **Step 2: Look at the court date listed on page 2.**



◯ **Step 3: Look at a calendar**

Look at a calendar. Subtract the number of days in item 5 on form EA-109 (or the number of days in item 6 on form EA-309) from the hearing date. That is the deadline to have your court papers served. It's okay to serve your court papers before the deadline.

If nothing is checked or written in item 5 on form EA-109 or item 6 on form EA-309, you must serve the orders at least five days before your court date.

What happens if I can't get my court papers served before the court date?

You will need to ask the court to reschedule (continue) your court date. If you want a restraining order, fill out and file form EA-115 and form EA-116. If you want an order allowing contact, fill out and file form EA-315 and form EA-316. These forms ask the judicial officer for a new court date and to make any temporary restraining orders last until the end of the new court date.

If you requested a restraining order and the judicial officer gives you a new court date, the person you want restrained will have to be served with form EA-115, form EA-116, **and** the original papers you filed. If you requested an order allowing contact, you will have to serve the other side with form EA-315, form EA-316, **and** the original papers you filed. You should keep a copy of these forms and a copy of your original paperwork. That way, the police will know your orders are still in effect.

For more information on asking for a new court date, read form EA-115-INFO or form EA-315-INFO.

What if the other party is avoiding (evading) service or cannot be located?

If you've tried many times to serve the restrained person, and you can show the judicial officer that the restrained person is avoiding (evading) service or cannot be located, you may ask the court to allow you to serve another way. If you want to make this request, at your first court date tell the judicial officer details about your attempts to have the restrained person served. The judicial officer may require a written statement for this.

Read form CH-205-INFO/EA-205-INFO (*What If I Am Unable to Have the Person I Want Protection From Personally Served?*) for more information.

EA-210 Summons (Elder or Dependent Adult Abuse Restraining Order)

Clerk stamps date here when form is filed.

Notice! The person in (1) is asking for an Elder or Dependent Adult Abuse Restraining Order against you.

(¡Aviso! La persona en (1) está pidiendo una orden de restricción de maltrato de anciano o adulto dependiente contra usted. Lea este formulario en español: selfhelp.courts.ca.gov/jcc-form/EA-210.)

If ordered by a judge to use this form, complete items (1) and (2) only.

Fill in court name and street address:

Superior Court of California, County of

(1) Person asking for protection:

_____

(2) Notice to *(name of person to be restrained):*

_____

— The court will complete the rest of this form —

Court fills in case number when form is filed.

Case Number:

(3) You have a court date

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

Name and address of court, if different from above:
_____
_____
_____

What if I don't go to my court date?

If you do not go to your court date, the court can grant a restraining order that limits your contact with the person in (1). Having a restraining order against you may impact your life in other ways, including preventing you from having guns and ammunition. If you do not go to your court date, the court could grant everything that the person in (1) asked the judicial officer to order.

How do I find out what the person in (1) is asking for?

To find out what the person in (1) is asking the court to order, go to the courthouse listed at the top of page 1. Ask the court clerk to let you see your case file. You will need to give the court clerk your case number, which is listed above and on page 1. The request for restraining order will be on form EA-100 *(Request for Elder or Dependent Adult Abuse Restraining Order)*.

Where can I get help?

Free legal information is available at your local court's self-help center. Go to selfhelp.courts.ca.gov to find your local center.

Do I need a lawyer?

You are not required to have a lawyer, but you may want legal advice before your court hearing. For help finding a lawyer, you can visit www.lawhelpca.org or contact your local bar association.

[seal] Date: _____ Clerk, by: _____, Deputy

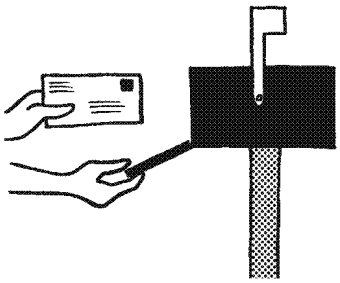
EA-250 Proof of Service by Mail

Clerk stamps date here when form is filed.

1 Name of Person Asking for Protection:

2 Name of Person to Be Restrained:

3 Notice to Server



The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be listed in items 1, 3, or 6 of form EA-100 or in items 1, 2, 3, or 4 of form EA-300.
- Mail a copy of all documents checked in 4 to the person in 5.
- Complete and sign this form and give it to the person in 2.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

4 PROOF OF SERVICE BY MAIL

I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the person in 1 a copy of all documents checked below:

a. ☐ Form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (completed)
b. ☐ Form EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing*
c. ☐ Form EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*
d. ☐ Other *(specify):* _____

5 I placed copies of the documents above in a sealed envelope and mailed them as described below:

a. Name of person served: _____

b. To this address: _____

City: _____ State: _____ Zip: _____

c. On *(date):* _____ Mailed from *(city):* _____ State: _____

6 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(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*

REVOKED January 1, 2027

EA-260 Proof of Service of Order After Hearing by Mail

Clerk stamps date here when form is filed.

You may serve Form EA-130, Elder or Dependent Adult Abuse Restraining Order After Hearing, *on the restrained person by mail if the restrained person was not at the hearing and:*

- *Before the hearing, the restrained person was personally served with Form EA-110,* Temporary Restraining Order, *and proof of service of Form EA-110 was presented to the court at the hearing; and*
- *The judge's orders in Form EA-130 are the same as in Form EA-110 except for the expiration date.*

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

Name: _____

2 Restrained Person

Name: _____

PROOF OF SERVICE BY MAIL

REVOKED January 1, 2027

3 I am 18 years of age or older and am not a party to this proceeding or a person listed in item 3 of Form EA-130. I live or am employed in the county where the mailing took place. I mailed the restrained person a copy of:

a. Form EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing*

b. ☐ Other *(specify):* _____

4 I placed copies of the documents above in a sealed envelope and mailed them as described below:

a. Mailed to *(name)*: _____

b. To this address: _____

City: _____ State: _____ Zip: _____

c. On *(date)*: _____ Mailed from: City: _____ State: _____

5 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(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*

EA-300-INFO Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a restraining order allowing contact?

If a person repeatedly prevents contact between a person 65 years or older (an elder) or a dependent adult and someone the elder or dependent adult wishes to have to contact with, the court may issue an order allowing contact.

When will the court grant a restraining order allowing contact?

The court will grant a restraining order allowing contact if:

- An elder or dependent adult has a preexisting relationship and wants to have contact with a specific person;
- Someone is repeatedly preventing the elder or dependent adult from having contact with that specific person; and
- The person preventing contact is not doing so in response to actual or threatened abuse by the person the elder or dependent adult wishes to have contact with.

If you want a restraining order for other abuse, such as physical or financial abuse, read form EA-100-INFO (*Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?*).

How will the order help me?

The court can order the person preventing contact to stop preventing the contact.

Who can apply for an elder or dependent adult restraining order allowing contact?

In addition to the elder or dependent adult, the following persons may apply for a restraining order allowing contact on behalf of the elder or dependent adult:

- A conservator or trustee of the elder or dependent adult;
- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney;
- A person appointed as a guardian ad litem for the elder or dependent adult;
- An individual with a preexisting relationship who the elder or dependent adult wishes to have contact with, but is being prevented from doing so; and
- Any other person legally authorized to seek such relief.

How much does it cost?

There is no fee for filing a request for a restraining order. You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged. The court can make the person who loses the case pay all the court fees and the lawyer's fee for the other party.

What forms do I need to get the order?

You must fill out all of form EA-300 (*Request for Elder or Dependent Adult Restraining Order Allowing Contact*). If you need attachments, you may use form MC-025 (*Attachment*). You must also fill out items 1 and 2 on form EA-309 (*Notice of Court Hearing to Allow Contact*).

Where can I get these forms?

You can get the forms from legal publishers or on the internet at courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must file your papers with the superior court in the county where the prevention of contact took place or where the person preventing contact lives. Check online or ask the court how to file your request for an elder or dependent adult abuse restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) File your forms electronically or give your forms to the clerk of the court. You can submit your forms electronically at no charge to you by the court. The clerk will give you a hearing date on the *Notice of Hearing* form.

How soon can I get the order?

Orders to stop preventing a person from seeing an elder or dependent adult can only be issued after a hearing. Accordingly, the date of the hearing is the earliest the order can be granted.

EA-300-INFO Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?

How long does the order last?

The length of the order is determined by the court and could last for up to five years.

How will the person preventing contact know about my request for an order?

Someone age 18 or older—not you or anybody else involved in the case—must "serve" (give) the person to be restrained a copy of the notice of hearing and other forms listed on that notice. The server must then fill out form EA-200 (*Proof of Personal Service*), and give it to you to file with the court. For help with service, ask the court clerk for form EA-200-INFO (*What Is "Proof of Personal Service"?*).

Do I have to attend court?

Yes. Attend court on the date the clerk gives you, which is found on form EA-309 (*Notice of Court Hearing to Allow Contact*).

You can attend the hearing remotely, such as by telephone or videoconference, at no charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: courts.ca.gov/find-my-court.

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the isolation than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Letters, emails

A representative of the county adult protective services agency or witness may appear remotely at the hearing, such as by telephone or videoconference, at no charge by the court. These people can also go to court in person.

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form MC-030 (*Declaration*) for this.)

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

Can the elder or dependent adult and the person preventing contact agree to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. The person who requested the order or the person preventing contact would have to file a request with the court to cancel the order.

What if I don't speak English?

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

What if I have a disability?

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

For help in your area, contact:

[Local information may be inserted.]

EA-309 Notice of Court Hearing to Allow Contact

Clerk stamps date here when form is filed.

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 Elders or Dependent Adults

Full Name: _____

Full Name: _____

Full Name: _____

2 Person Alleged to Be Preventing Contact

Full Name: _____

3 Person Who Wants Contact With the Elders or Dependent Adults

Full Name: _____

4 Person Requesting Order

a. Full Name: _____

☐ Lawyer for person requesting order:

Name: _____

Firm Name: _____

b. ☐ Address for the person requesting order *(If you have a lawyer, give your lawyer's information. If you 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: _____

The court will complete the rest of this form.

5 Notice of Hearing

A court hearing is scheduled on the request for restraining order allowing contact against the person in 2:

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

_____

_____

_____

_____

You may attend your hearing 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-my-court.

To the person in 2:

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

Case Number:

6 Service of Documents by the Person in 4

a. Someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court's file-stamped copy of this form EA-309 to the person in 2 along with a copy of all the forms indicated below:

(1) EA-300 (*Request for Elder or Dependent Adult Restraining Order Allowing Contact*) (file-stamped)

(2) EA-320 (*Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*) (blank form)

(3) EA-320-INFO (*How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*)

b. The service described in 6 a must be completed at least:

(1) ☐ Five days before the hearing.

(2) ☐ _____ days before the hearing.

Date: _____ _____

Judicial Officer

To the Person in 4 :

- The court cannot make the restraining order requested unless the person in 2 has been personally given (served) a copy of your request. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. Form EA-200 (*Proof of Personal Service*) may be used.
- For information about service, read form EA-200-INFO (*What Is "Proof of Personal Service"?*).
- You may ask to reschedule the hearing if you are unable to find the person in 2 and need more time to serve the documents, or for other good reasons. Read form EA-315-INFO (*How to Ask for a New Date for a Hearing to Allow Contact*).
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-300 (*Request for Elder or Dependent Adult Restraining Order Allowing Contact*). Bring any evidence or witnesses you have. For more information, read form EA-300-INFO (*Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?*).

Case Number:

To the Person in ❷ :

- If you want to respond to the request for an order in writing, file form EA-320 (*Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*) and have someone age 18 or older—**not you or anybody else involved in the case—**mail it to the person in ❹.
- The person who mailed the form must fill out a proof of service form. Form EA-250 (*Proof of Service by Mail*) may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make a restraining order against you that could last up to five years.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-315-INFO (*How to Ask for a New Date for a Hearing to Allow Contact*).

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.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing to Allow Contact* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____ , Deputy

EA-316 Order on Request to Continue Hearing on Request to Allow Contact

Clerk stamps date here when form is filed.

Complete items (1), (2), (3), and (4) only.

(1) **Elders or Dependent Adults:**

(2) **Party Alleged to Be Preventing Contact:**

(3) **Person Who Wants Contact With the Elders or Dependent Adults**

(4) **Person Requesting Order**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will complete the rest of this form.

(5) Next Court Date

a. ☐ The request to reschedule the court date is **denied**.

Your court date is: _____

Your court date is not rescheduled because:

b. ☐ The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See (6)–(9) for more information.

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

Name and address of court, if different from above:

(6) Reason Court Date Is Rescheduled

a. ☐ There is good cause to reschedule the court date *(check one)*:

(1) ☐ The party requesting the order has not served the party preventing contact.

(2) ☐ Other: _____

b. ☐ This is the first time that the party alleged to be preventing contact has asked for more time to prepare.

c. ☐ The court reschedules the court date on its own motion.

This is a Court Order.

Case Number:

7 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. ☐ **Party requesting order**

(1) ☐ You do not have to serve the party alleged to be preventing contact because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) ☐ You must have the party alleged to be preventing contact personally served with a copy of this order and a copy of all documents listed on form EA-309, item 6, by *(date):* _____

(3) ☐ You must have the party alleged to be preventing contact 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 have the restrained party served as ordered on form CH-117/EA-117.

(5) ☐ Other: _____

b. ☐ **Party alleged to be preventing contact**

(1) ☐ You do not have to serve the party requesting contact because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) ☐ You must have the party requesting contact personally served with a copy of this order by *(date):* _____

(3) ☐ You must have the party requesting contact 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 Remote Appearances

You may attend your hearing listed in 5 remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed on page 1. To find the court's website, go to courts.ca.gov/find-my-court.

10 ☐ Other Orders

_____

_____

_____

_____

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 hearing. Contact the clerk's office or go to courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Order on Request to Continue Hearing on Request to Allow Contact* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

EA-320 Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Use this form to respond to the *Request* (form EA-300)

- Read form EA-320-INFO (*How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older**—not you or anybody else involved in the case—**serve the person or persons listed in (1) by mail with a copy of this form and any attached pages. *(Use form* EA-250 *(*Proof of Service by Mail*)).*

(1) Elders or Dependent Adults

Names: _____

_____

(2) Person Alleged to Be Preventing Contact

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: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-309, item (5), here:

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

At the hearing, the court may make an order against you that lasts for up to five years.

(3) Person Who Wants Contact With the Elders or Dependent Adults

Name: _____

(4) Person Requesting Order

Name: _____

(5) ☐ Order Allowing Contact

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested. *(Specify why you disagree in items (7) and (8) on page 2.)*

(6) ☐ Denial

I did not do anything I was accused of in item (8) of form EA-300. *(Skip to (8).)*

Case Number:

7 ☐ Justification or Excuse

If I did some or all of the things that the person asking for the order has accused me of, my actions were justified or excused for the following reasons *(explain):*

☐ *Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7–Justification or Excuse" as a title. You may use form MC-025* (Attachment).

8 ☐ Reasons I Do Not Agree to the Order Requested

Explain why you do not agree to the requested order allowing contact.

☐ *Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8—Reasons I Disagree" as a title. You may use form MC-025* (Attachment).

Case Number:

9 ☐ Lawyer's Fees and Costs

a. ☐ I ask the court to order payment of my ☐ lawyer's fees ☐ court costs. The amounts requested are:

Item	Amount	Item	Amount
	$		$
	$		$
	$		$

☐ *Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 9—Lawyer's Fees and Costs" for a title. You may use form MC-025* (Attachment).

b. ☐ I ask the court to deny the request of the person asking for the order named in 4 that I pay their lawyer's fees and costs.

10 Number of pages attached to this form, if any: _____

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 and on all attachments is true and correct.

Date: _____

_____ ▶ _____

Type or print your name *Sign your name*

EA-320-INFO How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?

What is a restraining order allowing contact?

It is a court order that prohibits you from preventing an elder or dependent adult from having contact with someone the elder or dependent wishes to have contact with.

Who can ask for a restraining order allowing contact?

If you are preventing an elder or dependent adult from having contact with a person that the elder or dependent adult wishes to have contact with, the following people can ask for a restraining order:

- The elder or dependent adult;
- The person that the elder or dependent adult is being prevented from seeing; *or*
- A conservator, attorney-in-fact, or person appointed as guardian ad litem for the elder or dependent adult.

I've been served with a request for elder or dependent adult restraining order allowing contact. What do I do now?

Read the papers served on you very carefully. Form EA-309 (*Notice of Court Hearing*) tells you when to appear in court.

What if I don't agree with what the request says?

If you disagree with the order the person is asking for, fill out form EA-320 (*Response to Request for Elder and Dependent Adult Restraining Order Allowing Contact*), before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025 (*Attachment*). You can get forms from legal publishers or on the internet at courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

Do I have to serve the other parties with a copy of my response?

Yes. Have someone age 18 or older—**not you or anybody else involved in the case**—mail a copy of completed form EA-320 to the other parties in the case (or their lawyers). (This is called "service by mail.")

The person who serves the form by mail must fill out form EA-250 (*Proof of Service by Mail*). Have the person who did the mailing sign the original. Take a completed form back to the court clerk, or bring it with you to the hearing.

Should I attend the court hearing?

Yes. You should attend court on the date listed on form EA-309 (*Notice of Court Hearing to Allow Contact*). If you do not attend the hearing, the judicial officer can make an order against you without hearing from you.

You can attend the hearing remotely, such as by phone or videoconference, at no additional charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information can also be found on the court's website, which you can find here: courts.ca.gov/find-my-court.

How long does the order last?

The length of the order is determined by the court and could last for up to five years.

Do I need a lawyer?

Having a lawyer is always a good idea but is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to that person unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. A representative of the county adult protective services agency or witness may appear remotely at the hearing, such as by phone or videoconference, at no charge by the court. These people can also go to court in person.

But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form MC-030 (*Declaration*) for this.

EA-320-INFO How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?

Can I agree with the elder or dependent adult to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the person who requested the order would have to file a request with the court to cancel the order.

What if I don't speak English?

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

What if I have a disability?

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

For help in your area, contact:

[Local information may be inserted.]

EA-710 Notice of Hearing to Renew Restraining Order

Clerk stamps below when form is filed.

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

a. Full Name:

☐ Person requesting protection for the elder or dependent adult, if different *(person named in item 3 of form EA-100):*

Full Name: _____

Lawyer for person named above *(if any 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 Restrained Person

Full Name: _____

Address *(if known):* _____

City: _____ State: _____ Zip: _____

To the Restrained Person:

3 Court Hearing

The judge has set a court hearing date. *Court will fill in box below.*

The current restraining order stays in effect until the end of the hearing.

Name and address of court if different from above:

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

You may attend your hearing 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-my-court.

At the hearing, the judge can renew the current restraining order for up to another five years or make it permanent. You *must* continue to obey the current restraining order until the hearing. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* obey the order even if you do not attend the hearing.

This is a Court Order.

Case Number:

If you wish to make a written response to the request to renew the restraining order, you may fill out form EA-720 *(Response to Request to Renew Restraining Order)*. File the original with the court before the hearing and have someone age 18 or older**—not you—**mail a copy of it to the person in (1) at the address in (1) at least _____ days before the hearing. Also file form EA-250 *(Proof of Service by Mail) w*ith the court before the hearing.

To the Protected Person:

(4) Service and Response

Someone age 18 or older**—not you or anyone else protected by the restraining order—**must personally serve (give) a copy of the following forms on the restrained person at least _____ days before the hearing.

- EA-700 (*Request to Renew Restraining Order*);
- EA-710 (*Notice of Hearing to Renew Restraining Order*) (this form);
- EA-720 (*Response to Request to Renew Restraining Order*) (blank copy);
- EA-130 (*Elder or Dependent Adult Abuse Restraining Order After Hearing*), the current order for which renewal is requested.

After the restrained person has been served, file form EA-200 *(Proof of Personal Service)* with the court clerk. For help with service, read form EA-200-INFO *(What Is "Proof of Personal Service"?).*

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 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.

EA-730 Order Renewing Elder or Dependent Adult Abuse Restraining Order

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

a. Full Name:

_____

☐ Person requesting protection for the elder or dependent adult, if different *(person named in item 3 of form EA-100)*:

Full Name: _____

Lawyer for person named above *(if any 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 Restrained Person

Full Name: _____

Address *(if known):* _____

City: _____ State: _____ Zip: _____

3 Hearing

There was a hearing on *(date):* _____ at time: _____ ☐ a.m. ☐ p.m. Dept.: _____ Room: _____

(Name of judicial officer): _____ made the orders at the hearing.

These people attended the hearing:

a. ☐ The protected person

b. ☐ The restrained person

c. ☐ The lawyer for the protected person *(name):* _____

d. ☐ The lawyer for the restrained person *(name):* _____

☐ Additional persons present are listed on Attachment 3.

4 Renewal and Expiration

The request to renew the attached *Elder or Dependent Adult Restraining Order After Hearing*, originally issued on *(date):* _____, is:

a. ☐ **GRANTED**. The attached order is renewed and will now be in effect for:

☐ 5 years ☐ permanently *(The renewed restraining order must be attached to this form.)*

The attached order will expire on:
(date): _____ *(time):* _____ ☐ a.m. ☐ p.m. or ☐ midnight

If no expiration date is written here, the order expires three years from the date of the hearing in item 3.

b. ☐ **DENIED**. The attached order expires as stated in item 4 of the order.

Date: _____

_____
Judicial Officer

This is a Court Order.

SPR26-37 Chart of Comments

Protective Orders Rules and Forms to Implement Assembly Bill 561 (adopt form EA-210; revise forms CH-100-INFO, CH-109, CH-110, CH-116, CH-120-INFO, CH-710, CH-730, EA- 100-INFO, EA-109, EA-110, EA-116, EA-120, EA-120-INFO, EA-200, EA-200-INFO, EA-250, EA-300-INFO, EA- 309, EA-316, EA-320, EA-320-INFO, EA-710, and EA-730; revoke form EA-260)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Bet Tzedek Legal Services by Dani Kaiserman, Senior Staff Attorney	Bet Tzedek Legal Services (Bet Tzedek) respectfully submits the following comments in response to the Judicial Council's Invitation to Comment number SPR26-37. This proposal amends forms related to civil harassment restraining orders (CHROs) and elder or dependent adult restraining orders (EAROs) to comply with AB 561. Bet Tzedek is a 501(c)(3) legal services organization that has provided free legal services to low-income and vulnerable residents throughout Los Angeles County for over fifty years. Bet Tzedek serves victims of elder and dependent adult abuse who are seeking elder and dependent adult abuse restraining orders through a self-help clinic model and direct representation in court. Bet Tzedek worked with community partners and legislative officials to co-sponsor AB 561.	No response required.
Bet Tzedek Legal Services (continued)	We submit the following responses to the request for specific comments: 1.Does the proposal appropriately address the stated purpose? Yes, the proposal does address the stated purpose. Bet Tzedek has a few suggestions on how to better do so.	The committee appreciates the information provided.
Bet Tzedek Legal Services (continued)	On the Proposed EA-100-INFO: In response to the question, "How will the person to be restrained know about the order?" the answer only mentions giving (personally serving) the order. This would be an opportunity to add information about alternative service options. Something similar to what is written on the EA-200-INFO, like "If you've tried many times to serve the restrained person and you can show the judicial officer that the restrained person is avoiding (evading) service or cannot be located, you may ask the court to allow you to serve another way. See EA-205-INFO for more information."	The committee does not recommend including information about alternative service on form EA-100-INFO because that form is intended to be general and to provide specific information about a means of service that is only available after a showing by the petitioner and a determination by the court may be confusing to litigants. Additionally, proposed form EA-100-INFO directs users to form EA-200-INFO.

Commenter	Comment	Committee Response
Orange County Bar Association by Shirin Forootan, President	Position: Agree The proposed forms appropriately addresses the stated purpose.	The committee appreciates the information provided.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-37 Protective Orders: Rules and Forms to Implement Assembly Bill 561," the Court agrees the proposal appropriately addresses the stated purpose. The proposal will not result in cost savings. To implement the proposal, the Court would need to train judicial officers and clerical staff. Training would be minimal. It would also need to update its procedures and case management system to include the additional form. Two months should be sufficient time for implementation. The proposal will work for courts of different sizes.	The committee appreciates the information provided.
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions by Christine Nguyen, Operations Analyst	1. Does the proposal appropriately address the stated purpose? Response: ☒ Yes ☐ No Yes. The proposal updates CHRO and EARO forms to reflect AB 561's electronic-submission, remote-appearance, and EARO alternative-service provisions.	The committee appreciates the information provided.
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	2. Would the proposal provide cost savings? If so, please quantify. Response: No measurable direct cost savings are anticipated. Any efficiencies would likely be indirect, such as clearer electronic-submission instructions, fewer service-related continuances, and clearer remote appearance and alternative-service procedures. Courts may still incur one-time implementation costs to update procedures, forms, website instructions, staff guidance, and CMS updates.	The committee appreciates the information provided.

Commenter	Comment	Committee Response
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	3. What would the implementation requirements be for courts – for example, training staff, revising processes and procedures, changing docket codes in case management systems, or modifying case management systems? Response: Implementation would require updating CHRO and EARO procedures, self-help materials, website instructions, remote appearance procedures, alternative-service guidance, electronic document-return procedures, and proof of service procedures. This should include procedures for returning hearing notices, service copies, and any granted temporary orders for eFiled CHRO and EARO matters, where applicable. Civil/protective order staff, Probate/EARO staff, courtroom staff, case processing staff, eFiling staff, self-help staff, and supervisors would need training or written guidance on the new and revised forms, electronic submission, electronic return of filed or granted documents, remote appearances, EARO alternative service, and updated proof of service procedures. Judicial officers and research attorneys may need a shorter reference update on remote appearances and EARO alternative-service findings. CMS updates may be needed to add EA-210, update EA-250, retire EA-260, update references to revised CHRO and EARO forms, and coordinate references to related CH-117/EA-117 and CH-205-INFO/EA-205-INFO material.	The committee appreciates the information provided.
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	4. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Response: ☐ Yes ☒ No No. Two months may not be sufficient time given the number of CHRO and EARO forms affected and the need to update procedures, QRGs, website instructions, remote appearance materials, CMS references, and staff training. Courts would benefit from coordinated final materials and additional lead time, especially because SPR26-37 depends in part on related AB 747/SB 85 materials, including CH-117/EA-117 and CH-205-INFO/EA-205-INFO. Prompt final	The committee acknowledges that it may be difficult for courts and others to implement this proposal in two months, but notes that because the provisions of AB 561 become effective on January 1, 2027, it is not possible to delay implementation of this proposal beyond January 1.

Commenter	Comment	Committee Response
	versions of the related materials would help courts update local packets, website instructions, eFiling references, and staff guidance consistently.	
Superior Court of Orange County Appellate, Civil/Small Claims, and Probate/Mental Health Divisions (continued)	5. How well would this proposal work in courts of different sizes? Response: It would work well. Larger courts may need more coordination across units. Smaller courts should benefit from clearer statewide forms but will still need local website and procedure updates.	The committee appreciates the information provided.
Superior Court of Riverside County	Position: Not indicated. The Civil and Small Claims Advisory Committee proposes adopting 1 form, revising 23 forms, and revoking 1 form to implement Assembly Bill 561 (Stats. 2025, ch. 267). AB 561 amends the statutes governing civil harassment restraining orders (CHROs) and elder or dependent adult abuse restraining orders (EAROs). For both CHROs and EAROs, AB 561 authorizes the electronic submission of certain documents and also authorizes certain persons to appear remotely. For EAROs, AB 561 authorizes alternative methods of service if there is reason to believe that the respondent is evading service or cannot be located. All the abovementioned provisions become operative on January 1, 2027.	No response required.
Superior Court of Riverside County (continued)	Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the information provided.
Superior Court of Riverside County (continued)	Would the proposal provide cost savings? No.	The committee appreciates the information provided.
Superior Court of Riverside County (continued)	What would the implementation requirements be for the court? Updates to the case management system (CMS), procedures, and trainings for judicial officers and staff (Self-Help, Courtroom and Clerk's Office). Possibly also need to revise a local rule relating to remote appearances.	The committee appreciates the information provided.
Superior Court of Riverside County (continued)	Would 2 months provide sufficient time for implementation? Yes, provided the final forms are available timely.	The committee appreciates the information provided.

Commenter	Comment	Committee Response
Superior Court of Riverside County (continued)	How well would this proposal work in courts of different sizes? Depending on the updates needed for the CMS and staff shortages, courts of any size may require more time to make the necessary changes and provide training for staff.	The committee appreciates the information provided.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Position: Agree Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the information provided.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information provided.
Superior Court of San Diego County (continued)	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 local packets, internal procedures, and adding new forms to case management system.	The committee appreciates the information provided.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time.	The committee appreciates the information provided.
Superior Court of San Diego County (continued)	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 information provided.
TCPJAC/CEAC Joint Rules Subcommittee	Position: Agree The JRS notes that the proposal is required to conform to a change of law.	The committee appreciates the information provided.

Rules Committee Action Request Form

Item number: 38

Rules Committee Meeting Date: September 10, 2026

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

Title of proposal: Protective Orders: Changes to Forms DV-310 and DV-300-INFO

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Revise forms DV-300-INFO and DV-310

Advisory 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: October 16, 2025; Amended January 7, 2026
Project description from annual agenda: Item 12 - Project Summary:If time and resources permit, the committee will consider recommending revisions to the rules and forms regarding requests to change or end orders issued in Domestic Violence Prevention Act cases to address court operational concerns and to refine the forms for greater clarity. This will include consideration of forms related to making the request, serving the request, and orders issued as a result of the request. The committee will also consider whether to amend existing rules of court or adopt new rules of court to clarify this process. This project is in response to the request of local courts and will improve court efficiency and avoid confusion.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☒ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-152

For business meeting on October 16, 2026

Protective Orders: Changes to Forms DV-300-INFO and DV-310 (DRAFT)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Revise forms DV-300-INFO and DV-310

Effective Date
January 1, 2027

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Date of Report
August 17, 2026

Contact
Kristen Schmit, 415-465-7712
kristen.schmit@jud.ca.gov

Report Type
Action Required

Executive Summary

The Family and Juvenile Law Advisory Committee recommends revising *How Do I Ask to Change or End a Domestic Violence Restraining Order?* (form DV-300-INFO) and *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (form DV-310) to address court operational concerns and improve form usability, organization, and clarity.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2027, revise forms DV-300-INFO and DV-310.

The proposed revised forms are attached at pages 5–11.

Relevant Previous Council Action

Effective January 1, 2025, the Judicial Council adopted a new series of domestic violence forms to allow either party to request a change to or termination of a domestic violence restraining order. The newly adopted forms included DV-300-INFO and DV-310. Prior to the adoption of this new form series, litigants seeking to change or end a domestic violence restraining order or respond to such a request had to use family law forms FL-300 and FL-320.

Analysis/Rationale

The recommendation is based on suggestions from courts that experienced implementation challenges with the DV-300 form series. This recommendation also includes revisions to further incorporate trauma-informed practices into the domestic violence restraining order forms and increase access to justice. These revisions do not alter statutory service requirements but clarify for litigants the methods of service authorized by form DV-310. The recommended revisions also promote clarity for parties and law enforcement by ensuring that when temporary relief is granted, there is a single operative restraining order in effect until the hearing.

How Do I Ask to Change or End a Domestic Violence Restraining Order? (form DV-300-INFO)

This information form was approved to answer questions that parties might have about the process for changing or ending a domestic violence restraining order, including when to use a different process. The committee recommends revising item 4 on page 3 of this information form to incorporate the proposed revisions to form DV-310. The committee also recommends several non-substantive revisions throughout the form for grammar and clarity.

Notice of Court Hearing and Temporary Order to Change or End Restraining Order (form DV-310)

Form DV-310 was adopted to provide both parties with notice of the court hearing on a request to change or end a restraining order, as well as the court's decisions on the type of service required, the deadline for service, and the request for temporary orders, if applicable.

The committee recommends revising items 3 and 4 to clarify for parties and law enforcement which orders remain operative and enforceable until the scheduled hearing. Specifically, in item 3, the committee recommends removing phrase "the current restraining order remains in full effect," and in item 4, the committee recommends revising the options to more clearly explain the court's order and the status of the current restraining order. If temporary orders are not requested, a judicial officer may select a checkbox option to indicate that the request does not require ex parte review or processing.

The committee also recommends revising item 5a to clarify when different methods of service may be used and the corresponding court-ordered service deadlines. These revisions seek to increase access to justice by clarifying that a party may have multiple service method options and may choose the method that is most convenient or cost-effective when personal service is not required.

This revision promotes the committee's goal of incorporating trauma-informed best practices into the domestic violence forms, given the litigant population served in these cases. Restoring autonomy and choice in domestic violence survivors' lives is a key component of trauma-informed practices. Those principles can be incorporated into court forms by providing litigants with options whenever appropriate.

Finally, given the recommended revisions to items 3 and 4, the committee recommends removing item 7b, which asked the court to state whether it had attached forms DV-140, DV-145, or other forms.

Policy implications

These recommended form revisions are intended to address court operational concerns and improve form useability, organization, and clarity. The recommended revisions are consistent with the judicial branch's strategic plan goals of Access, Fairness, Diversity, and Inclusion (Goal I) and Quality of Justice and Service to the Public (Goal IV).

Comments

This proposal circulated for comment from April 13 through May 18, 2026, as part of the Judicial Council's spring 2026 invitation-to-comment cycle. The committee received 10 comments from a range of organizations including superior courts, other governmental organizations, and nongovernmental organizations. Six commenters agreed with the proposal, one commenter agreed if modified, and three commenters did not indicate a position. No commenters disagreed with the proposal. In general, commenters supported the proposal and appreciated the committee's efforts to address the implementation issues associated with the DV-300 form series. A chart with the full text of the comments received and the committee's responses is attached at pages 12–25.

One commenter suggested using *Temporary Restraining Order* (form DV-110) to issue temporary orders instead of using item 4 on form DV-310 to temporarily modify existing form DV-130. The purpose of item 4 is to provide parties and law enforcement with a single operative order to follow and enforce pending the noticed hearing. Using form DV-110 in conjunction with an existing form DV-130 could create uncertainty regarding which provisions govern and increase the risk of ineffective enforcement. By directing the court to temporarily modify existing form DV-130 pending the noticed hearing, the proposal ensures there is a single operative order for the parties and law enforcement to follow and enforce. Therefore, the committee does not recommend using form DV-110 when a court grants a protected person's request for temporary orders on form DV-310.

Alternatives considered

The committee considered not revising the forms, but the identified implementation challenges stemming from the forms in their current construction would remain unaddressed. This would impact not only court processes and operations but also all form users.

Fiscal and Operational Impacts

Although requiring judicial officers to complete item 4 on form DV-310 may initially require additional processing time, the proposed revisions are expected to improve judicial economy by providing clearer instructions regarding the processing of DV-300 requests and reducing the likelihood of confusion regarding which orders remain operative under the DV-300 series. Judicial officers will save time by not having to review every DV-300 form as an ex parte temporary order request. Moreover, revising item 5 on form DV-310 will reduce the number of hearings rescheduled because of confusion about how to properly serve all papers on the other party. Additional education and training may be needed for judicial officers and court staff processing DV-300 requests regarding the changes to the forms as well as updates to case management systems.

Attachments and Links

1. Forms DV-300-INFO and DV-310, at pages 5–11
2. Chart of comments, at pages 12–25

DV-300-INFO How Do I Ask to Change or End a Domestic Violence Restraining Order?

Who can make a request?

The protected person or the restrained person can ask the judge to change or end the restraining order. Other people protected by the restraining order (listed on form DV-130, item 3, or JV-255, item 3) cannot ask to change or end the order.

How do I ask to change or end a domestic violence restraining order?

You will need to complete court papers and file them with the court. After you file your court papers, you will get a court date and you must have the other party served. You must attend your court date for the judge to decide whether to grant your request. See page 3 of this information sheet for step-by-step instructions.

What if I want to renew my restraining order?

If you are the protected person, you can ask the court to renew your restraining order. You must make your request before your restraining order expires. For information on how to renew your restraining order, read form DV-700-INFO, (*How Do I Ask the Court to Renew My Restraining Order?*)

What if my restraining order has expired?

If your form DV-130, DV-730, or JV-255 (*Restraining Order After Hearing*) has expired, do not follow the steps on page 3.

- If you need another restraining order, you will need to make a new request. Read form DV-505-INFO, (*How to Ask for a Domestic Violence Restraining Order*).
- If the restraining order included child custody, visitation (parenting time), child support, spousal support, support for a domestic partner, or property orders, these orders remain in effect and can be changed only by a judge. For information on how to ask to change these orders, read form FL-300-INFO, (*Information Sheet for Request for Order*).

Do I have to pay to file form DV-300 with the court?

No. There is no court fee.

How do I end or change a temporary restraining order?

If you have a temporary restraining order (form DV-110 or DV-116) and you want to change or end the order, a lawyer or the court's self-help center may be able to help you. Do not use the process described in this information sheet to change or end a temporary restraining order.

What if I want to change or end a juvenile restraining order?

If you have a restraining order based on domestic violence that was granted by a juvenile dependency court (form JV-255), and the juvenile case has been closed (dismissed), follow the steps on page 3 of this information sheet to ask to change or end the juvenile restraining order.

- If your juvenile case is still open, talk to your lawyer about how to change or end the restraining order.
- If you have a juvenile restraining order that was granted in a juvenile justice (delinquency) case (form JV-265), ask your lawyer or the prosecutor about how to change or end the restraining order.

What if I want the judge to grant an order that was not included in the *Restraining Order After Hearing*?

The judge may be able to grant the order if it is needed for more protection. Follow the steps on page 3 of this information sheet to make the request. You will need to describe the orders you want and explain why they are needed.

When will my restraining order change or end?

Only the court has the power to change or end the restraining order. The restraining order remains in effect and must be followed until a judge changes or ends the order.

DV-300-INFO How Do I Ask to Change or End a Domestic Violence Restraining Order?

What orders can I ask to change or end?

You can ask to change or end any order granted in a *Restraining Order After Hearing*, except for orders related to firearms, ammunition, or body armor. The judge cannot remove the restriction on having firearms, ammunition, or body armor. If you need to carry a firearm for your job, the judge may grant you a limited exception, but there are strict requirements. Ask a lawyer or your court's self-help center for more information.

What if I want to change child custody orders?

- If child custody orders were made through your restraining order, you can ask to change these orders by following the steps on page 3 of this information sheet.
- If custody or visitation orders were made in a separate family law case, do not follow the steps on page 3 of this form; read form FL-300-INFO, (*Information Sheet for Request for Order*).

Note that a special law applies to child custody orders when there has been domestic violence. For more information, go to selfhelp.courts.ca.gov/domestic-violence-child-custody.

If I ask to end the restraining order, what will happen to the child custody, visitation, support, or property orders?

If a judge ends the restraining order, any child custody, visitation (parenting time), child support, spousal support, support for a domestic partner, or property orders will remain in effect, unless the court also changes or ends those orders.

Where can I find a self-help center?

Free legal help is available at your court's self-help center. Find your local court's self-help center at selfhelp.courts.ca.gov/find. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case and help you with the forms. Staff may also refer you to other agencies that may be able to help you.

What if I need an interpreter?

You may use form INT-300 to request an interpreter or ask the clerk how you can request one.

I have a disability. How can I get help?

You may use form MC-410 to request assistance. Contact the disability/ADA coordinator at your local court for more information.

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.)

Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in more than 100 languages. Go to thehotline.org or call 1-800-799-7233.

Confidential Address Program

If you are a victim of domestic violence or live with a victim of domestic violence, there is a special program called Safe at Home that you can apply for. It is a free program that can help you keep your address private. To learn more about the program, go to sos.ca.gov/registries/safe-home. Note that it may take several weeks to be approved.

DV-300-INFO How Do I Ask to Change or End a Domestic Violence Restraining Order?

Steps to make a request

1 Complete court forms:

- Form DV-300, (*Request to Change or End Restraining Order*); and
- Form DV-310, (*Notice of Court Hearing and Temporary Order to Change or End Restraining Order*) (items 1 and 2 only).
- If you are asking to change child custody and visitation orders, you must complete form DV-305, (*Request to Change Child Custody and Visitation Orders*).

2 File forms with court

File all forms with the court clerk. Make sure you include a copy of your current form DV-130, (*Restraining Order After Hearing*) with form DV-300. You can file in person or electronically. For more information on how or where to file, go to the court's website. To find the court's website, go to selfhelp.courts.ca.gov/find.

3 Get your papers back from the court

Once you get your papers back from the court, you will have a court date (see form DV-310). If you asked for any temporary orders, look at form DV-310 to see if the judge granted or denied that request. Make sure you get at least two copies back: one for you and one to have served to the other party. If you filed your papers electronically, the court will give the papers back to you electronically, unless you asked to pick them up or receive them by mail.

4 Have the other party served with papers

- **If you are the restrained person**, you must have the protected person personally served. This means you must have an adult, not you or anyone protected by the restraining order, personally give a copy of all the court papers (listed on form DV-310, item 5b) to the protected person. Your server must then complete form **FL-330**, (*Proof of Personal Service*). Make a copy of the completed form FL-330 and file it with the court. If you cannot have the protected person personally served, contact a lawyer or self-help center for other options.
- **If you are the protected person**, you may be able to choose to have your papers either personally served or mailed to the restrained person. Look at form DV-310 to see how to have your papers served and the date you must have your papers served by.

  For both types of service listed below, your server must be an adult and cannot be you or anyone protected by the restraining order.

  For Personal Service:
  Your server must personally serve all the court papers (listed on form DV-310, item 5b) to the restrained person. Your server must then complete form DV-200, (*Proof of Personal Service*). Make a copy of the completed form DV-200 and file it with the court.

  For Service by Mail:
  Your server must mail a copy of all the court papers (listed on form DV-310, item 5b) to the restrained person. Your server must then complete form DV-250, (*Proof of Service by Mail*). Make a copy of the completed form DV-250 and file it with the court.

DV-300-INFO How Do I Ask to Change or End a Domestic Violence Restraining Order?

5 What happens if I can't get my court papers served before the court date?

If you can't serve the other side before your court hearing, you will need to ask the judge to reschedule your court hearing. Fill out and file forms DV-315 and DV-316. The judge will review your request and decide whether to reschedule your court hearing. If you do not receive a signed copy of form DV-316 from the judge before your court date or the judge denies your request to reschedule your hearing, you *must* attend your court date (listed on form DV-310 or DV-316) if you still want to move forward with your request.

6 Get ready for and attend your court hearing

At your court hearing, the judge will decide whether to grant your request to change or end the restraining order. At the hearing, you and the other side will have the opportunity to tell your side of the story. Bring any evidence or witnesses you have. If you don't want to attend your court hearing in person, go to the court's website to find out more information about attending by phone or videoconference.

DV-310

Notice of Court Hearing and Temporary Order to Change or End Restraining Order

Clerk stamps date here when form is filed.

Draft
Not approved by
Judicial Council

Instructions: The person making the request must complete items (1) and (2). The court will complete the rest of this form.

(1) Protected Person

Name: _____

(2) Restrained Person

Name: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

(3) Notice of Hearing

A court hearing is scheduled on the request to change or end a domestic violence restraining order:

Name and address of court if different from above:

Date: _____ Time: _____

Dept.: _____ Room: _____

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-my-court.htm.

(4) Orders in Effect Until the Court Hearing Listed in (3)

a. ☐ **No temporary orders were requested.** The current restraining order (form DV-130) issued on *(date of order):* _____ remains in full force and effect.

b. ☐ **The request for temporary orders is denied.** The current restraining order (form DV-130) issued on *(date of order):* _____ remains in full force and effect.

Reason for denial: _____

☐ Additional reasons for the denial are given on Attachment 4.

c. ☐ **The request for temporary orders is granted.**

(1) The orders *(check all that apply):*

☐ Have been requested by the protected person and are needed to prevent domestic violence.

☐ Are needed to help prevent (1) irreparable harm to a child in this case, or (2) a child from being removed from California.

(2) The court changes the orders previously granted and signs an amended form DV-130, which is in effect until the hearing scheduled in (3).

This is a Court Order.

Case Number:

5 Service

a. ☐ Protected person ☐ Restrained person

1. ☐ Must have the forms in 5b served by personal service because the request was made by the restrained person or the court has granted temporary orders.

   This order must be personally served by *(date):* _____

2. ☐ Must have the forms in 5b served by mail or personal service because the request was made by the protected person and the court did not grant temporary orders.

   This order must be personally served by *(date):* _____ or mailed by *(date):* _____

b. Forms to Serve:

- DV-300 (*Request to Change or End Restraining Order)* and all attachments (if any)
- This form DV-310 (*Notice of Court Hearing and Temporary Order to Change or End Restraining Order*) and all attachments (if any)
- A blank form DV-320 (*Response to Request to Change or End Restraining Order*)

6 No Fee to Serve Order

The sheriff or marshal will serve this order (give this order to the other party) for free. If you want the sheriff to serve your papers, (1) complete form SER-001 (*Request for Sheriff to Serve Court Papers*), and (2) give the completed form and a copy of this order to the sheriff.

7 ☐ Attached Pages

All of the attached pages are part of this order.

Number of pages attached to this three-page form: _____

Judge's Signature

Date: _____

_____
Judge or Judicial Officer

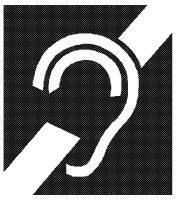
This is a Court Order.

Case Number:

How to Respond to This Request to Change or End Restraining Order

- **Respond in writing *(optional):*** You can respond in writing by completing form DV-320 (*Response to Request to Change or End Restraining Order*). File the original with the court, and have someone 18 or over—**not you**—mail a copy of it to the other party before the hearing. Also file form DV-250 (*Proof of Service by Mail*), with the court before the hearing, and bring a copy to the court hearing.

- **At the hearing:** Whether or not you respond in writing, attend the hearing if you want the judge to hear from you before making a decision. At the hearing, tell the judge why you agree or disagree with the request. Bring any evidence or witnesses you have.



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.htm for form MC-410 (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

Instructions to Clerk: If the court made temporary orders in ④, 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. You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by_____, Deputy

This is a Court Order.

SPR26-38 Chart of Comments (DRAFT)

Protective Orders: Changes to Forms DV-300-INFO and DV-310 (Revise forms DV-310 and DV-300-INFO)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
California Child Support Association (CCSA) Judicial Council Forms Committee by Michael Smitsky, Executive Director	Position: Agree Notice of Court Hearing and Temporary Order to Change or End Restraining Order, DV-310, Pages 5-7 The Committee agrees with the proposed changes. How Do I Ask to Change or End a Domestic Violence Restraining Order?, DV-300-INFO, Pages 8-11 The Committee agrees with the proposed changes.	The committee appreciates the response.
California Lawyers Association Family Law Section Executive Committee (FLEXCOM) by Saul Bercovitch, Chief Governmental Affairs Officer and Shanon Quinley, FLEXCOM Legislation Chair	Position: Agree FLEXCOM agrees with this proposal.	The committee appreciates the response.
California Partnership to End Domestic Violence (CPEDV) by Christopher Negri, Associate Director of Policy	Position: Agree The California Partnership to End Domestic Violence, California's recognized domestic violence coalition, writes in support of the proposed changes to forms DV-310 and DV-300-INFO. We particularly applaud clarifying questions 3 and 4. Survivors have had a lot of difficulty trying to have law enforcement enforce orders that law enforcement is not familiar with. It really needs to be spelled out.	The committee appreciates the response.
Harriet Buhai Center for Family Law (Buhai Center) by Rebecca L. Fischer, Managing Director of Legal Programs and Stacy Horth-Neubert, Executive Director	Position: Not indicated **I. Does the proposal appropriately address the stated purpose?**	The committee appreciates the response.

Commenter	Comment	Committee Response
	The Buhai Center appreciates the Committee's commitment to addressing challenges in the implementation of the DV-300 form series and particularly appreciates the Committee's attention in the proposal to trauma-informed practices. The Buhai Center serves hundreds of domestic violence survivors each year and many find the court experience to be re-traumatizing, particularly when there is any ambiguity in forms or processes. Further, abusers often use ambiguity in orders to thwart the intention of the orders. Ambiguity in orders can make it even more challenging for survivors to seek enforcement of the orders in the face of violations, leading to increased safety risk for survivors, their children, and the community at large.	
Buhai Center (continued)	The Buhai Center supports the proposed changes to DV-310 particularly the clarification to better identify the current orders in effect. The Buhai Center appreciates the clarification in 5a as to method of service.	The committee appreciates the response.
Buhai Center (continued)	The Buhai Center supports the proposed changes to DV-300-INFO. The Buhai Center would propose adding language to the form to provide information on no fee sheriff service (similarly to the language in item 6 on DV-310).	The committee appreciates the suggestion but does not recommend it because the information already appears on form DV-310.
Legal Aid Foundation of Los Angeles (LAFLA) by Pamela Carpenter Mahle, Staff Attorney	Position: Not indicated Legal Aid Foundation of Los Angeles (LAFLA) submits the following comments in response to the Judicial Council's Invitation to Comment number SPR26-38. This proposal revises the *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (form DV-310),[1] and *How Do I Ask to Change or End a Domestic Violence Restraining Order* (form DV-300-INFO).[2] We support some parts of the proposal, oppose other parts, and have suggestions for the Council's consideration. LAFLA is one of the largest nonprofit law firms in Los Angeles County providing legal services to its most underserved residents. For over 95 years, LAFLA has	The committee appreciates the response.

Commenter	Comment	Committee Response
	continued to protect and advance the rights of low-income residents. Each year, LAFLA assists more than 100,000 people living in poverty across the Greater Los Angeles area through direct representation, community education, and systemic advocacy. Our family law practice focuses on helping survivors of domestic and intimate partner violence to obtain protection from their abusers, leave abusive relationships, and rebuild their lives. We meet survivors where they are and provide access to a full range of critical legal services, including community-based clinics. [Footnote 1] Hereinafter all references to this form will be abbreviated to DV-310. [Footnote 2] Hereinafter all references to this form will be abbreviated to DV-300-INFO.	
LAFLA (continued)	**I. AGREEMENT: Language revisions of Item 5 of form DV-310.** We agree with the proposal to expand and clarify the orders regarding when personal service or mail service is issued on the restrained party (or if a party is granted temporary orders) versus the protected party (when no temporary orders were granted) on Item 5 of form DV-310. As many self-represented litigants are reliant on either their local law enforcement or other non-party servers to complete service, having clear instructions on the type of service that the court ordered, along with the deadline for service, can alleviate questions of whether proper service was effectuated.	The committee appreciates the information.
LAFLA (continued)	**II. SUPPORT: Language revisions, in part, of Item 4 of form DV-310.** We support the proposal for revising options "a," "b," and "c(1)" of Item 4 of form DV-310: These proposed changes in "a" and "b" clarifies for the parties, court staff, and law enforcement that the *Restraining Order After Hearing* (form DV-130) remains unchanged, and these options parallel the	The committee appreciates the information.

Commenter	Comment	Committee Response
	language in Item 5 of the *Order on Request to Continue Hearing* (form DV-116). The reasons for the denial in "b" mirrors similar language in Item 4 of *Notice of Court Hearing* (form DV-109). Should temporary orders be granted in "c(1)," the reasonings for the temporary changes are similar to the Findings in *Temporary Emergency (Ex Parte) Orders* (form FL-305) to justify the orders being made.	
LAFLA (continued)	**III. OPPOSITION AND SUGGESTION: The use of *Restraining Order After Hearing* (form DV-130) affixed to form DV-310 for granted temporary ex parte orders, as proposed in Item 4(c)(2) of the DV-310 form.** We oppose the addition of Item 4(c)(2) of the DV-310 which allows for any temporary orders granted to be entered on form DV-130, as stated in "c(2)" of Item 4 of this form. The modification of a long-term DV-130 Restraining Order After Hearing should only occur at end of the petitioning process, not prior to a hearing. The name of the form itself makes clear that the DV-130 form was issued after a hearing. Requiring that temporary ex parte orders, prior to a hearing being held on the orders, be granted using the form DV-130 is confusing, inconsistent, and redundant given the readily-available court forms already in mandatory use to which court staff, law enforcement, and the parties are accustomed. Form DV-300 is a petition to modify or end the long-term orders in a DV-130 Restraining Order After Hearing, and at option to the movant, to request temporary ex parte orders. After filing, the movant must provide the opposing party with notice of the hearing date and a copy of the petition for any changed orders to be made and incorporated into the long-term DV-130 Restraining Order After Hearing. In contrast, form DV-130 is the court form that is completed by the court after a noticed hearing, such that the responding party is given notice and an opportunity to respond to the	The committee appreciates the suggestion but does not recommend revising item 4 of proposed revised form DV-310 to use *Temporary Restraining Order* (form DV-110) for this purpose. The purpose of item 4 is to ensure that parties, courts, and law enforcement have a single operative order to follow and enforce until the hearing on the request. Using form DV-110 in conjunction with an existing *Restraining Order After Hearing* (form 130) could create uncertainty regarding which provisions govern and increase the risk of ineffective enforcement. Under the proposed revision, the court temporarily modifies the existing form DV-130 pending the hearing, ensuring that there is one operative order for the parties and law enforcement to follow and enforce. If the request to modify the restraining order is granted after the hearing, the court will issue a new form DV-130 with a new expiration date. If the request is denied, form DV-330 clarifies that the original form DV-130 order remains in full force and effect. Therefore, the committee does not recommend using form DV-110 when the court grants a request for temporary orders under form DV-310.

Commenter	Comment	Committee Response
	initial petition (form DV-100 or DV-300), the hearing date, time, and location (form DV-109 or DV-310), and any temporary restraining orders that are granted until the hearing. Additionally, form DV-130 is referenced as the appropriate form to be attached to a granted *Order on Request to Change or End Restraining Order* (form DV-330) after a noticed hearing. Currently, form DV-330 is designed to clearly indicate whether the long-term DV-130 was changed, ended, or whether the request to modify the long-term DV-130 was denied, as only the long-term DV-130 Restraining Order After Hearing contains the orders that the movant is requesting to be modified or ended. Form DV-330 is not designed in its current format to anticipate differentiating between a *temporary* DV-130 and a *long-term* DV-130 within the same case. Allowing the DV-130 to be modified with temporary orders prior to a hearing would cause confusion and would potentially undermine efforts to enforce DV-130 orders. Per the proposal, if *temporary* DV-130 orders are granted when the DV-310 is issued, but after a noticed hearing the petition to modify the *long-term* DV-130 is denied, then the form DV-330 would be confusing, as there would be two granted DV-130 orders to differentiate between in determining whether the *temporary* or *long-term* DV-130 is to be modified, whether the *temporary* or *long-term* DV-130 is to be ended, or whether the *temporary* DV-130 supersedes the *long-term* DV-130 that is to remain unchanged. The same issue arises should both the *temporary* and request to modify the *long-term* DV-130 be granted – within the same case, there would be at least two, if not three, granted DV-130s within the same matter – the *original long-term* DV-130, the *temporary* DV-130, and the *amended long-term* DV-130. **a. SUGGESTION: The use of Temporary Restraining Order (form DV-110) for any granted Temporary *Ex Parte* Orders affixed to Form DV-310 pending a**	

Commenter	Comment	Committee Response
	hearing. To date, there are other mandatory court forms available and more appropriate for temporary *ex parte* orders already in use, such as *Temporary Restraining Order* (form DV-110). The form DV-110 is the form that we would recommend be referenced for use as shown below: c. ☐ **The request for temporary orders is granted**. […] (2) The court changes the orders previously granted and signs an amended form DV-110 in effect until the hearing scheduled in (3) Provisions that do not conflict with the most recent civil restraining order must be enforced. Within the domestic violence court forms, form DV-110 is one of the standard forms that are part of a petition in which a protected person may be granted temporary *ex parte* orders, which would leave the existing DV-130 untouched until a hearing. The form DV-110 is designed to expire on the date of a pending hearing, as indicated on the first page, and would thus not cause further confusion.	
LAFLA (continued)	**IV. SUPPORT WITH SUGGESTION**: **Language changes to Item 4 of DV-300-INFO.** On the information form DV-300-INFO, there are proposed changes, as well as language that appears inconsistent. The below sections in Item 4 may need some clarification: **If you are the restrained person**, you must have the protected person personally served. This means you must have an adult, not you or anyone listed on the restraining order, personally give a copy of all the court papers (listed on form DV-310, item 5b) to the protected person. […] **If you are the protected person**, […] For both types of service listed below, your server must be an adult and cannot be you or anyone listed on the restraining	The committee appreciates the response and agrees with the proposed suggestions. It has incorporated them, with minor alterations, on proposed revised form DV-300-INFO.

Commenter	Comment	Committee Response
	order. Under this proposal, barring anyone who may be "listed" on a long-term DV-130 can be vague and ambiguous, as this term may inadvertently exclude all named persons outside of the protected persons, such as professional or non-professional monitors, providers for supervision of child exchanges, or persons who bring the parties' child or children to and from visitations. Survivors of domestic violence and intimate partner violence can experience isolation from their friends, relatives, or other sources of social support, as well as financial deprivation. Cal. Fam. Code § 6320. **a. SUGGESTION: The term "protected by a restraining order" expands a survivor's access to possible servers within the petitioning process.** We would suggest changing the term in Item 4 for both the restrained person and protected person from "listed on the restraining order" to "protected on the restraining order" as shown below: **If you are the restrained person**, you must have the protected person personally served. This means you must have an adult, not you or anyone protected on the restraining order, personally give a copy of all the court papers (listed on form DV-310, item 5b) to the protected person. […] **If you are the protected person**, […] For both types of service listed below, your server must be an adult and cannot be you or anyone protected on the restraining order. A protected person is barred from completing personal service based on the restrictions listed on the *Proof of Personal Service* (form DV-200), so by changing the term from "listed" to "protected," the verbiage is specific and unlikely to be	

Commenter	Comment	Committee Response
	confused as the protected person and all other protected people under a long-term DV-130 is clear on the first page of this order. Changing the term would also provide consistency across forms, as the DV-200-INFO states on page 1, under "Who can serve" that "Any adult who is not protected by the restraining order can serve your court papers." Ensuring that same terminology is used across similar court forms can ensure that self-represented litigants do not get confused.	
LAFLA (continued)	**V. ADDITIONAL SUGGESTIONS FOR DV-300-INFO** In Item 4 of form DV-300-INFO, the protected person and restrained person are told to use separate court forms when personal service of their documents is completed. Here, the protected person is informed to use the DV-200 form, while the restrained person is informed to use FL-330: For consistency, we suggest that the same Proof of Personal Service form be used by the Protected Party and the Restrained Party, namely the DV-200. The DV-200 form is labeled to be used in domestic violence restraining order cases, and it is clear from its name that there is no filing fee for filing such a form with the clerk's office.	The committee appreciates this suggestion. DV-200 is currently constructed to only be used to document service of the protected party's documents to the restrained party. The committee will consider this suggestion in a future forms cycle when forms DV-200 and DV-205 are impacted.
Orange County Bar Association by Shirin Forootan, President	Position: Agree The proposed forms appropriately address the stated purpose.	The committee appreciates the response.
Superior Court of California, County of Los Angeles by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-38 Protective Orders: Changes to Forms DV-310 and DV-300-INFO," the Court agrees the proposal appropriately addresses the stated purpose.	The committee appreciates the information.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	There are potential cost savings. The proposal may reduce continued hearings and improve processing efficiency, though there may be minor costs for updating forms and case management systems. Overall, fewer hearings could slightly lower operational costs.	The committee appreciates the comment and acknowledges the court's assessment.
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train judicial officers, judicial assistants and clerical staff. Training would take about one hour and would focus on understanding the revised form language, particularly changes related to service options and the status of restraining orders. Courts may also need to update internal procedures and reference materials to reflect the revised forms. No significant case management system modifications are anticipated. Two months is sufficient time for implementation. Additionally, the proposal should work in courts of different sizes.	The committee appreciates the comment and the court's identification of implementation activities
Superior Court of California, County of Orange by Marina Barragan, Operations Analyst	Position: Not indicated *Does the proposal appropriately address the stated purpose?* Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the response.
Superior Court of Orange County (continued)	*Would the proposal provide cost savings? If so, please quantify.* The proposal appears neutral in providing cost savings and may incur additional costs to courts for system and procedural updates and staff training for implementation.	The committee appreciates the comment and acknowledges the court's assessment.
Superior Court of Orange County (continued)	*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, and updating the case management system.	The committee appreciates the comment and the court's identification of implementation activities.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	*Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?* Yes, two months would provide sufficient time for implementation in Orange County.	The committee appreciates the information.
Superior Court of Orange County (continued)	*How well would this proposal work in courts of different sizes?* Our court is a large court, and this could work for Orange County.	The committee appreciates the information.
Superior Court of Orange County (continued)	DV-200 and DV-250 do not include checkbox options for DV-300 series forms. To provide clarity to court users, suggested revisions to the language on DV-300-INFO, page 3, would explain that the DV-300 series forms should be manually listed on the proof of service form so the server can accurately identify all documents served.	The committee appreciates this information and considered adding the DV-300 series to forms DV-200 and DV-250 as checkbox options but decided that additional input is needed to determine which forms to include on the form due to the total number of forms in the DV-series. Therefore, this suggestion will be considered in a future forms cycle.
Superior Court of Orange County (continued)	Change "to the restrained party" to "on the restrained party" as indicated in DV-300-INFO and DV-700-INFO related to personal service.	The committee appreciates the response but does not recommend the requested form change. Using "to the restrained party" is a plain-language construction to make service requirements clearer to litigants.
Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	Position: Agree if modified Q: Does the proposal appropriately address the stated purpose? **A: Yes.**	The committee appreciates the information.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. **A: No.**	The committee appreciates the information.
Superior Court of San Diego County (continued)	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	The committee appreciates the comment and the court's identification of implementation activities.

Commenter	Comment	Committee Response
	(please describe), changing docket codes in case management systems, or modifying case management systems? **A: Updating forms, revising local procedures, updating the case management system, training judicial officers and staff.**	
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? **A: Yes, provided the final versions of the forms are provided at that time.**	The committee appreciates the information.
Superior Court of San Diego County (continued)	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 information.
Superior Court of San Diego County (continued)	Per Family Code section 242, the initial hearing on a Request for Domestic Violence Restraining Order ("DVRO") must be heard within 21 days, or 25 days for good cause, from the date the temporary restraining order is granted or denied. However, the deadline to hear a request to modify or terminate a restraining order is not addressed in the Family Code nor in the California Rules of Court. It is safe to assume that if temporary emergency modifications are made to a ROAH, the hearing should be set within 21 days of the issuance of the ex parte order so the opposing party has timely notice and an opportunity to be heard. However, if temporary modifications are requested and denied, our Court believes the hearing should be set in due course. If requesting temporary emergency modifications to a ROAH always results in an expedited hearing regardless of if the temporary request is granted or denied, this will inundate the family law calendars to an unmanageable level. It is anticipated that litigants will strategically request emergency modifications to obtain an expedited hearing for what should be a due course modification hearing.	The committee appreciates this suggestion, but such a change would require legislation to implement.

Commenter	Comment	Committee Response
	We believe that clarity from the Judicial Council regarding hearing deadlines for these requests, potentially through a new Rule of Court, would greatly benefit the courts and litigants alike.	
Superior Court of San Diego County (continued)	**Form DV-310:** QUERY: Information on page 1 of the DV-300-INFO indicates this form is also meant to be used for DVROs granted in juvenile court. As a result, should this form be retitled to include a JV form number (e.g., "DV-310/JV-256")? Form JV-257 is available for the order to change or end a ROAH in juvenile court, but there is no JV form equivalent of the DV-310. Caveat: Cross-designation of this form would require conforming changes on the DV-300-INFO and perhaps other DVRO forms as well.	The committee appreciates the form suggestion. California Rules of Court 5.630(j) explains when domestic violence forms can be used to request to change or end a juvenile restraining order. Retitling the form to include a JV form number is likely to mislead litigants to use the form when not permitted.
Superior Court of San Diego County (continued)	The DV-310 requires a judicial officer's signature, regardless of whether temporary emergency orders are requested. Requiring a judicial officer's signature infers that every DV-300 request must be immediately reviewed and signed by the assigned judicial officer. This procedure creates daily disruptions for the judicial officers and is burdensome while they are presiding over their calendars, particularly considering the frequency of such requests. Instead, we suggest these matters should be able to be set in due-course by the court's business office, without judicial officer involvement, similar to processing a Request for Order. We suggest amending the DV-310 to only require immediate judicial review and signature if temporary emergency orders are requested.	The committee does not recommend this suggestion because each request requires a judicial officer to make decisions regardless of whether temporary orders are requested. These decisions include determining the type of service required and the deadline for service.
Superior Court of San Diego County (continued)	Form DV-310 is missing designated space to schedule mandatory child custody and visitation mediation, as required per Family Code sections 3170 and 3175. Per Family Code sections 3170 and 3175, the court must set a contested request to establish or modify child custody or visitation for mediation, before or concurrently with the hearing date. When custody and visitation modifications are requested via a FL-	The committee does not recommend this change. Mandatory child custody and visitation mediation is not required in all cases. Some domestic violence restraining order cases involve parties without children. Adding a space to the form would extend its length even though many cases would not require use of such a provision.

Commenter	Comment	Committee Response
	300 Request for Order (non-ROAH matters), page 1, item 6 of the form provides a designated space to schedule mediation / recommending counseling. In contrast, the DV-300 / DV-310 does not have a designated space for this purpose, despite the statutory mediation requirement. We suggest including a designated space to set mediation, ensuring alignment with statutory requirements.	
Superior Court of San Diego County (continued)	P. 1, item 4.c.(2): Insert "which is" or "which remains" before "in effect." … and signs an amended form DV-130 which is in effect until the hearing … … and signs an amended form DV-130 which remains in effect until the hearing …	The committee agrees and has implemented the suggestion proposed by the commenter.
Superior Court of San Diego County (continued)	P. 2, right column, par. 4: Change "over" to "more than." Help is available … in over more than 100 languages.	The committee agrees and has implemented the suggestion proposed by the commenter.
Superior Court of San Diego County (continued)	P. 3, item 4, last par.: Change "of" to "by." … form DV-250, *Proof of Service of by Mail (CLETS.)*	The committee agrees and has implemented the suggestion proposed by the commenter.
Superior Court of San Diego County (continued)	Per the DV-300 INFO sheet, litigants are instructed to use the DV-200 (Proof of Personal Service) or DV-250 (Proof of Service By Mail) for service. However, DV-200 and DV-250 were not amended to include checkboxes for the DV-300 series forms. Litigants can write-in the forms in the "Other" section, but this often results in missed forms, missed attachments, and/or incomplete proof of service. We recommend amending the DV-200 and DV-250 forms to include checkboxes for the DV-300 series forms, thereby reducing the risk of incomplete proof of service.	The committee appreciates this information and considered adding the DV-300 series to forms DV-200 and DV-250 as checkbox options but decided that additional input is needed to determine which forms to include on the form due to the total number of forms in the DV-series. Therefore, this suggestion will be considered in a future forms cycle.
Trial Court Presiding Judges Advisory Committee (TJPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree **JRS Position: Agree** with proposed changes. The JRS notes that the proposal is required to conform to a change of law.	The committee appreciates the response.

Rules Committee Action Request Form

Item number: 39

Rules Committee Meeting Date: September 10, 2026

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

Title of proposal: Traffic: Trial by Written Declaration Forms

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Amend Cal. Rules of Court, rule 4.210; revise forms TR-205, TR-215, TR-220, TR-225, and TR-235; revoke forms TR-200 and TR-210

Advisory committee or other entity submitting the proposal:
Traffic Advisory Commitee

Staff contact (name, phone, and email)**:**
Jamie Schechter, 415-865-5327, Jamie.Schechter@jud.ca.gov

Annual agenda approved by Rules Committee on: October 16, 2025
Project description from annual agenda: Project description from annual agenda:

The committee proposes to revise the Trial by Written Declaration forms (forms TR-200, et seq.), and consider adopting new alternate forms for courts that use the MyCitations trial by declaration feature.

Litigants charged with Vehicle Code infractions have an option for a trial by written declaration pursuant to Vehicle Code section 40902. Procedurally, the litigant is given instructions (form TR-200), pays bail up front (the cost for the infraction if convicted), and provides a written statement and evidence (form TR-205.) The officer is given instructions (form TR-210) and provides a written statement (form TR235.) The judicial officer then makes a decision (form TR-215) and returns the bail if the litigant is found not guilty. If the litigant is unhappy with the decision, they may request a trial de novo (form TR-220.) And the judicial officer grants or denies the request for a trial de novo (form TR-225.) These forms have not been substantively revised since 1999 and are inconsistent with plain language standards.

Additionally, Government Code section 68645.4 changes the procedure for courts that opt to use MyCitations to provide trial by online or written declaration. Notwithstanding Vehicle Code section 40902, if the court chooses the trial by declaration feature through MyCitations (which is optional for the court to offer), the litigant uses MyCitations for the trial by declaration process. Through MyCitations, the litigant generally does not pay bail up front (unless the court makes express findings as to why a particular litigant should pay bail up front), and the litigant does not have the right to a trial de novo. (Gov. Code, § 68645.2(a)(2),(4).) If a court uses MyCitations for the trial by declaration, the court should be following the same procedure for the paper process. (Gov. Code, § 68645.2(b).) A court may adopt local rules or forms to implement this procedure, unless the Judicial Council adopts rules and forms for the purpose of the statute. (Gov. Code, § 68645.2(c).) Currently only two courts use the trial by declaration feature in MyCitations, however twelve courts have signed up for the trial by declaration feature and are expected to onboard it by late 2026. For consistency and standardization, the committee proposes considering alternate forms for the trial by declaration process for MyCitation courts.

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

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
  ☐ Changes or additions to self-help guide website are needed.

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-159

For business meeting on October 15-16, 2026

Traffic: Trial by Written Declaration Forms (Draft)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 4.210; revise forms TR-205, TR-215, TR-220, TR-225, and TR-235; revoke forms TR-200 and TR-210

Recommended by
Traffic Advisory Committee
Hon. Maria Lucy Armendariz, Chair

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 5, 2026

Contact
Jamie Schechter, 415-865-5327
Jamie.Schechter@jud.ca.gov

Executive Summary

In the past few years, several stakeholders have suggested that the trial by written declaration forms should be improved for clarity and to better assist court users. As a result of this feedback, the Traffic Advisory Committee proposes revocations and revisions to the trial by written declaration forms and corresponding amendments to the relevant rule of court. These forms have not been substantively revised since 1999–2000, and the proposed revisions include substantive changes, clearer language, and reorganized content. Since most traffic defendants are self-represented, the improved forms will be easier to follow with commonly understood language and more intuitive formatting.

Recommendation

The Traffic Advisory Committee recommends that the Judicial Council, effective January 1, 2027:

1. Amend rule 4.210 of the California Rules of Court;

2. Revise forms *Request to Challenge Traffic Ticket Without Going to Court* (TR-205), *Court's Decision on Request to Challenge Ticket* (TR-215), *Request for New Trial* (Trial de Novo) (TR-220), *Order and Notice to Defendant of New Trial (Trial de Novo)* (TR-225), and *Officer's Declaration* (TR-235); and

3. Revoke forms *Instructions to Defendant* (TR-200) and *Notice and Instructions to Arresting Officer* (TR-210).

The proposed amended rule, and the revised and revoked forms are attached at pages 12–28.

Relevant Previous Council Action

The Judicial Council adopted rule 828 of the California Rules of Court[1] and mandatory forms *Instructions to Defendant* (TR-200), *Request for Trial by Written Declaration* (TR-205), *Notice and Instructions to Arresting Officer* (TR-210), *Decision and Notice of Decision* (TR-215), *Request for New Trial (Trial de Novo)* (TR-220), and *Order and Notice to Defendant of New Trial (Trial de Novo)* (TR-225) in 1998 to be effective January 1, 1999. Form TR-235 (*Officer's Declaration*) was adopted by the Judicial Council for mandatory use in 1999, to be effective January 1, 2000.

Recently, form TR-235 was revised to correct an incorrect statutory subdivision, effective January 1, 2024.[2] Form TR-235 was also recently revised effective July 1, 2025 to conform to a change in law, and to correct miscellaneous grammatical errors and outdated stylistic conventions on the form. The remaining forms have not been revised since 1999.

Analysis/Rationale

Vehicle Code section 40902 (see Link A) allows a defendant to contest a citation in writing and present evidence without having to go to court—a procedure called "trial by written declaration." For a trial by written declaration, the defendant is required by statute to post bail, which is essentially the full cost of the traffic ticket.[3] Trials by written declaration are available in cases

[1] Rule 828 of the California Rules of Court was subsequently renumbered to rule 4.210 as part of a broader renumbering of Judicial Council rules.

[2] In item 3, the form had erroneously cited Vehicle Code section 40802(b); the correct citation is 40802(a)(2).

[3] Note that the process for a trial by declaration in MyCitations is different than the process set forth in Vehicle Code section 40902. MyCitations is a Judicial Council online tool that allows a defendant to look up an eligible citation, answer several financial questions, and submit a request to the court for a reduction in the amount owed. Through MyCitations, courts are allowed, but not required, to offer online trials by declaration. If the court chooses to offer

involving infraction violations of the Vehicle Code or violations of local ordinances adopted under the Vehicle Code. California Rules of Court, rule 4.210 provides procedures for trials by written declaration.

Under the current rule and set of forms related to trial by written declaration, the defendant is given instructions (form TR-200), pays bail up front, and provides a written statement and evidence as applicable (form TR-205). The law enforcement officer is given instructions (form TR-210) and provides a written statement (form TR-235). The judicial officer decides (form TR-215) and returns the bail if the defendant is found not guilty. If the defendant is dissatisfied with the decision, they may request a trial de novo (form TR-220), and the judicial officer grants or denies the request for a trial de novo (form TR-225). As stated above, these forms have not been substantively revised since their adoption in 1999–2000. Since most traffic defendants are self-represented, the forms can be improved by being easier to follow, using commonly understood language, and providing more intuitive formatting.

The committee recommends revising forms (TR-205, TR-215, TR-220, TR-225, and TR-235) to improve readability and organization. Further, the committee recommends revoking two instructional forms (TR-200 and TR-210) that the proposed revisions make redundant. As part of the proposal, the committee recommends corresponding changes to California Rules of Court, rule 4.210. In addition to plain-language updates to the forms and minor, non-substantive updates to rule 4.210, the proposal includes three recommended substantive changes to these forms as described below.

Potential Defenses

The committee recommends adding potential defenses to form TR-205 that the user can choose to raise by checking a box and providing further elaboration if desired. The committee was concerned that current form TR-235 (the law enforcement officer's declaration) gives the officer an advantage in the process by providing checkboxes for foundational evidentiary statements without providing something similar to defendants. The committee considered removing the officers' checkboxes on form TR-235 but ultimately determined that adding potential defenses for the defendant on form TR-205 is a better solution. After the comment period, the committee made proposed revisions to this item to better indicate that the item is optional, other defenses may apply, and the defendant may elaborate on any defenses.

Burden of Proof

The committee recommends adding information to form TR-205 that the prosecution has the burden to prove the case, and the defendant does not have an obligation to prove anything. The committee was concerned that the current forms seem to require a defendant to make statements

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the trial by declaration feature through MyCitations, a defendant is not generally required to pay bail up front and the defendant does not have the right to a trial de novo. (Gov. Code, § 68645.4(a)(2), (4).) If a court uses MyCitations for the trial by declaration, the Government Code requires the court to follow the same procedure for the paper process (see Link B). (Gov. Code, § 68645.4(b).) Six courts are currently using the trial by declaration feature in MyCitations, two are expected to start using it by late 2026, and up to 12 more are expected to start using it after 2026.

that may not be in their best interests and are inconsistent with the burden of proof. Therefore, the committee recommends adding advisements that the defendant has no obligation to write anything or provide evidence and the prosecution has the burden of proving defendant's guilt.

Engineering and Traffic Survey (ETS)

The third recommended substantive change relates to the Engineering and Traffic Survey (ETS), which is often needed as evidence in traffic cases. An ETS is a report prepared by civil engineers for municipalities and is "a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local authorities." (Veh. Code, § 627(a).) An ETS can sometimes be necessary to prove a foundational element in an infraction case involving speeding.[4]

Court staff have repeatedly identified a concern regarding the checkbox on form TR-235 that states the ETS is on file with the court.[5] For courts that do not have the survey on file for a given case, allowing a law enforcement officer to check a box stating that the ETS is on file is problematic for the trial-by-written-declaration process. Additionally, some judicial officers believe that any evidence needed to prove the traffic case should be presented with the trial by written declaration, regardless of whether the ETS is on file, and allowing a law enforcement officer to check a box stating the ETS is on file with the court may lead to cases being dismissed. The committee considered removing the "ETS on file with the court" option entirely from form TR-235, but law enforcement stakeholders indicated some courts do have the ETS on file and removing the box entirely could unnecessarily complicate the ETS process. Additionally, law enforcement stakeholders noted that law enforcement officers are only witnesses in cases, not the prosecution, and requiring law enforcement officers to always provide an ETS may be inconsistent with their obligations.

Based on all these considerations, the committee recommends revising form TR-235 to state that local practices for having the ETS on file with the court may vary and to verify whether an ETS is on file with the court. The committee also recommends—based on a previous stakeholder comment—adding space on the form for the law enforcement officer to include the URL for an ETS if it is available online. The committee understands that there are concerns about this solution. The committee may explore options in the future to improve consistency with the ETS across different jurisdictions.

Also, in relation to the ETS, the committee recommends revising the language on current form TR-235 about the five, seven, and fourteen-year periods in items 4, 5, and 6. While the current form adequately describes Vehicle Code section 40802 (see Link D), the committee has

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[4] For speeding infractions, the Vehicle Code prohibits the use of speed traps as evidence (see Link C). (Veh. Code, §§ 40801–40804.) One of the definitions of a speed trap is a section of highway not justified by an engineering and traffic survey within specified time limits (see Link D).

[5] Although some courts maintain these documents on file, other courts do not. Moreover, because municipalities commission various ETS reports on different timelines, a court may not have a current copy of the relevant ETS on file.

previously received feedback that current form TR-235 is confusing on its face. As a practical matter, stakeholders stated that law enforcement officers generally need to provide evidence (item 5, boxes c, d, and e on the current form) to adequately prove the case, even if they do not need to provide this evidence strictly pursuant to Vehicle Code section 40802. Therefore, the committee recommends streamlining the form by only including one box for evidence within seven years. There is also an "other" check box on the recommended revised form for the officer to articulate any relevant additional information about the ETS.

Comprehensive Description of Recommended Changes

Other than the substantive changes described above, the remainder of the recommended changes to the forms are to improve clarity and readability. Most of the recommended changes to the forms were part of the initial proposal, though some changes are based on feedback from commenters. Recommended revisions are detailed below.

Form TR-200

This is an instruction form that the court user is required to review and acknowledge that they have reviewed. It provides information on the process for asking for a trial by written declaration as well as guidelines to complete form TR-205. The committee recommends revoking this form and instead incorporating all necessary instructions directly into form TR-205.

Form TR-205[6]

This is a form that the defendant must complete to ask for a trial by written declaration. The committee proposes the following revisions:

- Reformats for clearer organization and improved readability.
- Changes the form's title to "Request to Challenge Traffic Ticket Without Going to Court" to be more descriptive.
- Adds instructions at the beginning of the form addressing:
    - When to use this form;
    - The deadline to file;
    - Whether a filing fee (bail) applies; and
    - Added important information for defendants through the addition of disclaimers and advisements.
- Item 1: Retitles the item to improve clarity and ensure consistency with the form's updated structure. Adds new items requesting defendant contact information (name, telephone number, email address, preferred method of receiving information from the court, and firm address) to improve consistency across forms and to facilitate communication as requested by court staff.
- Item 2: Adds checkbox options for potential defenses and additionally highlights that a defendant has the right to remain silent and has no obligation to prove their case. This

[6] Because the proposed revisions are so extensive, they are listed here rather than shown in the attached version of the form.

item also now contains information from items 2, 5, and 6 of the current form, and includes instructions for attaching evidence.
- Item 3: Adds a request regarding traffic school.
- Item 4: Adds instructions explaining how to attach supporting evidence.
- Item 5: Retitles the item to improve clarity and ensure consistency with the form's updated structure.
- Items 5 and 6: Adds numbers next to signatures for the defendant and lawyer (if any) to make the signature lines more visible.
- Adds "Your Next Steps" section outlining what happens after submission.

Form TR-210

This is an instruction form that informs the law enforcement officer about form TR-235. The committee recommends revoking this form and instead adding the necessary instructions to form TR-235.

Form TR-215

This form provides the court's decision (order) for a trial by written declaration. The committee proposes the following revisions:

- Reformats for clearer organization and improved readability.
- Retitles the form to "Court's Decision on Request to Challenge Ticket."
- Instructions for Use: Adds instructions for the form.
- Item 1: Adds an item asking for defendant information.
- Item 3(a): Adds an item identifying the forms reviewed by the court.
- Item 3(b): Adds language clarifying the court's review of the alleged violations, an option for granting traffic school, and an option for other orders.
- Item 4: Adds clarifying language.
- Updates the Clerk's Certificate of Mailing with clearer language, and revised mailing and electronic service procedures.

Form TR-220

This is a form that the defendant must complete to ask for a trial de novo if a defendant disagrees with the court's decision on the trial by written declaration. The committee proposes the following revisions:

- Reformats for clearer organization and improved readability.
- Instructions for Use: Adds language explaining when to use the form, clarifying that it should be used if the defendant disagrees with the court's decision on form TR-215, and defines trial de novo as a new in-person or remote court appearance (as opposed to a new trial by written declaration).
- Filing Deadline: Replaces prior language referencing the mailing date of form TR-215 and the 20-day submission period with a clear statement specifying the exact date by which the court must receive the form to eliminate confusion and simplify the deadline calculation.

- Items 2 and 3: Adds new items requesting defendant contact information (name, telephone number, email address, preferred method of receiving information from the court, and firm address) to improve consistency across forms and to facilitate communication as requested by court staff.
- Item 4: Adds an option allowing the defendant to specify violations to avoid confusion about whether the defendant is dissatisfied with all or only part of the court's decision.
- Item 5: Retitles the item to improve clarity and ensure consistency with the form's updated structure.

Form TR-225

This form provides the court's decision (order) on the defendant's request for a trial de novo. The committee proposes the following revisions:

- Reformats the form for clearer organization and improved readability.
- Court Instructions: Adds directions that the court will complete the form to provide clarity for defendants reviewing the order.
- Item 1: Adds item for the defendant's name.
- Order Structure: Reorganizes the form to list granted requests before denied requests to improve logical flow and readability.
- Denial Language: Simplifies "otherwise not in compliance with law or rules (explain)" to "Other (explain)" to make the language clearer and easier to understand.
- Instructional Box: Revises the instructional box directing defendants to appear ready for trial with witnesses and evidence to be more understandable.
- Clerk's Certificate of Mailing: Updates the language in accordance with revised mailing and electronic service procedures.

Form TR-235

This is a form that the law enforcement officer completes after the court notifies the law enforcement officer that the defendant has requested a trial by written declaration. The committee proposes the following revisions:

- Reformats for improved readability.
- Instructions: Updates the language for clarity and consistency.
- Item 1: Adds items for the clerk to complete and renumbers items accordingly.
- Items 4a and 4b: Converts these items to yes/no checkbox options to make completion easier for the law enforcement officer and to reduce confusion.
- Items 4c and 4i: Reformats these items to clarify available options for the law enforcement officer completing the form.
- Items 6–8: Revises information about the ETS for clarity. Adds that local practices for having the ETS on file with the court may vary.
- Item 12: Asks for the agency's mailing address.

California Rules of Court, rule 4.210

This rule of court describes the procedures for trial by written declaration. The committee proposes these amendments to comport with the form changes:

- Removes references to forms being revoked by this proposal.
- Updates references to form names.
- Updates grammar, language, and formatting to adhere to style conventions in the rule, including eliminating verb redundancies and references to "mail."

Policy implications

The proposal aligns with the Strategic Plan for California's Judicial Branch by meeting the needs of the public, specifically by providing a better understanding of court orders, procedures, and processes. While the existing trial by written declaration forms are accurate, the existing forms are too technical given that most traffic court defendants are self-represented.

Comments

The proposal circulated for public comment from April 14, 2026, through May 18, 2026. The proposal received five comments. Two commenters agreed with the proposal and three commenters agreed if modified.[7] The committee tried to incorporate most of the feedback from the commenters. A chart with the full text of the comments received and the committee's responses is attached at pages 29–42.

Electronic service

The Superior Court of Los Angeles County, Superior Court of Orange County, and the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS) noted that the forms did not provide a method for electronic service on the clerk's proof of service (called the certificate of mailing). Based on the feedback, the committee added electronic service as an option on the clerk's proof of service (certificates of mailing). Also, the Superior Court of Orange County requested adding a checkbox for form TR-220 on the certificate of mailing; the committee incorporated that request as well.

The Superior Court of San Diego County noted that the proposed form changes allowed the defendant to select electronic service, but not all courts offer that option. In response, the committee proposes changes to the forms to allow a defendant to indicate that they prefer electronic service but also provide a preferred mailing address for courts that are unable to accommodate electronic service at this time.

[7] TCPJAC/CEAC Joint Rules Subcommittee (JRS) provided feedback that the proposed rule of court had a section that was cryptic and confusing. Upon review, staff discovered that an accessibility compliance tool inadvertently removed some proposed strikethroughs in the PDF of the draft rule, resulting in a few confusing sentences, including the one noted by JRS. The intended strikethroughs now correctly appear in the rule.

Form TR-220: court appearance
JRS also provided feedback that form TR-220 should indicate the trial de novo is a court appearance as opposed to a new trial by written declaration. The committee agreed with this feedback and clarified the trial de novo will be a court appearance (remote or in-person, but not a new written trial) on form TR-220.

Bail
The Superior Court of San Diego County noted the forms seem to contemplate only when the defendant is posting bail and suggested changes on the forms to indicate when someone other than the defendant is paying bail. The committee agreed with this feedback and made these proposed changes.

Signature lines
The Superior Court of San Diego County also requested adding "Defendant" to the signature lines to ensure the defendant understood they were the ones who should be signing even if someone was assisting the defendant with the form. The committee agreed and revised the recommended form.

Form TR-205: potential defenses
Four commenters made comments on the addition of potential defenses on form TR-205. The Orange County Bar Association offered feedback that the potential defenses better assist defendants than the current form. The Superior Court of Los Angeles County offered feedback that the potential defenses make the form clearer. The Superior Court of Orange County recommended presenting potential defenses as examples for defendants to consider, allowing them the opportunity to elaborate on their applicability as needed. The Superior Court of San Diego County expressed concern that offering potential defenses could be construed as a court providing legal advice.

In response to the comments, the committee is recommending additional language on form TR-205 to clarify that the potential defenses are optional and other defenses may apply. The defendant can elaborate in item 2b. The committee does not believe providing checkboxes on a form is providing legal advice.

Form TR-215: traffic violator school
The Superior Court of San Diego County requested that on form TR-215, each count indicate whether traffic violator school was granted and to change the term "granted" to "ordered." The committee accepted the feedback in part by adding a line to each count to indicate whether traffic violator school was granted instead of having it in item 4 (as it appeared on the version that circulated for public comment). The committee also agreed that, technically, traffic violator school is ordered as opposed to granted. However, there is a potential benefit for defendants in completing traffic violator school with regards to insurance and, generally, defendants will not face negative consequences for failure to complete it. Therefore, the committee declined to change the wording of "granted" to "order" as requested. Also, the committee elected to have

one item for all fees—including traffic school fees—instead of placing traffic school fees on each count as requested by the Superior Court of San Diego County.[8]

ETS

The Superior Court of Orange County also noted that while the proposal does accommodate different variations in how law enforcement provides the ETS, the fact that there are variations in how law enforcement provides these documents can lead to ambiguity and confusion. The committee recognizes there are ongoing concerns with the ETS and may explore options in the future for greater consistency among different jurisdictions.

Alternatives considered

The committee considered making no changes to the forms but decided that the forms are outdated and may create barriers to access, especially since most defendants are self-represented in these types of cases. Additionally, the committee has received comments from stakeholders requesting changes on these forms, particularly regarding the ETS. The committee considered creating MyCitations trial by declaration forms in this proposal but ultimately concluded it would be helpful to have the Judicial Council revise these forms to guide potential development of MyCitations trial by declaration forms.

Besides alternatives from options already discussed, the committee considered whether recommended form TR-205 encourages defendants not to testify or provide evidence that may ultimately hurt the defendant's case. However, the committee determined that it is important to adequately advise defendants of their right not to testify. The committee considered removing the law enforcement officer's evidentiary checkboxes on form TR-235 but ultimately determined adding potential defenses for the defendant is a better solution. After two comments questioned the defenses item on form TR-205, the committee revisited the issue and made changes to the defenses item in response to the comments.

Fiscal and Operational Impacts

There do not appear to be substantial costs or implementation concerns associated with the proposal. There also do not appear to be substantial savings provided by the proposal. The feedback indicated there would be minimal implementation concerns, with impact primarily coming from training and revision of docket codes. The committee received differing feedback about whether the proposal could provide cost savings. The Superior Court of Los Angeles County noted the proposal may provide cost savings since there is no longer a need to print the "TR-200 Instructions to Defendant." Additionally, there may be cost savings if the preferred communication method selected is email instead of regular mail. The Superior Court of Orange County noted the proposal may provide minimal cost savings because court staff will have fewer forms to provide, which has the potential of reducing time spent explaining a form. The Superior Court of San Diego County believed there would be no cost savings.

[8] The Superior Court of San Diego County provided additional comments that were fairly noncontroversial, and the committee incorporated clarifying language to the rule and forms based on the feedback.

Attachments and Links

1. Cal. Rules of Court, rule 4.210, at pages 12–14
2. Forms TR-200, TR-205, TR-210, TR-215, TR-220, TR-225, and TR-235, at pages 15–28
3. Chart of comments, at pages 29–42
4. Link A: Veh. Code, § 40902
5. Link B: Gov. Code, § 68645.4
6. Link C: Veh. Code, § 40803
7. Link D: Veh. Code, § 40802

Rule 4.210 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Rule 4.210. Traffic court—trial by written declaration

(a) Applicability

This rule establishes the minimum procedural requirements for trials by written declaration under Vehicle Code section 40902. The procedures established by this rule must be followed in all trials by written declaration under that section.

(b) Procedure

(1) *Definition of due date*

As used in this subdivision, "due date" means the last date on which the defendant's appearance is timely.

(2) *Extending due date*

If the clerk receives the defendant's written request for a trial by written declaration by the appearance date indicated on the *Notice to Appear*, the clerk must, within 15 calendar days after receiving the defendant's written request, extend the appearance date 25 calendar days and must give ~~or mail~~ notice to the defendant of the extended due date on the ~~*Request for Trial by Written Declaration*~~ *Request to Challenge Traffic Ticket Without Going to Court* (form TR-205) with ~~a copy of the *Instructions to Defendant* (form TR-200) and~~ any other required forms.

(3) *Election*

The defendant must file a ~~*Request for Trial by Written Declaration*~~ *Request to Challenge Traffic Ticket Without Going to Court* (form TR-205) with the clerk by the appearance date ~~indicated~~ on the *Notice to Appear* or the extended due date as provided in (2). The ~~*Request for Trial by Written Declaration*~~ *Request to Challenge Traffic Ticket Without Going to Court* (form TR-205) must be filed in addition to the defendant's written request for a trial by written declaration, unless the defendant's request was made on the election form.

(4) *Bail*

~~The defendant~~ Bail must be deposited ~~bail~~ with the clerk by the appearance date indicated on the *Notice to Appear* or the extended due date as provided in (2).

(5) *Instructions to arresting officer*

If the clerk receives the defendant's ~~*Request for Trial by Written Declaration*~~ *Request to Challenge Traffic Ticket Without Going to Court* (form TR-205) and bail by the due date, the clerk must deliver ~~or mail~~ to the arresting officer's agency ~~*Notice and Instructions to Arresting Officer* (form TR-210) and~~ *Officer's Declaration* (form TR-235) with a copy of the *Notice to Appear* and a specified return date for receiving the officer's declaration. After receipt of the officer's declaration, or at the close of the officer's return date if no officer's declaration is filed, the clerk must submit the case file with all declarations and other evidence received to the court for decision.

(6) *Court decision*

After the court decides the case and returns the file and decision, the clerk must immediately deliver ~~or mail~~ the ~~*Decision and Notice of Decision*~~ *Court's Decision on Request to Challenge Ticket* (form TR-215) to the defendant and the arresting agency.

(7) *Trial de novo*

If the defendant files a *Request for New Trial (Trial de Novo)* (form TR-220) by ~~within 20 calendar days after the date of delivery or mailing of~~ the date indicated on the ~~Decision and Notice of Decision~~ *Court's Decision on Request to Challenge Ticket* (form TR-215), the clerk must set a trial date within 45 calendar days of receipt of the defendant's written request for a new trial. The clerk must deliver ~~or mail~~ to the defendant and to the arresting officer's agency the *Order and Notice to Defendant of New Trial (Trial de Novo)* (form TR-225). If the defendant's request is not timely received, no new trial may be held and the case must be closed.

(8) *Case and time standard*

The clerk must deliver ~~or mail~~ the ~~*Decision and Notice of Decision*~~ *Court's Decision on Request to Challenge Ticket* (form TR-215) within 90 calendar days after the due date. Acts for which no specific time is stated in this rule must be performed promptly so that the ~~*Decision and Notice of Decision*~~ form can be timely delivered ~~or mailed~~ by the clerk. Failure of the clerk or the court to comply with any time limit does not void or invalidate the decision of the court, unless prejudice to the defendant is shown.

(c) Due dates and time limits

Due dates and time limits must be as stated in this rule, unless changed ~~or extended~~ by the court. The court may extend any date, but the court need not state the reasons for granting or denying an extension on the record or in the minutes.

***

(g) Fines, assessments, or penalties

The statute and the rules do not prevent ~~or preclude~~ the court from imposing on a defendant who is found guilty any lawful fine, assessment, or other penalty, and the court is not limited to imposing money penalties in the bail amount, unless the bail amount is the maximum and the only lawful penalty.

***

(i) Forms

The following forms are to be used to implement the procedures under this rule:

~~(1) *Instructions to Defendant* (form TR-200)~~

~~(2)~~ (1) ~~*Request for Trial by Written Declaration*~~ *Request to* <u>*Challenge Traffic Ticket Without Going to Court*</u> (form TR-205)

~~(3) *Notice and Instructions to Arresting Officer* (form TR-210)~~

~~(4) *Officer's Declaration* (form TR-235)~~

~~(5)~~ (2) ~~*Decision and Notice of Decision*~~ <u>*Court's Decision on Request to Challenge Ticket*</u> (form TR-215)

~~(6)~~ (3) *Request for New Trial (Trial de Novo)* (form TR-220)

~~(7)~~ (4) *Order and Notice to Defendant of New Trial (Trial de Novo)* (form TR-225)

(5) *Officer's Declaration* (form TR-235)

***

REVOKED

INSTRUCTIONS TO DEFENDANT
(Trial by Written Declaration)
(Vehicle Code, § 40902)

REVOKED

Vehicle Code section 40902 allows a defendant to contest citations in writing, without having to make a personal court appearance. This procedure is called a "trial by declaration." Trials by written declaration are available in cases involving infraction violations of the Vehicle Code or of local ordinances adopted under the Vehicle Code. The following instructions tell you how to obtain a trial by written declaration:

1. Completely fill out the *Request for Trial by Written Declaration* (form TR-205) and sign it *(type or print clearly).* You may include evidence such as photographs and diagrams. You should also attach your written statement of what happened *(type or print clearly).* In your statement you must describe all the items of evidence (if any) that you are including with your request. Your written statement must include the following language: "I declare under penalty of perjury that this statement is true and correct." You must sign and date each written statement (these statements are called "declarations").

2. Return the completed and signed *Request for Trial by Written Declaration* and pay the required bail amount to the court. A completed *Request for Trial by Written Declaration* form *and* the required bail amount must be received by the clerk by the due date indicated *(See item A on the request form for the due date.)* If the clerk receives this form after the due date, you will not be eligible for trial by written declaration. ***Failure to deposit bail by the due date may subject you to other charges, penalties, assessments, and actions.***

January 1, 2027

3. After the clerk receives the *Request for Trial by Written Declaration,* the clerk will notify the officer who issued you the citation. The officer will be given an opportunity to submit a declaration regarding the citation by a specified due date. You will be notified by mail of the court's decision.

4. If you are dissatisfied with the court's decision, you may ask for a new trial ("trial de novo"). In order to obtain a new trial, you must file the *Request for New Trial (Trial de Novo)* (form TR-220) within 20 days after the date the court's decision was mailed to you.

5. Always include your citation number in any correspondence with the court.

6. IMPORTANT: You have the right to an in-person trial before a judge (rather than a trial by written declaration). You also have a right to a new trial if you are dissatisfied with the court's decision in your trial by written declaration. At a court trial you have the following rights:
   - To be represented by an attorney employed by you;
   - To have a speedy and public trial;
   - To testify, to present evidence, and to use court orders without cost to compel the attendance of witnesses and the production of evidence on your behalf;
   - To have the witnesses against you testify under oath in court, and to question such witnesses;
   - To remain silent and not testify and not incriminate yourself.

   By filing a declaration in a trial by written declaration, you are waiving and giving up the rights to remain silent and not to incriminate yourself.

American LegalNet, Inc.
www.USCourtForms.com

TR-205 Request to Challenge Traffic Ticket Without Going to Court

Clerk stamps date here when form is filed.

08/24/2026
DRAFT
Not approved by the Judicial Council

When to use this form?
Trials by Declaration are available pursuant to Vehicle Code section 40902 in cases involving Vehicle Code infractions and any local ordinance adopted pursuant to the Vehicle Code. If you do not agree with your citation (ticket) and you want to contest your ticket, you may complete this form and file it with the court. This procedure is called a trial by written declaration. You will not get a court date. The court will decide your case based on what you write on this form, any evidence you include, and any statement filed by the officer in your case.

When is the deadline to file this form?
You must file this request by *(date provided by court clerk)*: _____ or as listed on the Courtesy or Reminder Notice sent to you from the court. If you did not receive the notice, contact the court in the county where you received the ticket.

Is there a fee to file this request?
Bail of $ _____ must be paid when this request is submitted. Traffic bail is how much you owe on your ticket. Your bail amount is listed on your Courtesy or Reminder Notice. If your ticket is dismissed, the money paid for bail will be returned to the payor. If you are found guilty, you can ask for a new trial or accept that the court found you guilty and bail will be applied to any fine imposed, and any excess will be refunded to the person who paid the bail.

Fill in court name and street address:

Superior Court of California, County of

Fill in the case number and ticket number (if you have it):

Case Number:

Ticket Number:

Important Information

- Anything you write on this form can be used against you in court.
- Once you turn in this form, it is a public document. This means anyone can access your form and any evidence you include. Do not include sensitive information like your social security number.
- You have the right to a court trial in front of a judicial officer without paying bail first, but you may have to go to more than one court date. Do not use this form if you want to appear in front of a judicial officer for trial.
- If you are dissatisfied by the result of this trial by written declaration, you will be able to ask for a new trial (also called a trial de novo) after the court makes a decision. Do not use this form to ask for a new trial.

1 Your (Defendant's) information

Name: _____

Telephone: _____

☐ Preferred Mailing address: _____ _____ _____ _____
(street) *(city)* *(state)* *(zip code)*

☐ Email: _____

Preferred method of receiving information from the court *(check one)*: ☐ Yes ☐ No
Note: not all courts offer email service. If a court does not offer email or if the "yes" box is not checked, you will be mailed all information.

Your Lawyer's information *(if you have one)*

Name: _____ State Bar No.: _____

Firm name: _____ Firm address: _____

This Is Not a Court Order

② Request to challenge ticket without going to court

a. **Potential defenses** (*Optional. Check any that apply. You are not required to check any boxes. Other defenses may be available.*)

- ☐ There was unclear signage or an issue with signage for the alleged violation.
- ☐ The violation was impossible under the alleged circumstances.
- ☐ An emergency necessitated the alleged violation.
- ☐ I did not commit the alleged violation.
- ☐ I was not driving the vehicle involved in the alleged violation.
- ☐ I do not own the vehicle involved in the alleged violation.
- ☐ Other as explained below in ②b.

b. **Your statement** *(optional)*
(*You may use the space below to explain any of the defenses checked above and what happened and why you are not guilty. Any facts you give must be based on your personal knowledge. Note that you do not have to give a statement because you have the right to remain silent. The prosecution must prove that you are guilty beyond a reasonable doubt. If you do provide a statement, it may be used against you.*)

c. **Do you have evidence to include with this request?** *(optional)*
(Note: You don't have to include evidence, but if you have any, it could help the court decide your case.)

- ☐ No
- ☐ Yes *(if yes, check all types of the evidence that you are attaching to this form.)*
  - ☐ Photos
  - ☐ Registration documents
  - ☐ Insurance documents
  - ☐ Car repair receipt
  - ☐ Inspection certificate
  - ☐ Diagram
  - ☐ Medical record
  - ☐ Other *(describe)*: _____

Instructions for attaching evidence

- Black out sensitive information like your 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 will not get it back.
- If you are not filing this request electronically, staple your evidence to this form.

This Is Not a Court Order

Case Number:

3 If you are found guilty, do you want the court to allow you to attend traffic school?

(If you are found guilty, the court may allow you to attend traffic school if you are eligible. For more information on the possible benefits of attending traffic school, go to selfhelp.courts.ca.gov/traffic/traffic-school. Note that there is an additional fee to attend traffic school.)

☐ No ☐ Yes

4 Additional Pages

Number of pages attached to this form, if any: _____
(This includes any evidence you are attaching to this form.)

5 Your (Defendant'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

6 Your Lawyer's Signature *(if you have one)*

Date: _____

_____ ▶ _____
Lawyer's name | Lawyer's signature

Next Steps

- Make at least one copy of your completed form and file the original with the court and keep the copy for your records. Make sure you attach any evidence you want the court to consider. Make sure to include your bail.
- After you file this form, the law enforcement officer in this case will have a chance to file a statement.
- The court will make a decision. A copy of the decision will be sent to you.
- For more information about this process, go to *selfhelp.courts.ca.gov/traffic/trial-declaration*.

This Is Not a Court Order

REVOKED

TR-210

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	*FOR COURT USE ONLY*
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
NOTICE AND INSTRUCTIONS TO ARRESTING OFFICER VEHICLE CODE INFRACTION (Trial by Written Declaration—Vehicle Code, § 40902)	CITATION NUMBER: CASE NUMBER:

The defendant has elected a trial by written declaration.

1. a. ☐ A copy of the citation is attached.

   OR

   b. ☐ (1) Agency:
   (2) Officer name & I.D. number:
   (3) Citation number:
   (4) Citation date:

2. Return date: _____

3. INSTRUCTIONS TO ARRESTING OFFICER: Complete, date, and sign an officer's declaration, attach it to this notice, and file it with the court by the return date *(see item 2 above)*.

4. File with or mail to the Clerk of the *(specify)*: Court at *(mailing address)*:

REVOKED
January 1, 2027

5. For information, call the court clerk's office at *(telephone no.)*:

6. Number of pages attached: _____

Date: Clerk, by _____, Deputy

CLERK'S CERTIFICATE OF MAILING

1. I am not a party to this action.
2. I served the *Notice and Instructions to Arresting Officer* by enclosing a copy in an envelope addressed to *(specify agency name and address)*:

   and caused the envelope to be deposited with the United States Postal Service with first-class postage fully prepaid
   at *(city)*: , California
   on (date):
3. I certify that the foregoing is true and correct.

Date: Clerk, by _____, Deputy

TR-215 Court's Decision on Request to Challenge Ticket

(This form is completed when the court has made a decision on a defendant's form TR-205 (Request to Challenge Ticket Without Going to Court). The court sends a copy of this form to the defendant. If any amount is owed by the defendant, the defendant must pay the amount that is on this order. If the person who paid the bail is owed a refund, the court will send the amount owed within 60 days of the court's decision.)

Clerk stamps date here when form is filed.

08/24/2026
DRAFT
Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in the case number and ticket number (if you have it):

Case Number:

Ticket Number:

1 Defendant's Name: _____

2 The bail amount in this case was $ _____

3 Court Findings and Orders

a. The court has reviewed the:

(1) ☐ Request by defendant (form TR-205)

(2) ☐ Officer's statement (form TR-235)

b. Based on its review, the court:

(1) For alleged violation #1 *(describe)*: _____

☐ Dismisses the violation.
☐ Finds the defendant not guilty.
☐ Finds the defendant guilty. Fine/fee of $ _____ ordered.
☐ Traffic school granted.
☐ Other orders: _____

(2) For alleged violation #2 *(describe)*: _____

☐ Dismisses the violation.
☐ Finds the defendant not guilty.
☐ Finds the defendant guilty. Fine/fee of $ _____ ordered.
☐ Traffic school granted.
☐ Other orders: _____

(3) For alleged violation #3 *(describe)*: _____

☐ Dismisses the violation.
☐ Finds the defendant not guilty.
☐ Finds the defendant guilty. Fine/fee of $ _____ ordered.
☐ Traffic school granted.
☐ Other orders: _____

This Is a Court Order

3 b. (4) For alleged violation #4 *(describe)*: _____

- ☐ Dismisses the violation.
- ☐ Finds the defendant not guilty.
- ☐ Finds the defendant guilty. Fine/fee of $ _____ ordered.
- ☐ Traffic school granted.
- ☐ Other orders: _____

(5) For alleged violation #5 *(describe)*: _____

- ☐ Dismisses the violation.
- ☐ Finds the defendant not guilty.
- ☐ Finds the defendant guilty. Fine/fee of $ _____ ordered.
- ☐ Traffic school granted.
- ☐ Other orders: _____

Additional alleged violations: ☐ Additional pages attached.
Number of pages attached to this form, if any: _____

4 Payment or Reimbursement

Based on the court's decision above *(check a or b)*:

a. ☐ **Defendant must pay the amount listed below in a(5)**:

(1) Total fines: $ _____

(2) Total fees *(including traffic school fees)*: $ _____

(3) Total fines and fees ((1) plus (2)): $ _____

(4) Bail amount paid previously paid: $ _____

(5) Total amount owed ((3) minus (4)): $ _____ must be paid by *(date)*: _____

b. ☐ **The court clerk must refund the amount listed in b(5)**:

(1) Bail amount previously paid: $ _____

(2) Total fines (if any): $ _____

(3) Total fees (if any): $ _____

(4) Total fines and fees ((2) plus (3)): $ _____

(5) Total amount to be refunded ((1) minus (4)): $ _____

(Refund should be sent by the court within 60 days of this order.)

Judicial Officer's Signature

Date: _____

_____
Judicial Officer

This Is a Court Order

Clerk's Certificate of Mailing

Clerk's Certificate of Mailing

For the *Court's Decision on Request to Challenge Ticket*, the clerk certifies:

a. I am not a party to this action.

b. I placed a copy of the following forms in a sealed envelope.
- ☐ Form TR-215 (*Court's Decision on Request to Challenge Ticket*)
- ☐ Form TR-220 (*Request for New Trial (Trial de Novo)*)

c. This envelope was mailed by U.S. mail, with full postage,
from (*place*): _____ on (*date*): _____
to:

d. I served the following items electronically on (*date*): _____
- ☐ Form TR-215 (*Court's Decision on Request to Challenge Ticket*)
- ☐ Form TR-220 (*Request for New Trial (Trial de Novo)*)

Date: _____ Clerk, by , Deputy

TR-220 Request for New Trial (Trial de Novo)

Clerk stamps date here when form is filed.

08/24/2026
DRAFT
Not approved by the Judicial Council

When to use this form

Use this form if you do not agree with the court's decision on form TR-215. If you complete and turn this form in by the deadline, the court will give you a new trial (trial de novo). A **trial de novo** is a new trial. This means you will get a court date for a new trial and a court appearance will be required. A judicial officer will look at your case again from the start.

Instructions

The clerk will complete items ① and ②.
The Defendant must complete and sign the rest of the form and return it by the deadline listed in ①.

Court fills in the court name and street address:

Superior Court of California, County of

Court fills in the case number and ticket number:

Case Number:

Ticket Number:

① The court must receive this form by *(date)*: _____

② Defendant's Name: _____

(Defendant to complete the rest of this form)

③ Your (Defendant's) Contact Information

Name: _____

Telephone: _____

☐ Preferred Mailing address: _____ _____ _____ _____
(street) *(city)* *(state)* *(zip code)*

☐ Email: _____

Preferred method of receiving information from the court *(check one)*: ☐ Yes ☐ No
Note: not all courts offer email service. If a court does not offer email or if the "yes" box is not checked, you will be mailed all information.

Your lawyer's information *(if you have one)*

Name: _____ State Bar No.: _____

Firm Name: _____ Firm address: _____

④ Request for New Trial

☐ I am dissatisfied with the court's decision. I request a new trial (trial de novo) for all violations.

☐ I am dissatisfied with the court's decision. I request a new trial (trial de novo) for some violations. I request a new trial for these violations *(please list)*: _____

_____

_____

⑤ Your (Defendant's) signature

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

Date: _____

_____ ▶ _____
Type or print your name Sign your name

This Is Not a Court Order

TR-225 Order and Notice to Defendant of New Trial (Trial de Novo)

Clerk stamps date here when form is filed.

08/24/2026
DRAFT
Not approved by the Judicial Council

(This form will be completed by the court.)

Defendant Instructions
Go to court at the time and date listed in item 2a. If you have a lawyer or any witnesses, make sure they go to court at the time and date listed in item 2a. If you have any other evidence, make sure to bring it with you at the time and date listed in item 2a.

Court fills in the court name and street address:

Superior Court of California, County of

Court fills in the case number and ticket number:

Case Number:

Ticket Number:

1 Defendant's Name: _____

2 Court Order

The court has received your request for a new trial and *(check one)*:

a. ☐ Grants your request. Your new trial is scheduled for:

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

Name and address of court if different from above:

_____
_____
_____

b. ☐ Denies your request. The request was not received on time.

Additional information *(explain if needed)*:

_____
_____
_____
_____

Judicial Officer's signature

Date: _____ _____
Judicial Officer

This is a Court Order

Case Number:

Clerk's Certificate of Mailing

Clerk's Certificate of Mailing

For the *Order and Notice to Defendant of New Trial (Trial de Novo)*, the clerk certifies:

a. I am not a party to this action.

b. I placed a copy of the following forms in a sealed envelope.
   ☐ Form TR-225 (*Order and Notice to Defendant of New Trial*)

c. This envelope was mailed by U.S. mail, with full postage,
   from (*place*): _____ on (*date*): _____
   to:

d. I served the following items electronically on (*date*): _____
   ☐ Form TR-225 (*Order and Notice to Defendant of New Trial*)

Date: _____ Clerk, by , Deputy

This is a Court Order

TR-235 Officer's Declaration

Clerk stamps date here when form is filed.

08/24/2026
DRAFT
Not approved by the Judicial Council

Instructions

The defendant in this case has asked for a trial by written declaration under Vehicle Code section 40902.
The court clerk will complete items ① through ③.
The officer must complete and sign the rest of the form and return it by the deadline listed in ①.

① The court must receive this form by *(date)*: _____

② Defendant's Name: _____

③ Case Information

a. Date Issued for Citation: _____

b. Arresting or Citing Officer *(name)*: _____
(ID number): _____

Court fills in the court name and street address:

Superior Court of California, County of

Court fills in the case number and ticket number:

Case Number:

Ticket Number:

(Officer to complete the rest of this form)

④ Officer's Declaration

Except as expressly stated below, I have personal knowledge of the facts stated herein. The events occurred in the County of *(specify)*: _____
at about the date, time, and location stated in the citation.

a. At the time of the citation I was a peace officer on duty for the exclusive or main purpose of traffic enforcement.
☐ Yes ☐ No

At the time of the citation I was wearing a uniform as required by Vehicle Code section 40800.
☐ Yes ☐ No

Any vehicle used by me complied with Vehicle Code section 40800.
☐ Yes ☐ No

b. The offenses were committed in my presence.
☐ Yes ☐ No

c. ☐ Any statements made by the defendant were voluntary,
☐ recorded verbatim, and are reasonably complete and accurate in substance, or
☐ **not** recorded verbatim, and are reasonably complete and accurate in substance.

d. ☐ Safety is an element of the violation alleged. In my opinion, the defendant's operation of the vehicle was unsafe.

e. ☐ Any equipment used by me to gather evidence in support of this violation was properly maintained, in good working order, and I have been trained in its use.

f. ☐ Any traffic sign, signal, or device mentioned was official and properly located, maintained, in good working order, and clearly visible to a driver of a vehicle controlled, governed, or affected by such sign, signal, or device.

This is Not a Court Order

Case Number:

4 g. ☐ Any diagrams submitted are not exact or to scale, but are reasonably complete, accurate, and fairly depicts the location, situation, and events described.

h. ☐ Speed supported by the patrol vehicle's speedometer was a significant factor. Pursuant to department policy, the patrol vehicle used in connection with this citation was officially calibrated on (*date*): _____
The result was (*specify*): _____
The calibration was considered by me in determining defendant's speed.

i. ☐ Defendant was identified by
☐ Driver's License, or
☐ Other *(specify)*: _____

5 The Methods Used to Determine the Speed of the Involved Vehicle Were:

☐ Odometer
☐ Visual estimation
☐ Pacing
☐ Radar (see items 3, 4, 5, below)
☐ Laser
☐ Aircraft
☐ Other *(specify)*: _____

6 Engineering and Traffic Survey

☐ Engineering and traffic survey (ETS) not required per Vehicle Code section 40802(a)(2).
☐ Engineering and traffic survey (ETS) completed within seven (7) years prior to the date of alleged violation.
☐ ETS completed more than seven (7) but less than fourteen (14) years prior to date of alleged violation. A registered engineer has evaluated the section of the highway in question and has determined that no significant changes in roadway or traffic conditions have occurred.
☐ ETS attached.
☐ ETS on file with the court (local court practices for retaining a current ETS may vary; verify that your court has one on file before checking this box).
☐ ETS is available online (provide web address (URL)): _____
☐ Other information about the ETS:
_____
_____
_____

7 Other Requirements Under Vehicle Code Section 40802

☐ Arresting/citing officer has successfully completed a radar operator course of not less than 24 hours approved and certified by the Commission on Peace Officer Standards and Training (POST).

☐ Laser or other electronic device was used to measure speed. Arresting/citing officer successfully completed an additional training course of not less than two (2) hours approved and certified by POST.

☐ The speed measuring device used to measure the speed of defendant (Serial No: _____) meets or exceeds the minimum operational standards of the National Highway Traffic Safety Administration (NHTSA) and was last calibrated on (*date*): _____ by an independent certified laser/radar repair and testing/calibration facility.

This is Not a Court Order

Case Number:

7 ☐ Equipment accuracy check conducted on (*date*): _____ at (*time*): _____ and again on (*date*): _____ at (*time*): _____

8 Facts and Circumstances

(Type or print only. State what happened):

☐ Continued on attachment.

9 Other Evidence and Statements

(Explain any other evidence and statements):

☐ Continued on attachment.

10 Diagrams

(Specify):

☐ Continued on attachment.

11 Number of pages attached:

12 Your signature

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

Date: _____

_____
Type or print your name

▶ _____
Sign your name

ID Number: _____

Agency NCIC Number: _____

Agency mailing address: _____

This is Not a Court Order

SPR26-39 Chart of Comments

Traffic: Trial by Written Declaration Forms (amend Cal. Rules of Court, rule 4.210 , and revise form TR-205, TR-215, TR-220, TR-225, and TR-235; revoke forms TR-200 and TR-210)

All comments are verbatim unless indicated.

Commenter	Comment	Committee Response
Orange County Bar Association by Shirin Forootan, President	Position: Agrees The proposal does appropriately address the stated purpose, and the potential defenses on form TR-205 do better assist defendants than the current form.	The committee appreciates this feedback.
Superior Court of Los Angeles County by Stephanie Kuo	Position: Agree The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "SPR26-39 Traffic: Trial by Written Declaration Forms," the Court agrees the proposal appropriately addresses the stated purpose. The Court agrees that the potential defenses on form TR-205 make it clearer.	The committee appreciates this feedback.
Superior Court of Los Angeles County (continued)	The Court finds that the clerk's certificate of mailing is unnecessary if the Court is using electronic service.	The committee appreciates this feedback. The committee is proposing changes to the certificate of mailing to accommodate electronic service.
Superior Court of Los Angeles County (continued)	The Court agrees that the information about the ETS on file with the court on form TR-235 adequately describe variations in local practices.	The committee appreciates this feedback.
Superior Court of Los Angeles County (continued)	The proposal may provide cost savings since there is no longer a need to print the TR-200 Instructions to Defendant. Additionally, there may be cost savings if the preferred communication method selected is email instead of regular mail.	The committee appreciates this feedback.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County (continued)	To implement the proposal, the Court would need to train staff and judicial officers on the revised/revoked forms, which would take about 30 minutes. The Court would also need to update its forms and procedures. The Court may also need to update its case management system if litigants elect for electronic receipt as preferred method of communication. Overall, the Court foresees minimal impact to court operations. Two months should be sufficient time for implementation. The proposal should work for courts of different sizes.	The committee appreciates this feedback.
Superior Court of Orange County by Nevely Herrera, Operations Analyst	Position: Agree if modified Does the proposal appropriately address the stated purpose? The proposal addresses the stated purpose of seeking to improve clarity, usability, and organization of TBD forms. By simplifying the trial by written declaration process, it may benefit the court's users and access to justice.	The committee appreciates this feedback.
Superior Court of Orange County (continued)	Do the potential defenses on form TR-205 better assist defendants in the trial by declaration process than the current form? The potential defenses on the TR-205 form may better assist defendants. However, a potential concern is that defendants might assume the listed defenses are the only viable options, which could lead to misunderstandings. Might the inclusion of the potential defense of "an emergency necessitated the alleged violation" imply a sense of guilt associated with this choice? A suggestion to consider is presenting potential defenses as examples for defendants to consider, allowing them the opportunity to elaborate on their applicability as needed.	The committee agrees with the concern expressed by this suggestion. The committee is recommending additional language to clarify that the potential defenses are optional and that other defenses may apply. The defendant will have the ability to elaborate in item 2b on the proposed form.
Superior Court of Orange County (continued)	Would the proposal provide cost savings? If so, please quantify. Proposal may provide minimal cost savings. Court staff will have fewer forms to provide, which has the potential of reducing time spent explaining a form.	The committee appreciates this feedback.

Commenter	Comment	Committee Response
Superior Court of Orange County (continued)	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 review of current procedures will be required to ensure references to the revoked forms are removed and resources are updated. Docket code modifications will be required. Additionally, the Court's Public Website will require updating to ensure links to forms and self-help packets are updated accordingly.	The committee appreciates this feedback.
Superior Court of Orange County (continued)	Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Additional time may be needed to ensure communication is sent to law enforcement agencies, procedures and dockets codes are updated, and familiarity is established with the updated forms.	The committee understands based on this comment that two months could be insufficient However, the committee does not recommend a special implementation cycle based on this feedback.
Superior Court of Orange County (continued)	How well would this proposal work in courts of different sizes? In larger courts, achieving consistency across various justice centers may take longer.	The committee appreciates this feedback.
Superior Court of Orange County (continued)	Is the clerk's certificate of mailing helpful or necessary, particularly as courts may be using electronic service? As it related to the clerk's certificate of mailing, the revised TR-205 allows defendants to indicate a preferred method of communication (email or mail), however TR-215's clerk's certificate of mailing only references service by mail. We recommend adding language or options to reflect electronic service where applicable to align with the defendant's preferred method of communication. Additionally, current practice in Orange County Superior Court, is to include TR-220 (Request for New Trial) when issuing decision on the trial by written declaration, when applicable. The revised TR-215 only references mailing of that form. We recommend revising the clerk's certificate of	The committee agrees with this suggestion. The committee is proposing changes to the certificates of mailing to add an option for electronic service and to add the option to include form TR-220 on the certificate of mailing to address this concern.

Commenter	Comment	Committee Response
	mailing to include TR-220, when applicable to ensure the defendant has the necessary paperwork to proceed with their right to seek a new trial.	
Superior Court of Orange County (continued)	Does the information about the ETS on file with the court on form TR-235 adequately describe variations in local practices? The information regarding ETS on form TR-235 does describe variations in local practices. However, variations in how the ETS is submitted varies across law enforcement agencies which could potentially lead to ambiguity and confusion.	The committee appreciates this feedback. The committee is aware that who and how ETS are submitted is an ongoing concern that is beyond the scope of this proposal. The committee may explore training or other options to improve consistency across jurisdictions.
Superior Court of San Diego County by Elizabeth A. Allen, Legal Services Manager	Position: Agree if modified Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates this feedback.
Superior Court of San Diego County (continued)	Q: Do the potential defenses on form TR-205 better assist defendants in the trial by declaration process than the current form? A: Adding possible defenses to assist the defendant with their defense could be construed as the court providing legal advice to the defendant.	The committee appreciates the feedback but does not believe that providing a checkbox provides legal advice to the defendant. However, the committee is recommending additional language to clarify that the potential defenses are optional and that other defenses may apply, in part to address this concern.
Superior Court of San Diego County (continued)	Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates this feedback.
Superior Court of San Diego County (continued)	Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Minimal.	The committee appreciates this feedback.
Superior Court of San Diego County (continued)	Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?	The committee appreciates this feedback.

Commenter	Comment	Committee Response
	A: Yes, provided the final versions of the forms are provided at that time.	
Superior Court of San Diego County (continued)	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 this feedback.
Superior Court of San Diego County (continued)	Q: Is the clerk's certificate of mailing helpful or necessary, particularly as courts may be using electronic service? A: San Diego currently uses a local version of a certificate of mailing, and staff indicate that having the certificate as part of the form will be helpful. However, it will only be helpful if San Diego's requested changes to the proposed certificate of mail are adopted.	The committee appreciates this feedback. Please see the committee's response to specific suggestions to the certificate of mail below.
Superior Court of San Diego County (continued)	Q: Does the information about the ETS on file with the court on form TR-235 adequately describe variations in local practices? A: Yes.	The committee appreciates this feedback.
Superior Court of San Diego County (continued)	General Comments Comments on CRC, rule 4.210 – Traffic court – trial by written declaration Section (b), (2), line 5: "…on the ~~Request for Trial by Written Declaration~~ Request to Challenge Traffic Ticket Without Going to Court (form TR-205) ~~a copy of the *Instructions to Defendant* (form TR-200) and with~~ any other required forms." Strike the old name of the TR-205, propose adding "Request to" to the form title (see comments on TR-205 form also), and delete reference to the TR-200 Instruction form.	The committee agrees with this suggestion. The committee is proposing this change to the rule and forms to address this feedback.
Superior Court of San Diego County (continued)	Section (b), (2), second paragraph: The name of the TR-205 form should be updated to the proposed new form name.	The committee agrees with this suggestion. The committee is proposing this change to the rule to address this feedback.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Section (b), (2), third paragraph: "~~The defendant~~ Bail must be deposited ~~bail~~ with the clerk by the appearance date…" Since someone other than the defendant may post bail on the defendant's behalf, propose rewording the rule so that it is clear.	The committee agrees with this suggestion. The committee is proposing this change to the rule to address this feedback.
Superior Court of San Diego County (continued)	Section (b), (5), line 2: "…Request to Challenge Traffic Ticket Without Going to Court (form TR-205) and bail by the due date, the clerk must deliver ~~or mail~~ to the arresting officer's agency…" Propose adding "Request to" the TR-205 form title. And unclear why "or mail" has been deleted here; San Diego mails the applicable documents to the arresting officer's agency so propose that it remain as an option.	The committee agrees with this suggestion in part. The committee is proposing to add "Request to" as requested. However, the term "deliver" encompasses "mail" and is preferred to accommodate all forms of delivery. Accordingly, the committee recommends maintaining the deleted "or mail" as was circulated for public comment.
Superior Court of San Diego County (continued)	Section (b), (6), line 2: "…the ~~Decision and Notice of Decision~~ Court's Decision on Request to Challenge Ticket (form TR-215) to the defendant…" Update the name of the TR-215 to reflect the proposed new name.	The committee agrees with this suggestion. The committee is proposing this change to the rule to address this feedback.
Superior Court of San Diego County (continued)	Section (b), (7), second paragraph: "…The clerk must deliver or mail the ~~Decision and Notice of Decision~~ Court's Decision on Request to Challenge Ticket (form TR-215)…" and "…so that the ~~Decision and Notice of Decision~~ Court's Decision on Request to Challenge Ticket can be timely delivered or mailed by the clerk." Update the name of the TR-215 to reflect the proposed new name.	The committee agrees with this suggestion in part. The committee is proposing changes to the rule to address this feedback, but recommends using "the form" instead of repeating the title of form TR-215. Additionally, the term "deliver" encompasses "mail" and is preferred to accommodate all forms of delivery. Accordingly, the committee recommends deleting "or mail."
Superior Court of San Diego County (continued)	Comments on the Forms TR-205: Title of form: Propose changing the name of the TR-205 to "Request to Challenge Traffic Ticket…" and add "(Trial by Written Declaration – Traffic)" as the 2nd line of the form name. Adding "Request to" is a better description of the form and it will make the name of the form consistent with references made to this form in other forms (e.g., the TR-215 refers to this form as the "*Request to* Challenge Ticket Without Going to Court" and the name of the TR-215 is	The committee agrees with these suggestions. The committee is recommending these changes to form TR-205.

Commenter	Comment	Committee Response
	"Court's Decision on *Request to* Challenge Ticket"); adding a 2nd line to the footer on this form will make it clear that the request is for a Trial by Written Declaration and will make it consistent with the TR-210, TR-215, TR-220, and TR-225, all of which have Trial by Written Declaration – Traffic as the second line of the form name.	
Superior Court of San Diego County (continued)	Page 1, When to use this form? Change to "Trials by Declaration are available pursuant to Vehicle Code section 40902 in cases involving Vehicle Code infractions and any local ordinance adopted pursuant to the Vehicle Code. If you do not agree with your citation (ticket) and you want ~~the court to dismiss~~ to contest your ticket, you may complete…" This adds basic eligibility information up front to help customers determine if they can use this form and clarifies that a trial by declaration is used to contest a ticket. Saying that the form is to be used if you want the court to dismiss your ticket may provide the impression that completing the form will result in a dismissal. However, dismissal is just one of several possible dispositions.	The committee agrees with this suggestion. The committee is recommending this change to form TR-205.
Superior Court of San Diego County (continued)	Page 1, Is there a fee to file this request? line 1: Change to "~~You must pay~~ Bail of $___ must be paid when ~~you turn in~~ this request is submitted." Since someone other than the defendant is permitted to post bail on behalf of the defendant, this change makes it clear. As written, a defendant could think that only the defendant themself is permitted to pay the bail.	The committee agrees with this suggestion. The committee is recommending this change to form TR-205.
Superior Court of San Diego County (continued)	Page 1, Is there a fee to file this request? lines 3 and 4: Change to "…the money ~~you~~ paid for bail will be returned to ~~you~~ the payor." Since someone other than the defendant is permitted to post bail on behalf of the defendant, and if that is done, any excess is returned to whomever posted the bail, this change makes the form clearer. As written, a defendant could think that only the defendant themself is permitted to pay the bail and that any excess will be returned to the defendant rather than to whomever posted it.	The committee agrees with this suggestion. The committee is recommending this change to form TR-205.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Page 1, Is there a fee to file this request? line 5: "…found you guilty and bail will ~~not be returned to you~~ be applied to any fine imposed, and any excess will be refunded to the person who paid the bail." Sometimes the fine that is imposed is lower than the bail that was posted, so even when found guilty, part of the bail is often returned to the person who posted it. This change makes that clear.	The committee agrees with this suggestion. The committee is recommending this change to form TR-205.
Superior Court of San Diego County (continued)	Page 1, #1: Amend "Your information" to read "Defendant's information." This will make the form more consistent with other forms in this series (e.g., the TR-220) and alleviate any confusion when someone other than the defendant completes the form on the defendant's behalf. With the change, it is clear that it is the defendant's information that needs to be included, not whoever is filling it out.	The committee agrees with this suggestion. The committee is recommending that the item on form TR-205 be changed to read "Your (Defendant's) information."
Superior Court of San Diego County (continued)	Page 1, #1, Line 4: "Preferred ~~method of~~ mailing address for receiving information from the court ~~(*check one*)~~:" San Diego, and presumably other courts as well, does not currently offer the option to have documents or court orders emailed to the defendant. Including the option on this form will result defendants thinking that the court will email documents to them and will potentially result in no mailing address being provided. An alternative proposal is to make providing the mailing address mandatory with an option to also include an email address.	Based on this feedback, the committee is recommending changes to form TR-205 to accommodate a defendant's preference for communication while accommodating courts that do not offer electronic service.
Superior Court of San Diego County (continued)	Page 1, #1, ~~Your~~ Lawyer's information. Propose adding space after the Firm's Name for an address. This will ensure that the correct address is used and will save the clerk the time to look it up.	The committee agrees with this suggestion. The committee is recommending this change to form TR-205.
Superior Court of San Diego County (continued)	Page 2, #2, Request to challenge ticket without going to court, section a. Potential defenses. Adding possible defenses to assist the defendant with their defense, could be construed as the court providing legal advice to the defendant.	The committee appreciates the feedback but does not believe that providing a checkbox provides legal advice to the defendant. However, the committee is recommending additional language to clarify that the potential defenses are optional and that other defenses may apply. The defendant has the ability to elaborate in item 2b.

Commenter	Comment	Committee Response
Superior Court of San Diego County (continued)	Page 3, #3. "(If you are found guilty, the court can ~~allow~~ order you to attend traffic school if you are eligible. For more information on the possible benefits of attending traffic school, go to …. Note that there is an additional fee to attend traffic school." Use of the term "allow" makes it sound as though any traffic school order will be optional, so San Diego proposes using the term "order" instead. Also propose adding a note that an additional fee will be imposed for traffic school.	The committee agrees with this suggestion in part. The committee is recommending this change to form TR-205 with the exception of changing "allow" to "order". While technically the court does order traffic school, the committee believes "allow" is a better word choice from a defendant's standpoint and a defendant generally will not suffer negative consequences for failure to complete traffic school. Additionally, the committee is recommending changing "can" to "may".
Superior Court of San Diego County (continued)	Page 3, #5. Should "Your signature" be changed to "Defendant's signature"? This change will ensure that the defendant, and not someone completing the form on the defendant's behalf, signs the form.	The committee agrees with this suggestion. The committee is recommending that the item on form TR-205 read "Your (Defendant's) signature."
Superior Court of San Diego County (continued)	Page 3, after #6: Should "Your Next Steps" be changed to "Next Steps"? Only the first bullet item is a step for the defendant. The other three "steps" are information about how the case will proceed, so the change may make the form more easily understood.	The committee agrees with this suggestion. The committee is recommending this change to form TR-205.
Superior Court of San Diego County (continued)	TR-215 Page 1, first paragraph, line 5: "If the ~~defendant~~ person who paid the bail is owed a refund, the court will mail the amount owed within 60 days of the court's decision." The refund must be mailed to whomever posted the bail, which may be someone other than the defendant. This change reflects that.	The committee agrees with this suggestion. The committee is recommending this change to form TR-215, except that the committee recommends using "send" in place of mail".
Superior Court of San Diego County (continued)	Page 1, #3.b. (1), (2), (3), (4), and (5): Propose adding a line for ordering traffic school, a place to include the associated TVS fee, and add a line for "other orders" as follows: __ Dismisses the violation. __ Finds the defendant not guilty. __ Finds the defendant guilty. Fine/fee of $_____ ordered.	The committee agrees with these suggestions in part. The committee is recommending these changes to form TR-215 with the exception of adding the traffic school fee to each line. Instead, the committee is proposing adding the traffic school fee to the total fee item in 4(a)(2).

Commenter	Comment	Committee Response
	__ Traffic School ordered. Traffic School fee of $_____. __ Other Orders: _____ When the clerk updates a case disposition in the case management system, all orders associated with each violation (including traffic school, traffic school fees, and other orders such as community service or education classes), must be updated and reported at the violation level. With the current version of the form, the judicial officers in San Diego write in the traffic school order and fee, and any other orders, next to the findings and orders for each violation, so San Diego is hoping to see this change to the form adopted to make the order easier to read by the defendant and to save time for the judicial officers and clerks.	
Superior Court of San Diego County (continued)	Page 2 #4.a.(4) "Bail amount previously paid ~~by defendant~~: $" Since someone other than the defendant may post bail on the defendant's behalf, this change will save time for the judicial officers and clerks. With the current version of the form, the judicial officer and/or clerk must cross out "defendant" and write in the 3rd party.	The committee agrees with this suggestion. The committee is recommending this change to form TR-215.
Superior Court of San Diego County (continued)	Page 2 #4, a. (6) "~~Traffic school granted (See 5)~~" San Diego proposes to add a line re a traffic school order and associated fee to the Findings and Orders section for each violation, and therefore delete this line. This change will allow the court to indicate which offense the traffic school order and fee pertains to, which is necessary for proper updating in the case management system and reporting to DMV.	The committee agrees with this suggestion in part. The committee is recommending these changes to form TR-215 with the exception of adding the traffic school fee to each line. Instead, the committee is proposing adding the traffic school fee to the total fee item in 4(a)(2).
Superior Court of San Diego County (continued)	Page 2 #4 b. "The court clerk must refund the ~~defendant the~~ amount listed in b(5):" Since a party other than the defendant may post bail on the defendant's behalf, and when refunded, it must be refunded to the person who posted it, this change will save the judicial officer and clerks time (they won't need to cross out defendant and write in the 3rd party who posted the bail) and will cut down on errors. If the	The committee agrees with this suggestion. The committee is recommending this change to form TR-215.

Commenter	Comment	Committee Response
	judicial officer or clerk forgets to cross out defendant and include the correct person, accounting must make the appropriate adjustments.	
Superior Court of San Diego County (continued)	Page 2 #4 b.(1): "Bail amount previously paid ~~by defendant~~." Since someone other than the defendant may post bail on the defendant's behalf, this change will save time for the judicial officers and clerks. With the current version of the form, the judicial officer and/or clerk must cross out "defendant" and write in the 3rd party.	The committee agrees with this suggestion. The committee is recommending this change to form TR-215.
Superior Court of San Diego County (continued)	Page 2 #4 b. after (5): "~~Defendant~~ Refund should be mailed by the court ~~receive refund~~ within 60 days of this order.)" Since someone other than the defendant may post bail on the defendant's behalf, and if any of it is returned, it is returned to the person who posted the bail, San Diego proposes that this change be made to make it clear that any refund will be returned to the person who posted it.	The committee agrees with this suggestion. The committee is recommending this change to form TR-215 , with the exception of changing "mail" to "sent" to accommodate electronic refunds. "Sent" encompasses "mail" and is preferred to accommodate all forms of delivery.
Superior Court of San Diego County (continued)	Page 2 at bottom of form. Should "This is a court order" be added to the bottom of the form since this form includes the court's order?	The committee agrees with this suggestion. The committee is recommending this change to form TR-215.
Superior Court of San Diego County (continued)	Page 3 #5 "~~Other Orders (including any orders for traffic school)~~" As noted above, San Diego requests that other orders, including traffic school orders and the associated fees, be documented with each violation. This will ensure correct case management updating and DMV reporting.	The committee agrees with these suggestions in part. The committee is recommending these changes to form TR-215 with the exception of adding traffic school fee to each line. Instead, the committee is proposing adding traffic school fee to the total fee in item 4(a)(2).
Superior Court of San Diego County (continued)	Page 3 Clerk's Certificate of Mailing Line 1: "For the ~~Decision and Notice of Decision~~ Court's Decision on Request to Challenge Ticket, the clerk certifies:" This change replaces the current form name with the proposed new name of this form. b. "I placed a ~~filed~~ copy of the following form~~s~~ in a sealed envelope."	The committee agrees with this suggestion. The committee is recommending these changes and adding space to form TR-215 to accommodate more addresses.

Commenter	Comment	Committee Response
	c. Propose adding space for the officer's address and the attorney's addresses. San Diego mails a copy of the Court's Decision to all parties.	
Superior Court of San Diego County (continued)	Page 3 at bottom of form. "This is not a court order" Since the entire form is the court's order, should it say "This is a court order" at the bottom of each page?	The committee agrees with this suggestion. The committee is recommending this change to form TR-215.
Superior Court of San Diego County (continued)	TR-220 Page 1 #3: "Preferred ~~method of~~ mailing address for receiving information from the court ~~(check one)~~:" San Diego, and presumably other courts as well, does not offer the option to have documents and court orders emailed to the defendant. Including the option on this form will result in confusion by the defendant and will potentially result in the defendant not providing a mailing address. An alternative proposal is to make providing the mailing address mandatory, with an option to also include an email address.	The committee appreciates the feedback and understands not all courts offer electronic service. Based on this feedback, the committee is recommending changes to form TR-220 to accommodate a defendant's preference for communication while accommodating courts that do not offer electronic service.
Superior Court of San Diego County (continued)	Page 1 #3, Your lawyer's information: Propose adding space for the attorney's address. San Diego mails a copy of documents to the attorney, so having the address provided will make it more accurate and save the clerk the time to look it up.	The committee agrees with this suggestion The committee is recommending this change to form TR-220, by adding space for the firm address.
Superior Court of San Diego County (continued)	Page 1 #5: "Should "Your signature" be changed to "Defendant's signature" to ensure that the defendant, and not someone completing the form on the defendant's behalf, signs the form?	The committee agrees with this suggestion. The committee is recommending that the form read "Your (Defendant's) signature".
Superior Court of San Diego County (continued)	TR-225 Page 2 Clerk's Certificate of Mailing b. . "I placed a ~~filed~~ copy of the following form~~s~~ in a sealed envelope." c. Propose including space for additional addresses.	The committee agrees with this suggestion. The committee is recommending adding space to form TR-225 to accommodate additional addresses.
Superior Court of San Diego County (continued)	TR-235 Page 1, #4, d: Including this item on the form could be construed as the court providing legal advice to the law enforcement officer.	The committee appreciated this feedback. The committee does not believe providing a checkbox provides legal advice to the officer. Additionally,

Commenter	Comment	Committee Response
		the checkbox has been on the form for over 20 years.
Superior Court of San Diego County (continued)	Page 3, #12: San Diego requests that space for the officer to include the officer's agency mailing address be added to the form.	The committee agrees with this suggestion. The committee is recommending this change to form TR-235.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	Position: Agree if modified The JRS notes the following impact to court operations: Impact on existing automated systems. o Courts will need to reprogram their Case Management Systems (CMS) to accommodate new form titles, updated docket codes, and altered form logic.	The committee appreciates this feedback.
JRS (continued)	Results in additional training, which requires the commitment of staff time and court resources. o Implementation will require dedicated hours for training court clerks and judicial officers on the new forms, the incorporation of instructions previously housed in revoked forms, and the shifting of the burden of proof declarations.	The committee appreciates this feedback.
JRS (continued)	Increases court staff workload. o Workload may temporarily increase as staff field questions from the public and justice partners transitioning from the old forms to the new forms.	The committee appreciates this feedback.
JRS (continued)	Impact on local or statewide justice partners. o Law enforcement agencies (statewide justice partners) will need to adjust their internal protocols for completing the newly formatted TR-235 (Officer's Declaration) and adapt to changes regarding the Engineering and Traffic Survey (ETS) assertions.	The committee appreciates this feedback.
JRS (continued)	The JRS also notes that the proposal should be implemented because it improves readability, plain language access, and intuitive formatting for self-represented litigants. As a result, procedural fairness is improved.	The committee appreciates this feedback.

Commenter	Comment	Committee Response
JRS (continued)	Suggested modification(s): TR-205 requests “Email” as “preferred contact method” though the Clerk’s Certificate of Mailing on TR-215 and TR-225 only provides certification for US Mail and not electronic service (the preferred contact method). A checkbox to allow for a Clerk’s Certification of electronic service may add clarity and reduce confusion.	The committee agrees with this suggestion. The committee is proposing changes to the certificate of mailing to accommodate electronic service.
JRS (continued)	Rule 4.210 Language states that the defendant must file a request within 20 calendar days “after the date of delivery or mailing of the date indicated on the Decision and Notice of Decision.” This phrasing is grammatically confusing. In addition the TR-220 form simply states “if you complete and turn this form in by the deadline” but provides little clarity as to how that deadline is determined. Considering the stated goals of intuitive formatting and plain language access, this critical information is functionally cryptic. Suggest adding clarity of deadline to form or referencing the rule itself (b)(7) and revising the proposed rule language to be more plain language accessible.	There were a few errors in the rule that were posted for public comment. In the process of trying to make the Invitation to Comment ADA compliant, a compliance tool deleted a few strikethroughs in the PDF of the draft rule. The committee has remediated the rule to address this issue and included the language that was intended.
JRS (continued)	On form TR-220, the definition of a trial de novo should explicitly state that this requires an in-person appearance (or, to the extent it considers remote appearances, that a court appearance will be required – it is not trial de novo by written declaration). Defendants transitioning from a purely written process may otherwise assume the 'new trial' is also conducted by mail, leading to an increase in Failures to Appear (FTAs).	The committee agrees with this suggestion. The committee is proposing changes to form TR-220 to note a court appearance will be required.

Rules Committee Action Request Form

Item number: 41

Rules Committee Meeting Date: September 10, 2026

Action requested: Recommend JC approval (without public comment)

Title of proposal: Rules and Forms: Miscellaneous Technical Changes

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.)**:**
Amend rules 1.3, 1.6, 4.320, 5.616, 8.44, 8.212, 8.485, 10.14, 10.21, 10.202, and 10.500; amend standard 5.30; revise forms CR-115, MC-052, MC-053, NC-100, NC-200, NC-250/NC-350/NC-550, and SUR-050-INFO

Advisory committee or other entity submitting the proposal:
Judicial Council staff

Staff contact (name, phone, and email)**:**
Eric Long, 415-865-7691, eric.long@jud.ca.gov

Annual agenda approved by Rules Committee on: n/a
Project description from annual agenda: n/a

Implementation Date and Circulation Notes: (If requesting an effective date other than January 1 or a special invitation-to-comment cycle, please explain.) This proposal was not circulated for public comment because it is noncontroversial, involves technical revisions, and is therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any other relevant information.)

Information for JC staff (Complete the following for proposals 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 after council approval.)
☐ Changes or additions to self-help guide website are needed.

(Revised 2026)

Judicial Council of California

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

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-138

For business meeting on October 16, 2026

Rules and Forms: Miscellaneous Technical Changes (Draft)

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
Amend rules 1.3, 1.6, 4.320, 5.616, 8.44, 8.212, 8.485, 10.14, 10.21, 10.202, and 10.500; amend standard 5.30; revise forms CR-115, MC-052, MC-053, NC-100, NC-200, NC-250/NC-350/NC-550, and SUR-050-INFO

Recommended by
Judicial Council staff
Michael Etchepare, General Counsel
Legal Services

Report Type
Action Required

Effective Date
January 1, 2027

Date of Report
August 27, 20268/27/2026

Contact
Eric Long, 415-865-7691
eric.long@jud.ca.gov

Executive Summary

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms, as well as minor changes needed to conform to changes in law or previous council actions. Judicial Council staff recommend making the necessary corrections to ensure that the rules and forms conform to law and practice and to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation

Judicial Council staff recommend that the council, effective January 1, 2027:

1. Amend rule 1.3 of the California Rules of Court to replace an inaccurate reference to division 5 of title 8 with a reference to division 7;

2. Amend rule 1.6 to correct the spelling of "Web Site" and to update the California Courts website address.

3. Amend rule 4.320 to delete from its title the reference to Government Code section 71280.5, which was repealed by Senate Bill 1316 (Stats. 2002, ch. 784);

4. Amend rule 5.616 to remove a website address in an advisory committee comment that is no longer valid;

5. Amend rules 8.44 and 8.212 to update website addresses in the advisory committee comments, as well as other minor modifications;

6. Amend rule 8.485 to update a cross-reference in subdivision (b) to other rules in title 8;

7. Amend rules 10.14, 10.21, and 10.202 to make them consistent with the current title for the director of the Legal Services office by replacing all references to "Chief Counsel" with "General Counsel."

8. Amend rule 10.500 and its advisory committee comment to replace inaccurate references to rule 10.802, which was repealed, with references to rule 10.501, and to eliminate phrasing that uses gendered pronouns;

9. Amend standard 5.30 of the California Standards of Judicial Administration to remove references in an advisory committee comment to outdated media and technology formats;

10. Revise *Defendant's Statement of Assets* (form CR-115) to correct a reference on page 1 to Penal Code section 1202.4, as well as other minor modifications;

11. Revise *Declaration in Support of Attorney's Motion to Be Relieved as Counsel—Civil* (form MC-052) and *Order Granting Attorney's Motion to Be Relieved as Counsel—Civil* (form MC-053) to add an option indicating that the party was served electronically to reflect the current provisions of rule 3.1362(d)(2) and to eliminate phrasing that uses gendered pronouns, as well as other minor modifications;

12. Revise *Petition for Change of Name* (form NC-100) and *Petition for Change of Name to Conform to Gender Identity* (form NC-200) at item 1 to update the parenthetical to clarify the name being provided for the petitioner, as well as a minor modification to the caption information;

13. Revise *Notice of Hearing on Petition* (form NC-250/NC-350/NC-550) to include standardized information about requesting a disability accommodation, as well as a minor modification to the caption information; and

14. Revise *How to Ask for a Judgment—Gestational Carrier Agreement* (form SUR-050-INFO) to correctly indicate on page 2 to remove an inadvertently added "No" under Uncontested Process, as well as other minor modifications.

The proposed amended rules, amended standard, and revised forms are attached at pages 4–22.

Relevant Previous Council Action

The Judicial Council has acted on these rules and forms previously. This proposal addresses minor corrections of items that require updating to reflect current nomenclature and law or that were inadvertently or incorrectly included in the prior action.

Analysis/Rationale

The changes to these rules and forms are technical in nature and necessary to correct inadvertent errors or incorrect references. They are needed to ensure that the rules and forms are correct and conform to the law.

Policy implications

There are no policy implications to this proposal.

Comments

Public comments were not solicited for this proposal because the recommendation is within the Judicial Council's purview to approve without circulation.

Alternatives considered

None.

Fiscal and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

Attachments and Links

1. Cal. Rules of Court, rules 1.3, 1.6, 4.320, 5.616, 8.44, 8.212, 8.485, 10.14, 10.21, 10.202, and 10.500, and Cal. Standards of Judicial Administration, standard 5.30, at pages 4–9
2. Forms CR-115, MC-052, MC-053, NC-100, NC-200, NC-250/NC-350/NC-550, and SUR-050-INFO, at pages 10–22

Rules 1.3, 1.6, 4.320, 5.616, 8.44, 8.212, 8.485, 10.14, 10.21, 10.202, and 10.500 of the California Rules of Court and standard 5.30 of the California Standards of Judicial Administration are amended, effective January 1, 2027, to read:

Rule 1.3. Authority

The rules in the California Rules of Court are adopted by the Judicial Council of California under the authority of article VI, section 6, of the Constitution of the State of California, unless otherwise indicated. The rules in division ~~5~~ 7 of title 8 and in title 9 were adopted by the Supreme Court.

Rule 1.6. Definitions and use of terms

As used in the California Rules of Court, unless the context or subject matter otherwise requires:

(1)–(21) * * *

(22) "California Courts ~~Web Site~~ website" means the ~~Web site~~ website established by the Judicial Council that includes news and information, reference materials, rules and forms, and a self-help center. The address is: ~~*www.courts.ca.gov*~~ *courts.ca.gov*.

Rule 4.320. Records of criminal convictions (Gov. Code, §§ 69844.5~~, 71280.5~~)

(a)–(b) * * *

Rule 5.616. Interstate Compact on the Placement of Children

(a)–(j) * * *

Advisory Committee Comment

* * *

Regulations and Forms. The ICPC regulations and forms can be found on the website of the Association of Administrators of the Interstate Compact on the Placement of Children ~~at http://icpc.aphsa.org/~~.

Rule 8.44. Number of copies of filed documents

(a)–(c) * * *

Advisory Committee Comment

The initial sentence of this rule acknowledges that there are exceptions to this rule's requirements concerning the number of copies. See, for example, rule 8.150, which specifies the number of copies of the record that must be filed.

Information about electronic submission of copies of documents can be found on the ~~web page~~ webpage for the Supreme Court at~~:~~ ~~*www.courts.ca.gov/appellatebriefs*~~ *supreme.courts.ca.gov/e-filing-procedures/e-filing* or for the Court of Appeal district in which the brief is being filed at~~:~~ ~~*www.courts.ca.gov/courtsofappeal*~~ *appellate.courts.ca.gov*.

Note that submitting an electronic copy of a document under this rule or under a local rule adopted pursuant to subdivision (c) does not constitute filing a document electronically under rules 8.70–8.79 and thus does not substitute for the filing of the original document with the court in paper format.

Rule 8.212. Service and filing of briefs

(a)–(c) * * *

Advisory Committee Comment

* * *

Subdivision (c). In subdivision (c)(2) the word "brief" means only (1) an appellant's opening brief, (2) a respondent's brief, (3) an appellant's reply brief, (4) an amicus curiae brief, or (5) an answer thereto. It follows that no other documents or papers filed in the Court of Appeal, whatever their nature, should be served on the Supreme Court. Further, only briefs filed in the Court of Appeal "in a civil appeal" must be served on the Supreme Court. It follows that no briefs filed in the Court of Appeal in criminal appeals or in original proceedings should be served on the Supreme Court.

Information about electronic submission of copies of briefs to the Court of Appeal can be found on the ~~web page~~ webpage for the Court of Appeal district in which the brief is being filed on the California Courts website at ~~*www.courts.ca.gov/courtsofappeal*~~ *appellate.courts.ca.gov*.

Examples of "undue hardship" under (c)(2)(C) include but are not limited to when a party does not have access to a computer or the software necessary to prepare an electronic copy

of a brief or does not have ~~e-mail~~ email access to electronically submit a brief to the Court of Appeal.

Rule 8.485. Application

(a) * * *

(b) Writ proceedings not governed

These rules do not apply to proceedings for writs of mandate, certiorari, or prohibition in the appellate division of the superior court under rules 8.930–8.936, writs of supersedeas under rule 8.116, writs of habeas corpus except as provided in rule 8.384, writs to review orders setting a hearing under Welfare and Institutions Code section 366.26, writs under Welfare and Institutions Code section 366.28 to review orders designating or denying a specific placement of a dependent child after termination of parental rights, and writs under rules 8.450–8.456 except as provided in rules 8.452 and 8.456, or writs under rules ~~8.495–8.498~~ 8.720, 8.724, and 8.728.

Rule 10.14. Litigation Management Committee

(a) Litigation oversight

The Litigation Management Committee oversees litigation and claims against trial court judges, appellate court justices, the Judicial Council, its staff, the trial and appellate courts, and the employees of those bodies in which the likely monetary exposure is $100,000 or more or that raise issues of significance to the judicial branch by:

(1) Reviewing and approving any proposed settlement, stipulated judgment, or offer of judgment; and

(2) Consulting with the Administrative Director or Chief Counsel General Counsel, on request, regarding important strategy issues.

(b)–(c) * * *

Rule 10.21. Proposals from members of the public for changes to rules, standards, or forms

(a) * * *

(b) Submission and content of proposals

Proposals must be submitted in writing to: Judicial Council of California, Attention: Chief Counsel General Counsel. Proposals should include:

(1)–(8) * * *

(c) Advisory committee's review of proposal

The Chief Counsel General Counsel must refer each proposal from a member of the public to an appropriate advisory committee for consideration and recommendation, or, if no appropriate advisory committee exists, to the Rules Committee. A Judicial Council staff member may independently review the proposal and present an analysis and a recommendation to the committee. The committee may take one of the following actions:

(1)–(3) * * *

Rule 10.202. Claims and litigation management

(a) * * *

(b) Duties of Legal Services

To carry out the duty of the Judicial Council to provide for the representation, defense, and indemnification of justices of the Courts of Appeal or the Supreme Court, judges, subordinate judicial officers, court executive officers and administrators, and trial and appellate court employees under part 1 (commencing with section 810) to part 7 (commencing with section 995), inclusive, of the Government Code, Legal Services, under the direction of the Administrative Director and the Chief Counsel General Counsel, must:

(1)–(8) * * *

(c)–(d) * * *

Rule 10.500. Public access to judicial administrative records

(a)–(i) * * *

(j) Public access disputes

(1) Unless the petitioner elects to proceed under (2) below, disputes and appeals of decisions with respect to disputes with the Judicial Council or a superior court regarding access to budget and management information required to be maintained under rule 10.501 are subject to the process described in rule 10.803.

(2) Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her the right to inspect or to receive a copy of any judicial administrative record under this rule.

(3)–(6) * * *

Advisory Committee Comment

* * *

Subdivision (j)(1). Under ~~current~~ rule 10.803 a petitioner may file a writ in a superior court regarding a dispute with a superior court or the Judicial Council with respect to disclosure of ~~records and information required to be maintained under current rule 10.802~~ budget and management information required to be maintained under rule 10.501. The writ petition must be heard on an expedited basis and includes a right to an appeal. The statutory authority for the hearing process set forth in ~~current~~ rule 10.803, Government Code section 71675(b), does not extend this procedure to other disputes with respect to public access. The rule provides that petitioners with a dispute with any other judicial branch entity, or with respect to records that are not required to be maintained under ~~rule 10.802~~ rule 10.501, may follow the procedure set forth in (j)(2) through (j)(6), which is equivalent to the dispute resolution procedure of the California Public Records Act. A petitioner eligible for the dispute resolution process set out in ~~current~~ rule 10.803 may also elect to proceed ~~with his or her dispute~~ under the procedure set forth in (j)(2) through (j)(6).

Standard 5.30. Family court matters

(a)–(g) * * *

Advisory Committee Comment

* * *

Subdivision (e)(2). A significant barrier to having well-trained attorneys and educated self-represented litigants is a lack of current educational materials relating to family court practice. Law libraries, law offices, and court systems traditionally have not devoted adequate resources to purchase such educational materials. With advances in technology, resources can be accessed, shared, developed, or made available through ~~electronic/computer-based, online, and multimedia means, audiotape and videotape, DVD, CD, Web-based audiocasts and videocasts,~~ electronic and other media to supplement print materials.

* * *

Name of Victim on Whose Behalf Restitution Is Ordered:	*FOR COURT USE ONLY*
Name of Court: Street Address: Email Address: City and ZIP Code: Branch Name:	**08/26/2026** **DRAFT** **Not approved by the Judicial Council**
People of the State of California v. Defendant:	
Defendant's Statement of Assets	Case Number:

It is a misdemeanor to make any willful misstatement of material fact in completing this form. (Pen. Code, § 1202.4(f)(5).)

(Attach additional sheets if the space provided below for any item is not sufficient.)

PERSONAL INFORMATION

1. a. Name:
   b. AKA:
   c. Date of birth:
   d. Social Security number:
   e. Marital status:
   f. Driver's license number:
      State of issuance:
   g. Home address *(incl. city/zip):*
   h. Home telephone no.:
   i. Employer's telephone no.:

EMPLOYMENT

2. What are your sources of income and occupation? *(Provide job title and name of division or office in which you work.)*

3. a. Name and address of your business or employer *(include address of your payroll or human resources department, if different):*

   b. If not employed, names and addresses of all sources of income *(specify):*

4. How often are you paid (for example, daily, weekly, biweekly, monthly)? *(specify):*
5. What is your gross pay each pay period? $
6. What is your take-home pay each pay period? $
7. If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title, and division or office *(specify):*

8. Other sources of income *(specify):*

CASH, BANK DEPOSITS

9. How much money do you have in cash? $
10. How much other money do you have in banks, savings and loans, credit unions, and other financial institutions either in your own name or jointly *(list):*

	Name and address of financial institution	Account number	Individual or joint?	Balance
a.				$
b.				$
c.				$

PROPERTY

11. List all automobiles, other vehicles, and boats owned in your name or jointly.

	Make and year	Value	Legal owner if different from registered owner	Amount owed
a.		$		$
b.		$		$
c.		$		$

People of the State of California v. Defendant:	Case Number:

12. List all real estate owned in your name or jointly.

	Address of real estate	Fair market value	Amount owed
a.		$	$
b.		$	$

OTHER PERSONAL PROPERTY (Do not list household furniture and furnishings, appliances, or clothing.)

13. List anything of value not listed above owned in your name or jointly *(continue on attached sheet if necessary):*

	Description	Value	Address where property is located
a.		$	
b.		$	
c.		$	

ASSETS

14. List all other assets, including stocks, bonds, mutual funds, and other securities *(specify):*

15. Is anyone holding assets for you? ☐ Yes ☐ No If yes, describe the assets and give the name and address of the person or entity holding each asset *(specify):*

16. Except for attorney's fees in this matter and ordinary and routine household expenses, have you disposed of or transferred any assets since your arrest on this matter? ☐ Yes ☐ No
If yes, give the name and address of each person or entity who received any asset and describe each asset *(specify):*

DEBTS

17. Loans *(give details):*

18. Taxes *(give details):*

19. Support arrearages *(attach copies of orders and statements):*

20. Credit cards *(give creditor's name and address and the account number):*

21. Other debts *(specify):*

Date: _____

_____ ▶ _____

Type or print your name | Sign your name

INTERPRETER'S STATEMENT

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language noted below.

Language: ☐ Spanish ☐ Other *(specify):*

Date: _____ ▶ _____

Interpreter's Signature

_____ _____

Type or Print Interpreter's Name | Certification Number

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:		
CASE NAME:		CASE NUMBER:
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL		HEARING DATE: DEPT.: TIME: BEFORE HON.: DATE ACTION FILED: TRIAL DATE:

1. **Attorney and Represented Party.** Attorney *(name):*
   is presently counsel of record for *(name of party):*
   in the above-captioned action or proceeding.

2. **Reasons for Motion.** Attorney makes this motion to be relieved as counsel under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1) for the following reasons *(describe):*

☐ Continued on Attachment 2.

3. **Service**
   a. Attorney has
      (1) ☐ personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
      (2) ☐ served the client by mail at the client's last known address with copies of the motion papers served with this declaration.
      (3) ☐ served the client by electronic service at the client's last known electronic service address with copies of the motion papers served with this declaration.
   b. If the client has been served by mail or electronic service at the client's last known address, attorney has
      (1) ☐ confirmed within the past 30 days that the address is current
         (a) ☐ by mail, return receipt requested.
         (b) ☐ by telephone.
         (c) ☐ by conversation.
         (d) ☐ by other means *(specify):*

CASE NAME:	CASE NUMBER:

3. b. (2) ☐ been unable to confirm that the address is current or to locate a more current address for the client after making the following efforts:
   (a) ☐ mailing the motion papers to the client's last known address, return receipt requested.
   (b) ☐ calling the client's last known telephone number or numbers.
   (c) ☐ contacting persons familiar with the client *(specify):*
   (d) ☐ conducting a search *(describe):*
   (e) ☐ other *(specify):*

   c. Even if attorney has been unable to serve the client with the moving papers, the court should grant attorney's motion to be relieved as counsel of record *(explain):*

4. The next hearing scheduled in this action or proceeding
   a. ☐ is not yet set.
   b. ☐ is set as follows *(specify the date, time, and place):*

   c. ☐ concerns *(describe the subject matter of the hearing):*

   ☐ Continued on Attachment 4.

5. The following additional hearings and other proceedings (including discovery matters) are presently scheduled in this case *(for each, describe the date, time, place, and subject matter):*

   ☐ Continued on Attachment 5.

6. Trial in this action or proceeding
   a. ☐ is not yet set.
   b. ☐ is set as follows *(specify the date, time, and place):*

7. **Other.** Other matters that the court should consider in determining whether to grant this motion are the following *(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

▶ Signature of Declarant

8. Number of pages attached: _____

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:		
CASE NAME:		CASE NUMBER:
ORDER GRANTING ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL		HEARING DATE: DEPT.: TIME: BEFORE HON.: DATE ACTION FILED: TRIAL DATE:

1. The motion of *(name of attorney):*
   to be relieved as counsel of record for *(name of client):*
   a party to this action or proceeding, came on regularly for hearing at the date, time, and place indicated above.

2. The following persons were present at the hearing:

FINDINGS

3. Attorney has
   a. ☐ personally served the client with papers in support of this motion.
   b. ☐ served the client by mail or electronic service and submitted a declaration establishing that the service requirements of California Rules of Court, rule 3.1362, have been satisfied.

4. Attorney has shown sufficient reasons why the motion to be relieved as counsel should be granted and why the attorney has brought a motion under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1).

ORDER

5. Attorney is relieved as counsel of record for the client
   a. ☐ effective upon the filing of the proof of service of this signed order on the client.
   b. ☐ effective on *(specify date):*

6. The client's ☐ current ☐ last known address and telephone number:

If the client's current address is known, service on the client must hereafter be made at that address unless otherwise ordered in item 13. If the current address is not known, service must be made according to Code of Civil Procedure section 1011(b) and rule 3.252 of the California Rules of Court.

7. a. The next scheduled hearing in this action or proceeding is set for *(date, time, and place):*

   b. The hearing will concern *(subject matter):*

NOTICE TO CLIENT
You or your new attorney, if you have one, must prepare for and attend this hearing.

CASE NAME:	CASE NUMBER:

8. The following additional hearings and other proceedings (including discovery matters) are set in this action *(describe the date, time, place, and subject matter of each):*

9. The trial in this action or proceeding:
   a. ☐ is not yet set.
   b. ☐ is set for *(specify date, time, and place):*

10. Client is hereby notified of the following effects this order may have upon parties.

NOTICE TO CLIENT

Your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties listed below:

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

If you are one of these parties, YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION. Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.

11. Client is notified that clients who represent themselves are solely responsible for their case.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

You will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.

12. Client is notified that it is their duty to keep the court informed at all times of their current address.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

The court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.

13. The court further orders *(specify):*

Date:

Judge or Judicial Officer

NC-100

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***
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 form NC-100-INFO (*Instructions for Filing a Petition for Change of Name*). 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 *(if the petitioner is the person whose name is to be changed, use 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 form NC-110 (*Name and Information About the Person Whose Name Is to Be Changed*).

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

CONFIDENTIAL

NC-200

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***
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 form NC-200-INFO (*Instructions for Filing a Petition for Change of Name to Conform to Gender Identity*). 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 *(if the petitioner is the person whose name is to be changed, use 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, form NC-210G (a declaration of guardian) 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
(2) ☐ Parent
(3) ☐ Guardian
(4) ☐ Guardian ad litem or attorney for minor appointed by juvenile court
(5) ☐ Near relative *(indicate relationship):*
(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

CONFIDENTIAL NC-250/NC-350/NC-550

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*):			
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

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.)

SUR-050-INFO How to Ask for a Judgment—Gestational Carrier Agreement

This form lists the documents that a court may require to request a judgment determining a parental relationship based on a gestational carrier agreement (also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962). For information that includes how to start your case, visit the online Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/parentage/surrogacy.

The forms that you need to finish the case will depend on how the case was started, whether the other party filed a response, and whether the parties have an agreement about the judgment.

You may:

1. Request a judgment by filing form SUR-100(J) (*Joint Petition to Determine Parental Relationship*);

or

2. Finish your case after form SUR-110 (*Summons*) and form SUR-100 (*Petition to Determine Parental Relationship*) have been filed and served, a copy of the gestational carrier agreement has been lodged, the declarations mandated by statute have been filed, and the other party or parties:
   - Did not file a response after 30 days of being served with the petition;
   - Did not file a response after 30 days of being served with the petition because you have a written agreement with the other party or parties establishing a parental relationship;
   - Filed a response or made an appearance, and there is a written agreement establishing a parental relationship; or
   - Filed a response and there is no agreement establishing a parental relationship.

(!) To finish your case, you must provide the clerk of the court with envelopes of sufficient size and with sufficient postage to mail form FL-250 (*Judgment*) and form FL-190 (*Notice of Entry of Judgment*) to the parties.
- One stamped envelope you provide is to mail the documents to the intended parents (unless they are represented by two separate attorneys).
- The other envelope is to mail the documents to the gestational carrier and, if applicable, the gestational carrier's spouse or domestic partner (unless they are represented by two separate attorneys).

1 Joint Petition Process

File, lodge, or submit all of the following with the clerk of the court:

- File form SUR-100(J) (*Joint Petition to Determine Parental Relationship*).
- Use form SUR-113 (*Notice of Lodging*) or similar document to lodge the gestational carrier agreement.
- Lodge a true and correct copy of the notarized gestational carrier agreement. Attach to the agreement the:
  - Certified English translation of the agreement, if applicable.
  - Declaration of the attorney for the intended parent or intended parents.
  - Declaration of the attorney for the gestational carrier and their spouse or domestic partner.
- File the declarations of the following people to comply with Family Code section 7962:
  - Each intended parent (individually or jointly).
  - Gestational carrier.
  - Gestational carrier's spouse or domestic partner, if applicable.
  - Fertility physician (to show that you complied with Family Code section 7962(d)).
- Submit form FL-250 (*Judgment*), any attachments, and copies.
- Submit form FL-190 (*Notice of Entry of Judgment*) and copies.

(2) Finish Your Case After Forms SUR-100 and SUR-110 Are Served

Choose the situation that applies to your case.

Default Process

No form SUR-120 (*Response to Petition to Determine Parental Relationship*) was filed and served. The parties **do not** have a written agreement about legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court and the declarations listed in (1) were filed with the clerk of the court.

Forms to complete and file with the clerk of the court:

- Form SUR-115 (*Proof of Service of Summons*) or other proof of service.
- Form SUR-165 (*Request to Enter Default*).
- Form SUR-230 (*Declaration for Default or Uncontested Judgment*).
- Form FL-250 (*Judgment*), any attachments, and copies.
- Form FL-190 (*Notice of Entry of Judgment*) and copies.

Default with Agreement Process

No form SUR-120 *(Response to Petition to Determine Parental Relationship)* was filed and served. The parties have a written agreement about legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court, and the declarations listed in (1) were filed with the clerk of the court.

Forms to complete and file with the clerk of the court:

- Form SUR-115 (*Proof of Service of Summons*) or other proof of service.
- Form SUR-165 (*Request to Enter Default*).
- Form SUR-230 (*Declaration for Default or Uncontested Judgment*)
  - (For members of the U.S. military entering active duty): Form SUR-230(A) (*Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act*).
  - Attach written agreement signed by the parties and their attorneys, if applicable. Respondent's signature must be notarized.
- Form FL-250 (*Judgment*), any attachments, and copies.
- Form FL-190 (*Notice of Entry of Judgment*) and copies.

Uncontested Process

Form SUR-120 (*Response to Petition to Determine Parental Relationship*) was filed and served (or respondent made an appearance). The parties have a written agreement about legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court, and the declarations listed in (1) were filed with the clerk of the court.

Forms to complete and file with the clerk of the court:

- Form SUR-115 (*Proof of Service of Summons*) or other proof of service.
- Form SUR-230 (*Declaration for Default or Uncontested Judgment*). Attach written agreement signed by the parties and their attorneys, if applicable.
- Form FL-250 (*Judgment*), any attachments, and copies.
- Form FL-190 (*Notice of Entry of Judgment*) and copies.

Contested Case

Form SUR-120 (*Response to Petition to Determine Parental Relationship*) was filed and served. Parties do not agree about the parental relationship. If the parties disagree about who is (or is not) a child's parent, the case is contested. The parties will need to ask the court to make a decision about the legal relationship between the parties and the child or children.

Genetic testing

In cases involving a gestational carrier agreement, the court can order genetic testing to determine whether the gestational carrier surrogate is a biological parent (Fam. Code, § 7551(b)(1)(B)). To ask the court to order genetic testing, you can:

- File form FL-300 (*Request for Order*) and ask the court to order the testing allowed by law.
- If you and the other person agree to the limited genetic testing under the Family Code, write up your agreement and submit it to the judge to make a court order.

Ask for a trial

If genetic testing does not answer who the child's legal parents are, then you can ask for a trial. Each court has its own process for how to set a case for trial. When you get a trial date, the court may set other court dates and give you tasks to complete, like file a trial brief. Talk to your self-help center or an attorney to learn more about how to ask for and prepare for trial.

Judgment

After genetic testing or after a trial, you will need to complete the final paperwork (a judgment) and submit it to the judge to sign. A party must prepare form FL-250 (*Judgment*) and form FL-190 (*Notice of Entry of Judgment*) and submit them as described on page 1 of this form.

Will there be a hearing?

- It is possible that parties may finalize their case and get a judgment without ever having a hearing.
- Even if the parties file a joint petition, the judge may, but is not required to, set a hearing for the parties to answer questions before a decision is made about the judgment.
- The parties may also decide to request a hearing if they cannot agree on an important issue in the case. To learn about how to ask for a hearing, read form FL-300-INFO (*Information Sheet for Request for Order*).

What if I have questions or need help?

This form provides only basic information. If you have questions or need help:

- Find an attorney who specializes in assisted reproduction technology law and fertility law through the Academy of California Adoption-ART Lawyers at www.acal.org/member-directory/.
- Find an attorney through your local bar association, the State Bar of California at www.calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to www.lawhelpca.org.
- Contact your court's family law facilitator or self-help center for information and assistance, and referrals to local legal services providers. Go to selfhelp.courts.ca.gov/court-based-self-help-services.
- Find step-by-step instructions about how to start and finalize a parentage case on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/parentage.