



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2015

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Title	Agenda Item Type
Criminal and Traffic Procedure: Appearance in Court for Infractions Without Deposit of Bail	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend rule 4.105 of the California Rules of Court	December 1, 2015
Recommended by	Contact
Criminal Law Advisory Committee Hon. Tricia A. Bigelow, Chair	Arturo Castro, Supervising Attorney, Criminal Justice Services, 415-865-7702 <a href="mailto:arturo.castro@jud.ca.gov">arturo.castro@jud.ca.gov</a>
Traffic Advisory Committee Hon. Mark Borrell, Chair	

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### **Executive Summary**

The Criminal Law and Traffic Advisory Committees recommend amendments to rule 4.105 of the California Rules of Court to apply the rule to non-traffic infractions and to require courts to consider the totality of the circumstances when setting bail amounts before trial. The committees also recommend adding advisory committee comments to clarify the scope of the rule and explain that the totality of the circumstances may include whether the bail amount would impose an undue hardship on the defendant. The amendments were developed in response to recent Judicial Council directives to expand the application of the rule and promote access to justice in all infraction cases.

### **Recommendation**

The Criminal Law and Traffic Advisory Committees recommend that the Judicial Council, effective December 1, 2015, amend rule 4.105 to:

1. Apply the rule to non-traffic infractions by deleting various references to “traffic” and the “Vehicle Code”;
2. Add subdivision (c)(4) to require courts to consider the totality of the circumstances in determining the amount of any bail set before trial under subdivisions (c)(2) and (c)(3);
3. Add the following advisory committee comment to clarify the application of the rule under subdivision (a): “The rule does not apply to post-conviction matters or cases in which the defendant seeks an appearance in court after a failure to appear or pay”;
4. Add to the advisory committee comment an explanation of the distinct statutory purposes and functions that bail and related considerations serve in infraction cases as distinguished from felony and misdemeanor cases;
5. Add the following citation to the advisory committee comment to provide examples of statutory alternatives to appearing for arraignment: “(See, e.g., Pen. Code, §§ 853.5, 853.6; Veh. Code, §§ 40510, 40512, and 40512.5 [authorizing defendants to post and forfeit bail in lieu of appearing for arraignment].)”;
6. Add to the advisory committee comment a statement that in considering the “totality of the circumstances” under new subdivision (c)(4), courts may consider “whether the bail amount would impose an undue hardship on the defendant”; and
7. Delete unnecessary references to the totality of the circumstances in light of the addition of those considerations under new subdivision (c)(4).

The text of the amended rule and advisory committee comment are attached at pages 6–7.

### **Previous Council Action**

Rule 4.105 was adopted by the Judicial Council effective June 8, 2015.

### **Rationale for Recommendation**

#### **Current rule**

Rule 4.105 was originally adopted in response to recent criticisms aimed at state traffic laws and trial court procedures for deposit of bail in traffic infraction cases. The purpose of the rule is to improve access to justice for defendants who appear in court as promised to challenge their traffic infraction citations. In short, the rule requires courts to allow traffic infraction defendants to appear as promised for arraignment and trial without prior deposit of bail, unless certain specified exceptions apply, and to require courts to notify defendants of the option to appear in court without deposit of bail in any instructions or other materials regarding bail provided by courts to the public.

When adopting the rule, the Judicial Council also directed the appropriate advisory committees to develop recommendations to expand the application of the rule to non-traffic infractions and to promote access to justice in all infraction cases. The recommended amendments were developed by the committees in response to the council's directives.

### **Proposed Amendments**

The recommended amendments would expand application of the rule to non-traffic infractions and require courts to consider the totality of the circumstances when setting bail amounts before trial. To promote court consideration of financial hardships on defendants, the amendments would also add an advisory committee comment to explain that the totality of the circumstances may include "whether the amount of bail would cause an undue hardship on the defendant."

To clarify the scope of the rule, the amendments also add advisory committee comments to (1) explain that the rule "does not apply to post-conviction matters or cases in which the defendant seeks an appearance in court after a failure to appear or pay," (2) provide more examples of statutory alternatives to appearances in court for arraignment, and (3) clarify that the rule takes into account the distinct statutory purposes and functions that bail and related considerations serve in infraction cases, as distinguished from felony and most misdemeanor cases.

Collectively, the amendments are designed to promote procedural fairness across all categories of infraction cases, reduce confusion about the application of the rule, and promote court consideration of the totality of the circumstances when determining bail amounts before trial, including any undue hardships on defendants.

### **Comments, Alternatives Considered, and Policy Implications**

Because of the significant concerns about defendants' access to courts in infraction cases and the related directives from the Judicial Council, the committees developed the proposed amendments on an expedited basis.

The proposed amendments circulated for public comment from August 20, 2015, to September 7, 2015. A total of eleven comments were received; of those, one agreed with the proposal, two agreed if modified, two disagreed, and five did not indicate a position. One comment did not specifically relate to the proposal and therefore the text of the comment is not included on the comment chart. A chart with the comments and committees' responses is attached at pages 8–24.

### **Internal reevaluation of undue hardship considerations**

Current subdivision (c)(3) authorizes courts to require deposit of bail before trial if the court determines that the defendant is unlikely to appear for trial as ordered without prior deposit of bail. To promote court consideration of financial hardships on defendants, the committees originally proposed amending subdivision (c)(3) to require courts to consider the "totality of the circumstances" when determining whether the defendant is unlikely to appear, and adding an

advisory committee comment to explain that the totality of the circumstances includes “whether compliance with the order setting bail would impose an undue hardship on the defendant.”

Upon internal reevaluation, however, the committees decided that the two considerations—the likelihood of appearing and undue hardships caused by bail—are inherently distinct and necessarily apply to *separate* determinations. Accordingly, the committees decided to shift court consideration of the totality of the circumstances, including undue hardships, from the determination about the likelihood of appearing to the determination of the appropriate *amount* of bail.

Specifically, the committees deleted the proposed references to “totality” and other “circumstances” in subdivision (c)(3) and the related advisory committee comment, and instead added the following as new subdivision (c)(4): “In determining the amount of bail set under (2) and (3), courts must consider the totality of the circumstances.” The committees also added the following corresponding advisory committee comment: “In considering the ‘totality of the circumstances’ under this subdivision, courts may consider whether the bail amount would impose an undue hardship on the defendant.”

### **Notable comments**

Notable comments and the committees’ response include:

- ***Atypical bail considerations.*** One commentator suggested that the rule’s proposed bail considerations are improper because they are not applicable in felony and misdemeanor cases and would create a “slippery slope” into those cases. The rule’s bail considerations, however, were developed in light of the unique nature and purposes of bail in infraction cases, as distinguished from felony and misdemeanor cases. To emphasize that the rule’s bail considerations, including considerations of undue hardships, reflect the distinct statutory functions of bail applicable *only* to infraction cases, the committees added the following advisory committee comment: “**Subdivision (c).** This subdivision takes into account the distinct statutory purposes and functions that bail and related considerations serve in infraction cases, as distinguished from felony and most misdemeanor cases, including, for example, the posting and forfeiting of bail in uncontested cases and the use of bail to satisfy later judgments.”
- ***Delayed effective date.*** The committees originally proposed a November 1, 2015, effective date for the amended rule. The committees, however, agreed to delay the proposed effective date to December 1, 2015, as requested by the Trial Court Presiding Judges and Court Executives Advisory Committees’ Joint Rules Subcommittee to ensure sufficient time for courts to implement the changes.

### **Alternatives**

As explained in the advisory committee comments, the rule only applies to pretrial proceedings for infraction defendants who have appeared by the appearance date or an approved extension of

that date. Several commentators suggested that the scope of the rule should be extended to various other proceedings, including post-conviction proceedings, administrative matters, and proceedings after the defendant has failed to appear or pay. Those proceedings, however, involve procedural requirements and other implications that are considerably distinct. The committees, therefore, declined the suggestions as exceeding the scope of the proposal, but will consider separate rule recommendations to address other proceedings.

### **Implementation Requirements, Costs, and Operational Impacts**

No significant costs or operational impacts are anticipated. The rule is designed to ensure that infraction defendants have access to courts without prior deposit of bail unless limited exceptions apply; it is not intended to interfere with the various statutory alternatives to arraignments and formal appearances in court.

In addition, although the proposal sets forth additional considerations for courts, the committees believe that those considerations can be accomplished without significant interference with calendar management and any increased burdens are outweighed by the resulting procedural fairness.

### **Attachments**

1. Text of recommended amendments to California Rules of Court, rule 4.105, at pages 6–7
2. Chart of comments, at pages 8–24

California Rules of Court, rule 4.105, would be amended, effective December 1, 2015, to read:

1 **Rule 4.105. Appearance without deposit of bail in traffic infraction cases**

2  
3 **(a) Application**

4  
5 This rule applies to any ~~traffic infraction violation of the Vehicle Code~~ for which  
6 the defendant has received a written notice to appear.

7  
8 **(b) Appearance without deposit of bail**

9  
10 Except as provided in (c), courts must allow a defendant to appear for arraignment  
11 and trial without deposit of bail.

12  
13 **(c) Deposit of bail**

14  
15 (1) Courts must require the deposit of bail when the defendant elects a statutory  
16 procedure that requires the deposit of bail; ~~and~~

17  
18 (2) Courts may require the deposit of bail when the defendant does not sign a  
19 written promise to appear as required by the court; ~~and~~

20  
21 (3) Courts may require a deposit of bail before trial if the court finds, ~~based on~~  
22 ~~the circumstances of a particular case~~, that the defendant is unlikely to appear  
23 as ordered without a deposit of bail and the court expressly states the reasons  
24 for the finding.

25  
26 (4) In determining the amount of bail set under (2) and (3), courts must  
27 consider the totality of the circumstances.

28  
29 **(d) Notice**

30  
31 Courts must inform defendants of the option to appear in court without the deposit  
32 of bail in any instructions or other materials courts provide for the public that relate  
33 to bail for traffic infractions, including any website information, written  
34 instructions, courtesy notices, and forms. ~~Courts must implement this subdivision~~  
35 ~~as soon as reasonably possible but no later than September 15, 2015.~~

36  
37 *Rule 4.105 adopted effective June 8, 2015; revised effective December 1, 2015.*

38  
39  
40 **Advisory Committee Comment**

41  
42 **Subdivision (a).** The rule is intended to apply only to an ~~traffic infraction violation of the Vehicle~~  
43 ~~Code~~ for which the defendant has received a written notice to appear and has appeared by the

California Rules of Court, rule 4.105, would be amended, effective December 1, 2015, to read:

1 appearance date or an approved extension of that date. The rule does not apply to post-conviction  
2 matters or cases in which the defendant seeks an appearance in court after a failure to appear or  
3 pay.

4  
5 **Subdivision (c).** This subdivision takes into account the distinct statutory purposes and functions  
6 that bail and related considerations serve in infraction cases, as distinguished from felony and  
7 most misdemeanor cases, including, for example, the posting and forfeiting of bail in uncontested  
8 cases and the use of bail to satisfy later judgments.

9  
10 **Subdivision (c)(1).** Various statutory provisions authorize traffic infraction defendants who have  
11 received a written notice to appear to elect to deposit bail in lieu of appearing in court or in  
12 advance of the notice to appear date. (See, e.g., Veh. Code, §§ 40510 [authorizing defendants to  
13 deposit bail before the notice to appear date]; 40519(a) [authorizing defendants who have  
14 received a written notice to appear to declare the intention to plead not guilty and deposit bail  
15 before the notice to appear date for purposes of electing to schedule an arraignment and trial on  
16 the same date or on separate dates]; 40519(b) [authorizing defendants who have received a  
17 written notice to appear to deposit bail and plead not guilty in writing in lieu of appearing in  
18 person]; and 40902 [authorizing trial by written declaration].)

19  
20 This rule is not intended to modify or contravene any statutorily authorized alternatives to  
21 appearing in court. (See, e.g., Pen. Code, §§ 853.5, 853.6; Veh. Code, §§ 40510, 40512, and  
22 40512.5 [authorizing defendants to post and forfeit bail in lieu of appearing for arraignment].)  
23 The purpose of this rule is to clarify that if the defendant declines to use a statutorily authorized  
24 alternative, courts must allow the defendant to appear *without* prior deposit of bail as provided  
25 above.

26  
27 **Subdivision (c)(2).** As used in this subdivision, the phrase “written promise to appear as required  
28 by the court” refers to a signed promise, made by a defendant who has appeared in court, to return  
29 to court on a future date and time as ordered by the court.

30  
31 **Subdivision (c)(3).** In exercising discretion to require deposit of bail on a particular case, courts  
32 should consider ~~the totality of the circumstances, including~~, among other factors, whether  
33 previous failures to pay or appear were willful or involved adequate notice.

34  
35 **Subdivision (c)(4).** In considering the “totality of the circumstances” under this subdivision,  
36 courts may consider whether the bail amount would impose an undue hardship on the defendant.

37

**SP15-06****Criminal and Traffic Procedure: Appearance in Court for Infractions (Cal. Rules of Court 4.105)**

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committees' Response</b>
1.	Marin County Office of the Public Defender By Jose Varela, Public Defender	N	<p>I object to this rule because it is too ambiguous and will [be] applied differently throughout the state. A “Totality of circumstances” standard will cause undue litigation when litigants challenge the finding. Also, if courts delegate this finding to clerks there will be an issue of whether the clerks have the legal right to make such a finding.</p> <p>I recommend that the rule be rejected and that instead the rule be: Bail will not be required for the setting of traffic trial. Upon completion of the trial, the court will assess trial costs not to exceed \$200 above the citation fine imposed. A litigant will be charged \$150 above the citation fine imposed if they set a case for trial and then plead guilty on the day of trial. If a client is exonerated at trial an administrative fee of \$50 will be charged to cover court costs. Indigent clients may be assessed community service equivalent hours to cover costs as the court determines.</p> <p>This rule is clear; it keeps people from trying to game the system and gives court discretion to allow indigent clients access to justice.</p>	The committees decline the suggestion to abolish—by rule of court—bail before trial in infraction cases as exceeding the scope of the proposal and the purview of the Judicial Council.
2.	Hon. Jay M. Bloom Superior Court of San Diego County	N	I oppose this change. All bail causes some financial hardship or other hardship to people. To consider that factor thus makes no sense. In addition, the Penal Code does not condone consideration of financial hardship or any form of hardship. See Penal Code section 1275. I question whether a rule change can occur	Under subdivision (c)(3), courts are authorized to require deposit of bail before trial if the court determines that the defendant is unlikely to appear for trial as ordered without prior deposit of bail. To promote court consideration of financial hardships on defendants, the committees originally proposed amending that subdivision to



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			<p>without some legislative change.</p> <p>While this proposal only deals with low level matters, it starts courts down the slippery slope to misdemeanors and then felonies. Should a serious felon get reduced bail because he can't afford to make bail or it will cause a hardship. It also opens the door for every bail decision down the road to involve hearings concerning hardship whether financial, social, or otherwise. This is a road I do not believe we should go down.</p>	<p>require courts to consider the "totality of the circumstances" and adding an advisory committee comment to explain that the totality of the circumstances includes "whether compliance with the order setting bail would impose an undue hardship on the defendant."</p> <p>Upon reflection, however, the committees decided to shift court consideration of the totality of the circumstances, including undue hardship, from the determination about whether bail is necessary to ensure the defendant's appearance, to the determination of the appropriate <i>amount</i> of bail.</p> <p>Accordingly, the committees deleted the proposed references to "totality" and other circumstances in subdivision (c)(3) and the related advisory committee comment, and instead added the following as subdivision (c)(4): "<u>In determining the amount of bail set under (2) and (3), courts must consider the totality of the circumstances.</u>"</p> <p>The committees also added the following corresponding advisory committee comment: "<b>Subdivision (c)(4).</b> In considering the 'totality of the circumstances' under this subdivision, courts may consider whether the bail amount would impose an undue hardship on the defendant."</p> <p>In addition, given the unique nature and purposes of bail in infraction cases, as opposed to felony and misdemeanor cases, the committees added the following advisory committee comment to emphasize that the rule's bail considerations, including considerations of undue hardships,</p>

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				reflect the distinct statutory functions of bail applicable <i>only</i> to infraction cases: “ <b>Subdivision (c)</b> . This subdivision takes into account the distinct statutory purposes and function that bail and related considerations serve in infraction cases, as distinguished from felony and most misdemeanor cases, including, for example, the posting and forfeiting of bail in uncontested cases and the use of bail to satisfy later judgments.”
3.	Hon. Mark A. Borenstein Superior Court of Los Angeles County	AM	<p>The proposed rule expands the rule that generally would not require the posting of bail (usually the amount of the fine or penalty) to non traffic infractions. That is a good thing. However, many non traffic infractions are handled administratively under Govt Code 53060.4, Veh. Code 40230, Food &amp; Agr. Code 31622 and Pub. Utilities Code 99582 (there are a few other administrative substitutes for low level misdemeanors and infractions). Generally, the penalty for the administrative citation must be paid before any review of the citation is initiated. The statutes require the citing cities or agencies to evaluate claims that the citee lacks the ability to pay, but these systems are haphazard, different cities require different information and often the citee does not realize he or she can apply, in effect for a penalty waiver, pending appeal.</p> <p>In my view, the rule that applies to non traffic infractions should also apply to administrative citations that are the very same offenses many cities and agencies charge as infractions. I urge</p>	The committees appreciate but decline the suggestion to expand the application of the rule to administrative proceedings as exceeding the scope of the proposal. The committees, however, will study the issue for possible future recommendations.

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			the committees to consider expanding the rule that the penalty does not have to be paid in advance in order to for the contestant to seek review of the administrative citation. Thank you.	
4.	Hon. Curtis E.A. Karnow Superior Court of San Francisco County	NI	The Committee may find useful a quick look at my article, located at e.g. <a href="http://scholarship.law.berkeley.edu/bjcl/vol13/iss1/1/">http://scholarship.law.berkeley.edu/bjcl/vol13/iss1/1/</a>  The article, although now somewhat dated (2008), supports the efforts of the Committee in having courts consider among other things hardship and generally the economic situation of the defendant, if the point is to ensure the future appearance of the defendant.	No response required.
5.	Superior Court of San Diego County By Michael Roddy, Court Executive Officer	A	No additional comments.	No response required.
6.	Trial Court Presiding Judges/Court Executives Advisory Committees Joint Rules Subcommittee By Claudia Ortega, Senior Court Services Analyst	AM	On behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC), the TCPJAC/CEAC Joint Rules Subcommittee (JRS) respectfully submits the following comment and conveys a position of “agree with proposed changes if modified.”  The JRS requests that the proposed period of one week for implementation be changed to thirty (30) days to provide the trial courts with sufficient time to provide training for court	To ensure that courts have sufficient time to implement the recommended rule amendments, the committees agreed to delay the recommended effective date from November 1, 2015, to December 1, 2015, as requested.

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			<p>staff, and modify notices and internal processes. For those courts that would be especially impacted by these proposed rule changes, the JRS members anticipate that one week would not allow for a smooth transition and full implementation. Staff shortages and other fiscal constraints balanced with the courts' ongoing regular business make immediate implementation difficult if not impossible for some courts.</p> <p>Trial courts may not submit comments expressing the need for an extended implementation period, but this may be because the proposal is only out for comment for a limited time. On behalf of those trial courts that could not provide comment because of the condensed comment period, the JRS requests that the committees provide the courts with 30 days for implementation so that they can implement the new changes to the rule in a comprehensive manner.</p>	
7.	<p>Western Center on Law and Poverty The Coalition By Antionette Dozier, Senior Attorney</p> <p>Elisa Della-Piana Director of Programs East Bay Community Law Center</p> <p>Michael Herald Legislative Advocate</p>	NI	<p>Thank you for the opportunity to comment on proposed amendments to Rule 4.105 ("the Proposal"). The organizations signatory to this letter ("the Coalition") represent low-income clients, many of whom have been adversely affected – sometimes for years – by traffic court policies and procedures. The Coalition collectively authored the report <i>Not Just a Ferguson Problem: How Traffic Court Drives Inequality in California</i>, released earlier this year and is currently preparing to monitor the</p>	

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committees' Response</b>
	<p>Antionette Dozier Senior Attorney Western Center on Law and Poverty</p> <p>Dana Isaac Thurgood Marshall Fellow Lawyers' Committee for Civil Rights of the San Francisco Bay Area</p> <p>Claire Johnson Raba Staff Attorney Bay Area Legal Aid</p> <p>Brittany Stonesifer Staff Attorney Legal Services for Prisoners with Children</p> <p>Theresa Zhen Skadden Fellow A New Way of Life Reentry Project</p> <p>Stephen Bingham Retired Legal Aid Attorney</p>		<p>implementation of Rule 4.105 statewide.</p> <p>We are pleased that the Committees are promptly proposing an expansion of Rule 4.105 to enable greater court access to low-income litigants. We outline below our specific comments to the Proposal.</p> <p><b>1. Non-traffic infractions:</b> We fully support the Proposal's language to remove all references to "traffic" and the "Vehicle Code." As described in the Proposal, Rule 4.105 must promote procedural fairness for all categories of infraction cases. Though Vehicle Code violations make up a substantial number of infractions for which prepaid bail is currently required for a court appearance, there are also municipal, county, transit and Penal Code violations that are heard as infractions in traffic court and require the posting of bail before trial. The same need for equal access applies to all infractions, regardless of the code section under which they are issued.</p> <p><b>2. Totality of the circumstances:</b> We support the Proposal's language to specify "totality of the circumstances" in (c)(3). We also recommend that the Judicial Council adopt the definition of "totality of the circumstances" to include "...whether compliance with the order setting bail would impose an undue hardship on the defendant."</p> <p><b>3. Application of the Rule:</b> We strongly object</p>	<p>1. No response required.</p> <p>2. Please see the related response to comment #2 above regarding considerations of undue hardship.</p> <p>3. The committees decline the suggestion to delete</p>

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			<p>to the Proposal's recommendation to add the following advisory committee comment: "The rule does not apply to post conviction matters or cases in which the defendant seeks an appearance in court after a failure to appear or pay." We recommend that the Judicial Council explicitly reject this language.</p> <p>First, in our experience, it is inaccurate to classify a proceeding as a "post-conviction matter" if a defendant previously failed to appear in court. Under Vehicle Code section 40508(a), a conviction for failure to appear requires a finding of willfulness.<sup>1</sup> Without such a judicial determination of willfulness or an opportunity by the defendant to be heard on the reasons for non-appearance, the failure to appear is not a "conviction." Because individuals may have good cause for the failure to appear, courts cannot simply presume that all failures to appear are willful. Procedurally, a failure to appear is best characterized as an allegation, not a conviction.</p> <p>Second, there are serious due process concerns with the proposed amendment. If adopted in its current form, individuals will be required to post bail before the court considers any exculpatory evidence. There is often good cause for failure to appear, such as medical emergencies, incarceration, lack of notice (particularly for homeless defendants), or good faith attempts to come to court that were stymied (e.g., long wait to enter the courthouse, resulting in late arrival</p>	<p>the advisory committee comment to clarify the scope of the rule. As explained in the current advisory committee comment, the current rule only applies to pretrial proceedings for infraction defendants who have appeared by the appearance date or an approved extension of that date. The recommended advisory committee comment, therefore, accurately clarifies the scope of the rule. The committees will, however, consider separate rule recommendations to address post-conviction matters and proceedings after failures to appear or pay, which would also circulate for public comment.</p>

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			<p>in courtroom.) By requiring the deposit of bail to access court to present evidence of good cause for a failure to appear or pay, a court deprives a defendant of the opportunity to be heard simply because he or she does not have the funds to post bail.</p> <p>Third, limiting the scope of the rule to initial hearings subverts access to justice in traffic court. Across the state 4.2 million licenses were suspended from 2006-2013 for failure to appear and failure to pay.<sup>2</sup> In Los Angeles alone, thousands of failures to appear are processed weekly.<sup>3</sup> If the rule as drafted is adopted, the right to proceed to arraignment and trial without the deposit of bail will be foreclosed to potentially millions of Californians. Rule 4.105 will not substantially change the status quo, and the goal of promoting procedural fairness for all categories of infraction cases will be thwarted.</p> <p>Finally, adopting the Proposal while excluding consideration of the effect of administrative fines on failures to appear and failures to pay will negatively impact the most vulnerable and financially distressed Californians. Bail is defined as the total amount owed in base fines, civil assessment fees, surcharges, and penalty assessments. Each failure to appear adds a \$300 civil assessment fee to the total amount of bail. This is cost-prohibitive for those who are experiencing financial hardship. It will effectively prevent low-income persons from resolving their traffic court obligations.</p>	

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	Commentator	Position	Comment	Committees' Response
			<p>In conclusion, we recommend that the Committees explicitly reject any provisions limiting requests for hearing after the defendant has failed to appear or pay.</p> <p>Thank you for considering our views on these very important amendments to Rule 4.105. Please do not hesitate to contact any member of the Coalition should have additional questions.</p> <p><sup>1</sup> Penal Code section 40508(a) provides that “A person willfully violating his or her written promise to appear or a lawfully granted continuance of his or her promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested.” Similarly, section 40508(b) states that “A person willfully failing to pay bail in installments as agreed to under Section 40510.5 or a lawfully imposed fine for a violation of a provision of this code or a local ordinance adopted pursuant to this code within the time authorized by the court and without lawful excuse having been presented to the court on or before the date the bail or fine is due is guilty of a misdemeanor regardless of the full payment of the bail or fine after that time.”</p> <p><sup>2</sup> ALEX BENDER ET AL., NOT JUST A FERGUSON PROBLEM: HOW TRAFFIC COURTS DRIVE INEQUALITY IN CALIFORNIA 13 (2015).</p> <p><sup>3</sup> <i>Steen v. Appellate Division, Superior Court of Los Angeles County</i>, 59 Cal 4th 1045 (Cal. 2014), Second Declaration of Greg Blair.</p>	



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	Commentator	Position	Comment	Committees' Response
8.	Nora Sanchez Operations Director Criminal, Traffic & Collaborative Courts Superior Court of Orange County	NI	<p>The biggest challenge with this rule is that it does not clearly outline to the public that without the deposit of bail, the clerk’s office is not authorized to set a case for arraignment and court trial. Only by appearing for arraignment, can a plea be entered in court of not guilty along with the request to waive the posting of bail. When the public reads ... 4.105(b), “Except as provided in (c), courts must allow a defendant to appear for arraignment and trial without the deposit of bail”, they truly believe that this rule allows them to set the case for trial without the need for bail in the clerk’s office.</p> <p>To clarify this Rule for the public, the rule should be changed as shown in <b>red</b>:</p> <p><b>Rule 4.105: Appearance for Arraignment without deposit of bail in traffic infraction cases</b></p> <p><b>(a) Application</b> This rule applies to any traffic infraction <del>violation of the Vehicle Code</del> for which the defendant has received a written notice to appear.</p> <p><b>(b) Appearance without deposit of bail</b> Except as provided in (c), <b>the clerk’s office is not authorized to schedule a matter for arraignment and</b> trial without deposit of bail.</p>	<p>The committees decline the suggestion as unnecessary and exceeding the scope of the proposal. As explained in the advisory committee comment, the rule only applies to cases in which the defendant has appeared by the appearance date or an approved extension of that date. The rule is not intended to modify or contravene any statutorily authorized alternatives to appearing in court. In addition, many courts have developed unique local practices for processing infraction cases and the rule is not intended to obstruct or interfere with those practices.</p>

**SP15-06**

**Criminal and Traffic Procedure: Appearance in Court for Infractions (Cal. Rules of Court 4.105)**

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

	Commentator	Position	Comment	Committees' Response
			<p><b>(c) Deposit of bail</b></p> <p>(1) Courts must require the deposit of bail when the defendant elects a statutory procedure that requires the deposit of bail;</p> <p>(2) <b>A judicial officer</b> may require the deposit of bail when the defendant does not sign a written promise to appear as required by the court; <del>and</del>.</p> <p>(3) <b>A judicial officer</b> may require a deposit of bail before trial if the court finds, based on the <u>totality of the circumstances</u> of a particular case, that the defendant is unlikely to appear as ordered without a deposit of bail and the court expressly states the reasons for the finding.</p>	
9.	<p>ACLU of Northern California By Christine P. Sun Associate Director   Director of Legal-Policy Department</p> <p>Marley Degner, Esq. Counsel Pillsbury Winthrop Shaw Pittman LLP</p>	NI	<p>We are attorneys with the American Civil Liberties Union of Northern California and the law firm of Pillsbury Winthrop Shaw Pittman LLP, respectively. We are writing to provide comments regarding the proposed amendment to Rule 4.105, pursuant to the Invitation to Comment, SP15-06. Prior to its adoption, we submitted comments to Rule 4.105 (see May 29, 2015 letter and June 5, 2015 letter) and hereby renew those comments to the extent that they were not incorporated into the Rule.</p> <p>Below are our comments to the proposed amendments.</p> <p><u>Non-Traffic Infractions</u></p> <p>We support the expansion of the Rule to apply to non-traffic infractions. As previously noted</p>	No response required.

**SP15-06**

**Criminal and Traffic Procedure: Appearance in Court for Infractions (Cal. Rules of Court 4.105)**

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

	Commentator	Position	Comment	Committees' Response
			<p>by others, traffic courts hear numerous types of infractions other than traffic infractions, including “quality of life” infractions that disproportionately affect low-income and homeless people. As with traffic infractions, withholding the right to contest a non-traffic citation until the fines, penalty assessments, and other surcharges for the citation are paid in full is a clear violation of due process, equal protection, and other constitutional rights and guarantees. We urge the Judicial Council to adopt this amendment.</p> <p><u>Totality of the Circumstances</u></p> <p>As we previously commented, Rule 4.105 should be modified to state clearly that in no circumstance will a defendant be denied a trial because of an inability to post “bail.” Although requiring courts to consider whether the imposition of bail would pose an “undue hardship” is a step in the right direction, it does not entirely resolve the constitutional concerns that we raised in our previous comments. (See, e.g., <i>Southern Union Co. v. U.S.</i> (2012) 132 S.Ct. 2344, 2350-2351; <i>People v. Hanson</i> (2000) 23 Cal.4th 355, 360-363 [criminal fine is a type of criminal punishment]; <i>Bell v. Wolfish</i> (1979) 441 U.S. 520, 535; <i>Kennedy v. Mendoza-Martinez</i> (1963) 372 U.S. 144, 165-166; <i>Wong Wing v. U.S.</i> (1896) 163 U.S. 228, 237 [due process prohibits government from imposing</p>	<p>The committees decline the suggestion as exceeding the scope of the proposal. Because California’s current statutory scheme contemplates application of bail laws to infractions (see, e.g., Pen. Code, § 1458), any significant reconfiguration of the scheme would require legislation.</p>

**SP15-06**

**Criminal and Traffic Procedure: Appearance in Court for Infractions (Cal. Rules of Court 4.105)**

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

	Commentator	Position	Comment	Committees' Response
			<p>criminal punishment prior to an adjudication of guilt]; <i>United States v. James Daniel Good Real Property</i> (1993) 510 U.S. 43, 48, 53 [due process generally requires that individuals must receive notice and an opportunity to be heard before the government deprives them of property]; <i>Jersey v. John Muir Medical Center</i> (2002) 97 Cal.App.4th 814, 821 [fundamental right of access to the courts]; see <i>Payne v. Superior Court</i> (1976) 17 Cal.3d 908, 922-923[creating two classes of people: those who can pay to access the courts in infraction cases and those who cannot violates equal protection].)</p> <p>We further urge the Judicial Council to provide guidance to the courts that would ensure that the proper procedural safeguards are followed with respect to the “totality of the circumstances” and “undue hardship” assessments, including but not limited to providing to defendants notice and the opportunity to be heard.</p> <p><u>Application of the Rule to Post-Conviction Matters</u></p> <p>We join in the comments by the Western Center on Law &amp; Poverty and other organizations concerning the prepayment of “bail” for those defendants who have failed to pay or to appear. Moreover, as noted above and in our previous comments, there are serious constitutional problems with restricting the ability of defendants to petition the Court for relief from a</p>	<p>Because the rule applies to cases in which the defendants have appeared as required, the defendants have the opportunity to be heard.</p> <p>Please see the related response to comment #7 above regarding post-conviction matters.</p>

**SP15-06**

**Criminal and Traffic Procedure: Appearance in Court for Infractions (Cal. Rules of Court 4.105)**

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

	Commentator	Position	Comment	Committees' Response
			<p>civil assessment or other penalty, or to contest the underlying infraction, based on their financial capacity to prepay “bail.”</p> <p><u>Bail forfeiture</u></p> <p>We urge the Judicial Council to develop alternatives to appearing in court that would not involve the prepayment of “bail.” For example, we have been contacted by several people who have encountered significant difficulties and long wait times in obtaining a trial date in person, including in Alameda County. It is antithetical to our system of justice to allow some persons, but not others, convenient access to our courts solely because they have the financial capacity to pay “bail” upfront.</p> <p><u>Notice</u></p> <p>We urge that the Judicial Council amend the Notice requirement of Rule 4.105 to include language that makes clear that in the circumstances where the court may decide to impose fines and fees for a Vehicle Code infraction, that the defendant has the right to an ability to pay determination. Vehicle Code 42003(c) states in relevant part that, “In any case when a person appears before a traffic referee or judge of the superior court for adjudication of a violation of this code, the court, <i>upon request of the defendant</i>, shall consider the defendant's ability to pay.” (emphasis added). This subsection also</p>	<p>The committees decline the suggestion to develop alternative procedures for appearances as exceeding the scope of the proposal. The committees, however, will study the issue for possible future recommendations.</p> <p>The committees decline the suggestion to require notice of the opportunity to request ability-to-pay determinations for fines after judgment as exceeding the scope of the proposal. The committees, however, will consider the suggestion for possible future recommendations.</p>

**SP15-06**

**Criminal and Traffic Procedure: Appearance in Court for Infractions (Cal. Rules of Court 4.105)**

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

	Commentator	Position	Comment	Committees' Response
			<p>describes certain procedural due process protections that defendants are entitled to as part of the court's assessment, including the right to present witnesses and other documentary evidence, the right to cross-examination, and a written statement of the findings by the court or county officer. It is likely that many indigent or low-income defendants do not avail themselves of these protections simply because they are unaware of this provision of the Vehicle Code. Requiring that courts notify all persons of their statutory rights to an ability to pay assessment would be a small but important step in helping to equalize the playing field.</p> <p>Thank you for your time and attention to this matter.</p>	
10.	Law Offices of the Los Angeles County Public Defender By Ronald L. Brown, Public Defender	NI	As the Public Defender of Los Angeles County, I and the attorneys in my office represent indigent defendants charged with felony and misdemeanor violations of various California Codes including, but not limited to, the Penal Code and Vehicle Code. Although we do not represent defendants whose cases originally are filed as infractions, eventually many of our clients have their cases reduced to infractions either by a court under Penal Code section 17(b) or by a prosecutor as a result of a negotiated disposition. Thus, in addition to our concern as attorneys with equal access to the justice system for all persons, we have a particular interest in such access on behalf of our clients. It is in this spirit that I offer the following comments for your	Please see the related response to comment #2 above regarding considerations of undue hardship.

**SP15-06**

**Criminal and Traffic Procedure: Appearance in Court for Infractions (Cal. Rules of Court 4.105)**

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

	Commentator	Position	Comment	Committees' Response
			<p>consideration:</p> <p>I believe that the Proposal appropriately addresses the stated purpose of the judicial council, "to promote procedural fairness across all categories of infractions cases, reduce confusion about the application of the rule, enhance the information in the advisory committee comments by adding examples, and ensure that courts consider the totality of the circumstances of a particular case when making bail decisions, including any hardships on the defendant." The Proposal is comprehensive, the language is clear and precise as well.</p> <p>I would, however, suggest a small but important change. In order to ensure that courts consider whether the deposit of bail before trial would create undue hardships on defendants, I propose moving the following language, set forth in the Proposed Amendments, from the advisory committee to the actual rule.</p> <p>Language proposed to be added to advisory committee notes: <i>"totality of the circumstances includes whether compliance with the order setting bail would impose an undue hardship on the defendant."</i></p> <p>The new rule 4.105(c)(3) would read:</p> <p>Courts may require a deposit of bail before trial if the court finds, based on the totality of</p>	

**SP15-06****Criminal and Traffic Procedure: Appearance in Court for Infractions (Cal. Rules of Court 4.105)**

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committees' Response</b>
			<p>circumstances of a particular case, that the defendant is unlikely to appear as ordered without a deposit of bail and the court expressly states the reasons for the finding. <i>The totality of the circumstances when determining whether bail is appropriate includes whether compliance with the order setting bail would impose an undue hardship on the defendant.</i>"</p> <p>Respectfully submitted,</p> <p>Ronald L. Brown Public Defender of Los Angeles County</p>	
11.	Nathan		[Comment not specifically related to the proposal]	No response required.



## RUPRO ACTION REQUEST FORM

**RUPRO action requested:**        **Recommend JC approval (has circulated for comment)**

**RUPRO Meeting:** September 14, 2015

**Title of proposal** (*include amend/revise/adopt/approve + form/rule numbers*):

Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms

(Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, and 5.151; adopt or approve forms DV-400, DV-400-INFO, FL-303, and FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

*Committee or other entity submitting the proposal:*

Family and Juvenile Law Advisory Committee

*Staff contact (name, phone and e-mail):* Bonnie R. Hough, 415-865-7668, [bonnie.hough@jud.ca.gov](mailto:bonnie.hough@jud.ca.gov) and Gabrielle D. Selden, 415-865-8085, [gabrielle.selden@jud.ca.gov](mailto:gabrielle.selden@jud.ca.gov)

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Approved by RUPRO: Approved December 10, 2014. Item 12: Family Law: Revise FL-300 and companion forms

Project description from annual agenda: Propose revisions to forms to respond to statutory changes and requests from litigants and court professionals about new FL-300 and comply with new statutory requirements in Family Code section 6345(d) regarding providing a mechanism to allow parties to modify domestic violence restraining orders.

*If requesting July 1 or out of cycle, explain:*

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

The report refers to Assembly Bill 1081 (Stats., ch.\_\_), which amends Family Code section 245. The legislation was enrolled September 4, 2015, and the Judicial Council report will be updated after AB 1081 is assigned a chapter.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2015

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**Title**

Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms

**Agenda Item Type**

Action Required

**Effective Date**

July 1, 2016

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, and 5.151; adopt or approve forms DV-400, DV-400-INFO, FL-303, and FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E)

**Date of Report**

September 9, 2015

**Contact**

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**Recommended by**

Family and Juvenile Law Advisory  
Committee  
Hon. Jerilyn L. Borack, Cochair  
Hon. Mark A. Juhas, Cochair

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2016, adopt, approve, revise, or amend domestic violence forms and family law rules and forms to (1) implement recent changes to Family Code section 245 mandated by Assembly Bill 1081 (Stats. 2015, ch. [redacted]); (2) implement Family Code section 6345, which requires that the council establish procedures for requesting and recording the modification or

termination of orders issued in *Restraining Order After Hearing* (form DV-130); and (3) respond to suggestions from judicial officers, court professionals, legal organizations, and family law attorneys to improve the *Request for Order* (form FL-300) and its associated rules and forms.

## **Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2016:

1. Revise California Rules of Court, rule 5.94, and forms DV-115, DV-115-INFO, DV-116, DV-200, DV-200-INFO, DV-505-INFO, and form FL-306 to implement the changes to Family Code section 245 mandated by Assembly Bill 1081 (Stats. 2015, ch. [REDACTED]).
2. Adopt, approve, or revise forms used to request and record the modification or termination of orders granted in *Restraining Order After Hearing* (form DV-130):
  - a. Adopt form DV-400 as the court order to terminate a *Domestic Violence Restraining Order After Hearing* (form DV-130);
  - b. Approve form DV-400-INFO to provide guidance to parties about the forms and procedures for requesting the orders;
  - c. Revise form DV-130 to reflect orders amended after a court hearing;
  - d. Revise form FL-300 to serve as the means by which a party asks for the orders; and
  - e. Revise form FL-320 to serve as the means by which a party responds to a request to modify or terminate the orders.
3. Approve *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303) as a standard, optional form to help parties comply with the notice requirements of rules 5.151 through 5.169 of the California Rules of Court when requesting temporary emergency (ex parte) orders in their family law case.
4. Approve *Information Sheet: Responsive Declaration to Request for Order* (form FL-320-INFO) to address a clear need to provide information to a party filing a *Responsive Declaration to Request for Order* (form FL-320) in response to a *Request for Order* (form FL-300).
5. Amend rules 5.12, 5.62, 5.63, 5.92, and 5.151 to include technical and substantive changes in response to suggestions from judicial officers, court professionals, legal organizations, and attorneys.
6. Revise forms FL-305, FL-311, FL-312, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E) to make technical and substantive changes in response to suggestions from judicial officers, court professionals, legal organizations, and attorneys.

The text of the amended rules are found at pages 30–39. The new and revised forms appear in alphabetical order on pages 40–97.

## Previous Council Action

Effective January 1, 2014, the Judicial Council separated *Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile) or Order to Show Cause* (form FL-306/JV-252) into two forms. One form was named *Application and Order for Reissuance of Temporary Restraining Order—Juvenile* and renumbered as form JV-251. The other was numbered as form FL-306 and renamed *Application and Order for Reissuance of Request for Order and Temporary Emergency Orders (Family Law—Governmental—Uniform Parentage—Custody and Support)*.

Effective January 1, 2014, the Judicial Council revised form DV-130 to implement the changes mandated by AB 157 (Stats. 2013, ch. 263), AB 161 (Stats. 2013, ch. 261), and AB 539 (Stats. 2013, ch. 739), which created additional relief under the Domestic Violence Prevention Act and provided for enforcement priority of multiple restraining orders.

Effective January 1, 2013, the Judicial Council restructured title V of the California Rules of Court, and amended or adopted new rules of court relating to family law practice and procedure, including rules 5.12, 5.62, 5.63, 5.94, and 5.151.

Effective July 1, 2012, the Judicial Council adopted *Order to Pay Waived Court Fees and Costs* (form FL-336), and *Application to Set Aside Order to Pay Waived Court Fees—Attachment* (form FL-337) to implement changes to Government Code section 68637.

Effective July 1, 2012, the Judicial Council combined the notice of motion and order to show cause forms into a single *Request for Order* (form FL-300) to simplify the process for motions in family court. This change was reflected in amended rule 5.92 and forms FL-300-INFO, FL-305, FL-306, FL-320, and FL-336.

## Rationale for Recommendation

### Rule and forms changes mandated by Assembly Bill 1081

Assembly Bill 1081 (Stats. 2015, ch. [REDACTED]) amends Family Code section 245, effective January 1, 2016. The legislation impacts one rule, a few forms that circulated for comment in spring 2015, and a few other forms that did not circulate for comment and that require only technical changes to conform them to the amended statute.

The statutory changes to Family Code section 245 are illustrated below:

- (a) ~~The court may, upon the filing of a declaration by the line petitioner that the respondent could not be served within the time required by statute, reissue an order previously issued and dissolved by the court for failure to serve the respondent. The reissued order line shall remain in effect until the date set for hearing. The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.~~

- (b) Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.
- (c) If the court grants a continuance, any temporary restraining order that has been issued shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.
- (e) ~~The reissued~~
- (d) If the court grants a continuance, the extended temporary restraining order shall state on its face the new date of expiration.
- (e) ~~No~~ A fee shall not be charged for the ~~reissuance-extension~~ extension of the ~~order unless the order had been dissolved three times line 3 previously.~~ temporary restraining order.

***Rule 5.94. Order shortening time; other filing requirements***

In response to those statutory changes, the committee recommends deleting references in the rule to “reissuance” and “reissued order” and replacing them with “extension” and “extended order.” The committee also recommends deleting the term “application” and replacing it with “request,” and referencing the term “continuance.” In addition, the committee recommends that the rule reflect that the moving party may ask the court to change the temporary emergency (ex parte) orders, and that the request may be made orally at the time of the hearing. Further, the committee recommends changes to the rule in response to public comments as described in the comments section of the report.

***Application and Order for Reissuance of Request for Order and Temporary Emergency Orders (form FL-306)***

The committee recommends making the same revisions to the form as recommended to rule 5.94 so that the language conforms to that used in Family Code section 245. In addition, the committee recommends retitling the form as “*Request and Order to Continue Hearing Date and Extend Temporary Emergency (Ex Parte) Orders*” and making other changes in response to public comments as described in the comments section of the report.

***Forms DV-115, DV-115-INFO, DV-116, DV-200, DV-200-INFO, and DV-505-INFO***

The committee recommends technical changes to these forms to delete the terms “reissuance” and “reissue” wherever they appear in the forms, and replace them with “extend” or “extension.” Because these terms appear in the titles of two forms, the committee also recommends revising the titles of forms DV-115 and DV-116 as follows:

- *Request to Continue Hearing and Reissue Temporary Restraining Order* (form DV-115) is revised to “*Request to Continue Hearing Date and Extend Temporary Restraining Order*”; and
- *Notice of New Hearing Date and Order on Reissuance* (form DV-116) is revised to “*Order to Continue Hearing Date and Extend Temporary Restraining Order.*”

Finally, the committee recommends revising the following forms to reflect the new titles of forms DV-115 and DV-116:

- *How to Ask for a New Hearing Date* (form DV-115-INFO);
- *Proof of Personal Service* (form DV-200);
- *What is “Proof of Personal Service”?* (form DV-200-INFO); and
- *How Do I Ask For a Temporary Restraining Order?* (form DV-505-INFO).

### **Domestic violence forms recommendations**

The committee’s recommendations to create and revise forms to request that the court modify or terminate a restraining order after hearing in a Domestic Violence Prevention Act (DVPA) case implements the mandate of Family Code section 6380(f), which states that “[i]f a court issues a modification ... or termination of a protective order, it shall be on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice...”

The recommendation also implements the mandate of Family Code section 6345(d), which became operative effective January 1, 2012. This code authorizes “termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party.” The amended statute provides protections to the victim of domestic violence, such as requiring strict requirements for service of requests filed by the restrained person to modify or terminate a restraining order.

### ***Restraining Order After Hearing (form DV-130)***

The recommendation implements Family Code section 6380 by including new check boxes to indicate whether the order is new (“Original”) or changed (“Amended”). A blank line in front of the check box for “Amended” would allow courts to identify if the order is a first, second, third, or other amended order. The committee also recommends revising item 24 on page 4 to reflect service of a *Request for Order* (form FL-300) in a proceeding to change or end the restraining order after hearing.

### ***Findings and Notice of Termination of Restraining Order After Hearing (form DV-400)***

The recommendation to adopt form DV-400 implements Family Code section 6345 because the form will serve to memorialize the *termination* of a DVPA order after hearing.

***How to Change or End a Domestic Violence Restraining Order (form DV-400-INFO)***

The committee’s recommendation to approve this new, four-page information sheet also implements Family Code section 6345 by providing guidance to parties about the forms and procedures developed to request a modification or termination of the restraining order issued on form DV-130.

***Request for Order (form FL-300)***

The committee’s recommendation to revise the form implements section 6380 by serving as the means by which a party either protected or restrained by *Restraining Order After Hearing* (form DV-130) can ask the court to modify or terminate the restraining orders.

***Responsive Declaration to Request for Order (form FL-320)***

The recommendation to revise this form implements section 6380 by serving as the means by which a party protected or restrained by the *Restraining Order After Hearing* (form DV-130) can respond to the request to modify or terminate the restraining orders.

**Family law rules recommendations**

Since the Judicial Council adopted *Request for Order* (form FL-300), effective July 1, 2012, court operations managers, supervisors, and clerks from several counties have provided suggestions for practical and clarifying changes to the form. Their suggestions, especially those following two additional rounds of public comment, have informed the Family and Juvenile Law Advisory Committee’s current recommendations for technical and substantive changes to the rules and forms relating to a request for order.

The committee’s recommendation to improve the rules of court and forms relating to a request for order benefit the judicial branch—along with attorneys and self-represented litigants who use the forms—by clarifying, reorganizing, and rewording specific items that have caused some confusion to persons who complete the forms and to the court clerks who process them.

***Rule 5.12. Discovery motions***

***Rule 5.62. Appearance by respondent or defendant***

***Rule 5.63. Motion to quash proceeding or responsive relief***

As to each of these rules, the committee recommends making technical changes suggested by the court and the public to conform them to the revised language in other family law rules forms. For example, references to a “notice of motion” will be replaced by “request for order.” The change avoids confusion for persons who may believe that they must complete a *Notice of Motion* (form FL-301), which was revoked, effective July 1, 2012. In addition, as to rule 5.62, the committee’s recommendations add references to Family Code sections 2012 and 3409, which commentators have pointed out are other exceptions to the rule on general appearances.

***Rule 5.92. Request for court order; response***

The committee proposed technical and substantive amendments to rule 5.92 to provide better guidance to court users and increase court efficiencies relating to the filing of a *Request for Order* (form FL-300). The proposal included amending the rule to:

- Reformat it under more specific subheadings;
- Clarify that additional forms, rules, and local rules apply to requests for temporary emergency orders;
- Authorize the court clerk to issue a *Request for Order* (form FL-300) as a ministerial act in specific circumstances, such as ordering parties to attend orientation and child custody mediation or child custody recommending counseling as well as in circumstances that do not require the use of judicial discretion;
- Provide a more comprehensive description of when personal service of the FL-300 is required; and
- Include an advisory committee comment below the rule.

Finally, the committee recommends adding an advisory committee comment to provide background information about the rule and form FL-300. It would specifically note that the rule and form were developed in response to the Elkins Family Law Task Force recommendations for one comprehensive form and related procedure to replace the former *Order to Show Cause* and *Notice of Motion*.

***Rule 5.151. Request for emergency orders; application; required documents***

The committee recommends amending the rule to reference a proposed, new optional form titled *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303).

**Family law forms recommendations**

***Request for Order (form FL-300)***

The committee’s recommended revisions to the form implement the suggestions of the family law community obtained after two rounds of public comment by:

- Expanding the form to include a request to modify or terminate a domestic violence restraining order after hearing;
- Deleting the “Order to Show Cause” language from the form and replacing it with a warning to the respondent about the consequences of failing to serve a *Responsive Declaration* and appear at the hearing, and to also provide a reference to a new information sheet about how to respond to a request for order; and
- Reorganizing the items and simplifying the language relating to the specific orders requested.



***Information Sheet for Request for Order (form FL-300-INFO)***

The current form serves as the instruction sheet to help parties complete form FL-300. The committee’s recommended revisions to the form implement the suggestions of the family law legal community by:

- Making the form easier to read;
- Clarifying the procedures for serving form FL-300;
- Providing a more extensive checklist of additional forms that a party might need to file along with form FL-300; and
- Providing more information about legal resources and other information.

***Declaration Regarding Notice and Delivery of Request for Temporary Emergency (Ex Parte) Orders (form FL-303)***

The committee recommends approving this optional form to help implement rules 5.151 through 5.169 of the California Rules of Court, adopted effective January 1, 2013. With the adoption of these rules, the Judicial Council implemented a uniform rule in family court addressing the time frame for providing notice to the other party about a request for temporary emergency orders. The rules require, in part—absent the court’s approval for shortened notice or a waiver of notice—that, “[a] party seeking emergency orders give notice to all parties or their attorneys so that it is received no later than 10:00 a.m. on the court day before the matter is to be considered by the court.”

While some local courts offer a form for parties to complete and demonstrate their compliance with the notice requirements of rule 5.165, the committee recognizes that other courts do not. The *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303) will help fill a need for a standard form that can be accepted for filing in family courts across the state.

***Temporary Emergency Court Orders (form FL-305)***

The current *Temporary Emergency Court Orders* (form FL-305) serves as a court order that is attached to the back of the *Request for Order* (form FL-300) when it is served on the other party. The committee’s recommendations implement the suggestions of the family law legal community that this form be a standalone order form instead of an attachment to form FL-300. As a standalone Judicial Council form, form FL-305 will be more easily distinguished as an order when served on the other party in the case.

***Responsive Declaration to Request for Order (form FL-320)***

This form is completed by a party to respond to a *Request for Order* (form FL-300). In addition to the committee’s recommendations that the form be updated to allow a party to respond to a request to modify or terminate a domestic violence restraining order—implementing the requirements of Family Code section 6345— the committee’s other recommendations implement the suggestions of the family law legal community by reflecting and incorporating the substantive and formatting changes to the *Request for Order* (form FL-300).

***Information Sheet: Responsive Declaration to Request for Order (form FL-320-INFO)***

The committee’s recommendations to approve this new, optional information sheet implements the Judicial Council’s strategic goals of access, fairness, and diversity. This form helps remove barriers to the courts for parties responding to a request for order and addresses a clear need to provide balanced information to all parties in a family law case, not only to those who use form FL-300 to request orders. The forms will serve as the counterpart to the current information sheet (form FL-300-INFO), which is used by the party who files and serves a *Request for Order*.

***Child Custody and Visitation Application Attachment (form FL-311)***

***Request for Child Abduction Prevention Orders (form FL-312)***

***Order to Pay Waived Court Fees and Costs (form FL-336)***

***Application to Set Aside Order to Pay Waived Court Fees—Attachment (form FL-337)***

***Child Custody and Visitation (Parenting Time) Order Attachment (form FL-341)***

The above forms were circulated for comment in spring 2013, proposing that they only be revised to delete references to “Order to Show Cause” and *Notice of Motion* (form FL-301) and replace them with *Request for Order* (form FL-300). In addition, the proposal included other technical changes such as inserting “Other Parent/Party” in the caption and throughout the forms.

Based on comments received, the committee now recommends additional substantive revisions to these forms. The recommendations implement the suggestions of judicial officers, court professionals, legal organizations, and family law attorneys by replacing references to “parents” with “parties” and also identifying whether the term “parties” applies to the petitioner, respondent, or other parent/party in the case. This change will improve these forms by allowing for cases in which the petitioner may not be a parent, such as in actions involving a local child support agency (who may be listed as the petitioner in the case), or cases in which the court grants custody or visitation rights to a child’s grandparent joined in the action.

***Child Abduction Prevention Order Attachment (form FL-341(B))***

***Children’s Holiday Schedule Attachment (form FL-341(C))***

***Additional Provisions—Physical Custody Attachment (form FL-341(D))***

***Joint Legal Custody Attachment (form FL-341(E))***

These forms help a party or the court convey the details of a request or an order about legal and physical custody of a child or about visitation (parenting time). The committee’s recommendations as to each of the forms implement the suggestions of legal professionals that:

- The language within the form better reflect use by another party or parent in the case;
- They be better organized and provide more space for a party to provide answers;
- They be updated to include other types of orders currently being requested by parties;
- They be reformatted to improve readability; and
- They consistently reflect use of the term “visitation (parenting time).”

In addition, as to form FL-341(E), *Joint Legal Custody Attachment*, the committee’s recommendations help to clarify (1) the meaning of “joint legal custody” under the Family Code,

and (2) that the form is to be used by a party to request that the court specify when the consent of both parties is required to exercise joint legal custody of the parties' children.

## Comments from prior circulations

### *Domestic violence forms proposal*

The Family and Juvenile Law Advisory Committee proposed forms to modify or terminate the Domestic Violence Prevention Act (DVPA) in three previous public comment periods: 2003, 2005, and 2012.

- The initial invitation to comment circulated from April 17, 2003, through July 1, 2003.<sup>1</sup> Comments from this initial circulation are included in the Judicial Council report dated March 11, 2005.
- The committee recirculated the proposal from December 8, 2004, to February 4, 2005, seeking comment on specific issues that were raised during the first circulation.<sup>2</sup> The committee withdrew this part of the proposal and recommended that it be further developed.<sup>3</sup> All comments made during the winter 2005 cycle were published in the above-referenced March 11, 2005 Judicial Council report.
- A new proposal circulated for comment from April 21, 2011, to June 30, 2011.<sup>4</sup> Once again, the committee recommended that it undergo further development. The comment chart was published in the report dated October 20, 2011.<sup>5</sup>

The above-mentioned comments that were published in previous reports to the Judicial Council informed the Family and Juvenile Law Advisory Committee's current proposal but did not previously result in changes to domestic violence or family law forms relating to the modification or termination of orders issued under the DVPA.

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<sup>1</sup> Judicial Council of Cal., Family and Juvenile Law Advisory Com. Rep., *Domestic Violence (revise forms DV-100, DV-110, DV-120, DV-130, DV-500, DV-505, DV-520, DV-540, JV-245, and JV-250) (Action Required)* (Mar. 11, 2005), p. 5. The report is found at: <http://www.courts.ca.gov/documents/0405itema6.pdf>.

<sup>2</sup> *Ibid.*

<sup>3</sup> All comments made during the winter 2005 circulation of proposed forms DV-300, DV-310, DV-320, DV-370, DV-380, and DV-390 were published in the March 2005 Judicial Council report.

<sup>4</sup> Invitation to Comment (SPR11-55), *Family Law—Domestic Violence: Adopt Rule of Court Regarding Modification of Child Custody and Visitation Orders and Revise, Approve, Adopt, or Revoke Forms Used in Domestic Violence Prevention Act Cases*.

<sup>5</sup> Judicial Council of Cal., Family and Juvenile Law Advisory Com. Rep., *Domestic Violence: Forms and rule for use in Domestic Violence Prevention cases* (Oct. 20, 2011), p. 16. The report can be found at: <http://www.courts.ca.gov/documents/ItemA16.pdf>.

### ***Family law rules and forms proposal***

The Family and Juvenile Law Advisory Committee and Elkins Family Law Implementation Task Force previously sought comment on proposals to address issues raised by courts about the *Request for Order* (form FL-300).

- *Family Law: Improvements to Request for Order Rules and Forms* circulated from April 19, 2013, to June 19, 2013, proposing changes to rules 5.92, 5.94, and forms FL-300, FL-300-INFO, FL-305, FL-306, FL-312, FL-320, FL-336, FL-337, FL-341(C), FL-341(D), and FL-341(E).<sup>6</sup> The comment chart for this proposal is included in this report as Attachment A.
- A revised proposal titled *Family Law: Changes to Request for Order* circulated for public comment from December 13, 2013, to January 24, 2014,<sup>7</sup> and was expanded to propose amendments to rules 5.12, 5.62, 5.63, 5.151, and 5.170. Following its circulation, the Family and Juvenile Law Advisory Committee tabled the proposal to allow additional time to consider how to respond to the additional substantive changes proposed by commentators. The comment chart for this proposal is included in this report as Attachment B.

### **Comments, Alternatives Considered, and Policy Implications**

The current proposal circulated for comment as part of the spring 2015 invitation to comment cycle, from April 17 to June 17, 2015, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, social workers, probation officers, Court Appointed Special Advocate (CASA) programs, and other juvenile and family law professionals. The committee also sought comment from legal aid attorneys and attorneys working for domestic violence victim support agencies and the California Department of Justice (DOJ).

The committee received comments from 20 individuals or organizations. Of these commentators, 2 agreed with the proposal, 4 agreed if modified, no one disagreed with the proposal, and 15 expressed no position but included comments. A chart with the full text of the comments received and the committee's responses is attached at pages 98–213.

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<sup>6</sup> *Family Law: Improvements to Request for Order Rules and Forms* (SPR13-22) may be found at: <http://www.courts.ca.gov/documents/SPR13-22.pdf>.

<sup>7</sup> The invitation to comment may be found at: <http://www.courts.ca.gov/documents/W14-12.pdf>.

## **Comments on forms to modify or terminate a DVPA order**

### ***Restraining Order After Hearing (form DV-130)***

The recommendation implements Family Code section 6345 by providing a manner to specify whether the court issued the initial or modified orders after hearing. The committee received many favorable comments about this form. The commentators included the DOJ, California Restraining and Protective Order Unit, which approved the form and suggested additional changes. In addition, a clerk from the Los Angeles County Sheriff's Department also stated that the changes "...will be extremely helpful to agencies that do the CLETS entries."

Most of the eight commentators approved using the terms "Original" and "Amended" to designate whether the order is the initial order or one that was modified after a hearing. Only two commentators disapproved of using the term "Original" because other Judicial Council forms do not use the term. Although using "Original" in the order differs from the formatting of other forms, the committee recommends the revision to this particular form, since it was developed with significant input from the legal community, including court staff, domestic violence victim advocates, and law enforcement officers. The revision was also approved by the DOJ, California Restraining and Protective Order Unit.

Other commentators suggested changes to the form. One suggested moving "Original" and "Amended" away from the expiration date to avoid the interpretation that they apply only to the expiration date of the order. Instead, commentators suggested relocating them to the top of the form. The committee recommends this change to the form to clarify that the terms apply to the entire order.

After further review, the committee also recommends revising item 25 to add a new line for "Other Criminal Protective Order in effect." Item 25 currently requires other criminal protective orders to be listed on an attached sheet of paper. Adding a preprinted line for one additional order could help reduce the number of pages attached to the order after hearing.

### ***Proof of Personal Service (form DV-200)***

### ***Proof of Service by Mail (form DV-250)***

These forms are completed and filed with the court to indicate that the person to be restrained, was personally served (or served by mail) with the forms listed on form DV-200 or DV-250. The circulated invitation to comment proposed changing the form by adding *Request for Order* (form FL-300) to the checklist when one of the parties is asking the court to modify or terminate the orders made in *Restraining Order After Hearing* (form DV-130).

The committee received two commentators about the forms. Both commentators noted that the proposed changes could cause confusion because the forms were intended to be used only when a person is seeking to serve an initial domestic violence restraining order. Because they were not also designed to be used for service on a person already protected or restrained by a *Restraining Order After Hearing* (form DV-130), more extensive changes to these and other DV forms

would be needed than those which circulated for comment. Further, the form would implement a procedure that is not common practice in family law proceedings—using a domestic violence form to record service of a family law request for order.

After considering the comments, the committee decided not to recommend revising forms DV-200 and DV-250 as originally proposed. The committee believes that the best procedure is to require a process server to use a proof of service from the current family law forms (FL-330 or FL-335) to reflect service of the *Request for Order* (form FL-300).

### ***Findings and Notice of Termination of Restraining Order (form DV-400)***

The recommendation implements section 6380 by serving as the standalone form to memorialize the *termination* of a DVPA order. The committee received nine comments about this form; none objected to the form, and all, including the DOJ, suggested ways in which to improve it.

In response to comments, the committee’s recommendations include:

- That the form be titled *Findings and Order to Terminate Restraining Order After Hearing* to underscore that the form is an order—not merely a notice—that terminates the restraining orders granted on form DV-130.
- That instructions under the title state, “Complete only items 1 and 2. The remaining items are for court use.”
- Simplifying the language in item 3b to “An alternative, court-ordered method of service that gives actual notice of the request and hearing.”
- Adding another finding to state, “The Protected Party was physically present at the hearing and verified his or her identity.”
- Replacing the finding about a dismissal with “Other (specify):” to cover all other findings that a court wants to record.
- Adding check boxes in items 4a and 4b to indicate if orders for child custody and visitation or spousal or partner support remain in effect.
- Adding a new optional section titled “Hearings” to record information about who was present at the hearing. This section includes a check box for those cases in which the matter was proceeded by a hearing. In other cases, a hearing would not be required, such as when parties submit a written stipulation (agreement) to the court to approve and file.
- Changing the language in the “CLETS Entry” section as recommended by the DOJ.
- Changing the “Service of this order” section by replacing the bubble numbers with either “Protected Party” or “Restrained Party” and to indicate which person was the moving party.
- Adding “(CLETS-CANCEL)” in the form’s footer to properly code the form for transactions in the California Restraining and Protective Orders System;
- Making other formatting changes to improve the readability of the order.

A commentator also suggested specific additions to the form, which the committee did not recommend. The commentator proposed that *in addition* to the personal service requirement, a

clerk of the superior court be required to send out a notice by mail to the protected party to the most recent address on file. While the concerns of the commentator are appreciated, the committee does not recommend revising a rule or adopting a form that requires the court clerk to mail the notice as suggested. This would require clerks to be able to identify these cases. Setting up a procedure that is significantly different than other family law and domestic violence matters would be difficult for the courts to implement at this time, particularly given the cutbacks in staffing. Although the committee does not recommend this action, this does not prevent courts from establishing or continuing such a local practice.

The commentator also suggested that the form require that service of form DV-400 and any attachments on a protected party be completed by either a sheriff or a registered service professional. The commentator believed that this will help to avoid the problems associated with false proofs of service and maintain the highest possible protection for the domestic violence victim. The committee does not recommend this change in service requirements without a specific amendment in the Family Code.

### ***How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?*** **(form DV-400-INFO)**

This new, four-page information sheet provides answers to frequently asked questions and guidance to parties about the forms and procedures for requesting a modification or termination of the restraining order issued on form DV-130. The committee received suggestions from nine commentators for improving the form. No commentators opposed approving the form for optional use.

In response to comments, the committee recommends that the form:

- Title be changed from “*How to Ask to Change or End a Domestic Violence Restraining Order*” to “*How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?*”
- Note that form FL-300 is not used to ask the court to renew domestic violence restraining orders.
- Not require a party to attach a copy of the filed order when filing form FL-300. The court has access to the filed order, and requiring a party to attach the order may cause undue delay or cost (to obtain a copy of the order) in filing the request.
- State that a restrained party may not contact a protected party in violation of the existing restraining order in connection with a request to modify or terminate the order.
- State that the orders for child custody, parenting time, and support will remain in effect after the restraining orders are terminated, unless those orders are also terminated or modified by order of the court.
- Include the statement currently found on forms DV-500-INFO, DV-505-INFO, and DV-520-INFO about consulting with a domestic violence advocate and/or an attorney, and providing a reference to the National Domestic Violence Hotline.

- Include information about serving a protected party who is registered with the Secretary of State’s Safe at Home program and has a confidential address.

A commentator also noted that the form should state that there is no fee to file a request to modify or terminate the orders in form DV-130 to conform with the language in Family Code section 6222. Section 6222 provides that:

There is no filing fee for an application, a responsive pleading, or an order to show cause that seeks to obtain, modify, or enforce a protective order or other order authorized by this division when the request for the other order is necessary to obtain or give effect to a protective order. There is no fee for a subpoena filed in connection with that application, responsive pleading, or order to show cause.

In response, the committee recommends that the form state there is no filing fee. The committee also recommends that the form reflect the language in rule 5.381, which provides that *after* the restraining order ends, the court may charge a fee to file a request to change the child custody, visitation, and support orders granted in form DV-130.

***Request for Order (form FL-300)***

The recommendation implements Family Code section 6380 by adding a new check box in the caption and a corresponding item on page 4 of this form for a party to request either a modification or termination of the DVPA order after hearing.

Of the 13 comments received about the form, no one opposed revising form FL-300 for use by a party asking to modify or terminate the orders in form DV-130. In response to the comments, the committee recommends:

- Not requiring a party to attach a copy of the court order on form DV-130;
- Changing the check box in the caption to “Domestic Violence Order”;
- Including a notice box on page 4 of 4 that form FL-300 must not be used to ask for an initial domestic violence restraining order. The notice box will refer to form DV-505-INFO, *How Do I Ask For a Temporary Restraining Order?*; and
- Other substantive changes, as described further in the report.

***Responsive Declaration to Request for Order (form FL-320)***

The recommendation implements section 6380 by adding a specific item on page 2 for a party to check and indicate consent or opposition to the orders requested on form FL-300 to either modify or terminate the DVPA order. Of the seven comments received about this form, no one objected to revising the form as the committee proposed. The committee does recommend additional changes to the form as further described in the report.



## Comments about family law rules of court

### ***Rules 5.12. Discovery motions***

#### ***Rule 5.62. Appearance by respondent or defendant***

#### ***Rule 5.63. Motion to quash proceeding or responsive relief***

The proposal recommended updating these rules to replace references to a “notice of motion” with “request for order.” As to these rules, one commentator noted that the term “request for order” is not used in the Code of Civil Procedure. To avoid confusion when looking at the Code of Civil Procedure, the commentator suggested that each rule include a section to clarify that the terms “request for order” and “motion” are synonymous. In response, the committee recommends changing the rules to include a new opening paragraph: (a) Use of terms. In a family law proceeding, the term “request for order” has the same meaning as the terms “motion” or “notice of motion” when they are used in the Code of Civil Procedure. In addition, the proposal recommended deleting the reference to the term “defendant,” since it is no longer used in family law proceedings.

#### ***Rule 5.92. Request for court order; response***

The committee proposed technical and substantive amendments to rule 5.92 to provide better guidance to court users and increase court efficiencies relating to the filing of a *Request for Order* (form FL-300). In response to the four comments received on this rule, the committee recommends amending the rule to:

- Clarify that a “request for orders” is synonymous with a “motion” or “notice of motion”;
- Better clarify the forms needed when a party seeks support orders, orders about the parties’ finances, or attorney’s fees and costs;
- Clarify that a responding party must file a separate form FL-300 if seeking unrelated relief; and
- Add a reference to information sheets (forms FL-300-INFO and FL-320-INFO).

#### ***Rule 5.94. Order shortening time; other filing requirements***

In addition to the amendments to the rule mandated by AB 1081 (previously described in the report), the committee recommends minor amendments based on the two comments made about the rule. The committee recommends reformatting the rule to improve reading comprehension and revising some of the language for greater clarity. For example, the rule will (1) state that the moving or responding papers are deemed timely filed if they are submitted “on or before the day the papers are due”; (2) include the revised title reference of form FL-305; and (3) to avoid confusion, the word “actual” will be deleted from the phrase “actual hearing date.”

#### ***Rule 5.151. Request for emergency court orders; application; required documents***

The committee proposed amending the rule to reference a proposed, new optional form titled *Declaration Regarding Notice and Delivery of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303), and received no objection to the recommendation. Based on comments,

the committee recommends revising the title of the rule to add “(ex parte)” and replacing the word “Delivery” in the title of form FL-303 with the word “Service.”

The committee also received a comment from Commissioner Rebecca Wightman who suggested amending the rule to allow an alternative, standalone form for an ex parte emergency application (not just a “notice” declaration). She stated that creating this alternative will avoid the ethics and other issues raised in Formal Opinion No. 2014-004, issued January 16, 2014, by the California Supreme Court Committee on Judicial Ethics Opinions (CJEO).<sup>8</sup>

In response, the committee notes that the CJEO opinion relates to the review of motions when no notice has been given or waived. This proposal anticipates that courts will follow rule 5.151, which requires parties to provide notice or good cause for waiver.

The committee also considered developing a separate ex parte form. However, the committee is concerned that it is difficult for the court and the parties to have multiple filings on the same issue. It also seems that most parties have a difficult time separating out which issues of their child custody issue are an emergency versus other issues, and that declarations will commonly be confused. Instead of creating separate forms, if the court hears the matter on the basis of an order shortening time, an order can be issued and no further hearing need be set, if that is appropriate.

### **Comments about *Request for Order* (form FL-300) and related forms**

#### ***Request for Order* (form FL-300)**

The committee received 13 comments with suggestions for improving this form. In response, the committee recommends significant revisions to the form as follows:

- **Reorganizing and reformatting the form** to (1) leave enough space after each item to indicate a summary of the orders requested rather than require the applicant to provide that information on a separate form or at the end of the form (2) add space to the form by moving the notice about child support to an information sheet, and (3) ensure that no item is continued on the next page.
- **Combining items 1 and 2 under item 2**—child custody and visitation (parenting time)—since each section shares information, including the names and ages of each child and the list of Judicial Council forms that can be attached to form FL-300 about child custody and visitation (parenting time). In addition, the committee recommends moving the information about violence restraining or protective orders from under item 2, so that it is the first item on the form.

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<sup>8</sup> The opinion is at: [http://www.judicialethicsopinions.ca.gov/sites/default/files/CJEO\\_Formal\\_Opinion\\_2014-004.pdf](http://www.judicialethicsopinions.ca.gov/sites/default/files/CJEO_Formal_Opinion_2014-004.pdf).

- **Simplifying the language in the form** to improve the ability of the applicant to understand how to complete the form and what information must be included with each request. To this end, the committee recommends (1) adding preprinted boxes in item 1 on page 1 to identify the person being served as the petitioner, respondent, other parent/party, and/or another person to be specified; (2) including a short note at the top of page 2 with instructions about completing the form; (3) adding a blank space to allow a party to indicate the amount of attorney’s fees and costs being requested; (4) retitling the item for “Order to Shorten Time” to “Time for Service/Time Until Hearing,” and changing the item for “Other Relief” to “Other Orders Requested”; (5) including links to open the specific Judicial Council forms referenced throughout the form; and (6) referencing the actual title and number of the earnings assignment orders listed in the child support and spousal or domestic partner support items on page 3 of the form.
- **Deleting the “Property Restraint” request from the form.** Given that the proposed orders on the form are part of automatic restraining orders under Family Code section 2400, the committee believes that the item is not needed on the form as a basic request. Also, because these orders are not available to persons in a parentage action, having the item on the form is potentially confusing for those persons who are not filing in the context of a marriage or domestic partnership. The committee also believes that removing the item would not prejudice an applicant since he or she may specifically request property restraint orders in the item for “Other Orders Requested.”
- **Deleting the OSC language from page 1 of the form.** The committee specifically asked if the order-to-show-cause language should be deleted from the court order section on page 1. No commentators disagreed with the revision: two specifically agreed, and two stated some concern about the court’s ability to issue a bench warrant for nonappearance of the party should the language be deleted. In response, the committee continues to believe that (1) the revised notice to the other party on page 1—that the court can make the requested orders if the party does not appear—is sufficient, and clearer for litigants; and (2) removing the OSC language should not interfere with the court’s ability to order a party to appear or issue a bench warrant.

In addition to the above changes, the committee recommends a change to the first line in the caption (“Attorney or party without an attorney”). The committee recommends reversing the subjects in the phrase so that it read as “Party without an attorney or attorney.” This recommendation is made in response to the suggestions of Family Law Facilitators and Self-Help Centers around the state. They report that self-represented litigants often fail to fill in their name and address on the form. Essentially, a party without an attorney will frequently stop reading the first line of the form after encountering the word “Attorney.” This becomes a great time consumer to court staff to return documents to the self-represented party and ask them to put their names and addresses in that space. The committee believes that by making a simple change, self-represented litigants will better understand that they are required to complete this part of the form. In turn, this will increase court efficiencies.

The committee notes that one commentator in this cycle, and three commentators from the prior comment period, from the Superior Court of San Francisco County, suggested that the committee develop a standalone, optional form for a party to request ex parte/emergency orders that will enable the court to write in the date, time, and place of the ex parte hearing.

For this proposal, Commissioner Rebecca Wightman stated that the requirement that form FL-300 be used to submit an application for ex parte (emergency) orders is very confusing and, while the forms may work for many courts, they are very confusing for courts that give the parties a “date” for the submission/hearing of the ex parte request.

The committee considered developing a separate form for ex parte and regular motions. However, the committee noted that recommending a separate form would:

1. Require litigants to file two separate pleadings, incur additional filing fees, keep track of different service requirements, etc.;
2. Presume that litigants understand and could effectively distinguish between emergencies and other motions to file the correct forms; and
3. Presume that litigants could create declarations limited to the specific procedural relief they were requesting.

The committee did recommend modifying the *Temporary Emergency Court Orders* (form FL-305) to add a date for a hearing on remaining issues so that the moving party can serve a *Request for Order* (FL-300) with the date and time for an emergency hearing and the opposing party would then get the date for the continued hearing along with the temporary order.

#### ***Information Sheet for Request for Order (form FL-300-INFO)***

Seven persons or organizations commented about the changes proposed to this form. They generally agreed with the proposed changes to the form, suggested new content, and proposed revisions to improve the information included in the form.

In response to comments, the committee recommends revising form FL-300-INFO to include (1) specifying in item 2 that an agreement has to be approved by the court and filed; (2) more details about how to complete item 1 on page 1, specifying that the parties might include other persons joined in the case, a local child support agency, or a lawyer who represents a child in the case; (3) a notice on page 3 about consulting with an attorney, Family Law Facilitator, or Self-Help Center for questions about serving a *Request for Order*; (4) presenting the information on page 4 about personal service and service by mail in a format that is easier to read; (5) stating that, after the hearing, a *Findings and Order After Hearing* (form FL-340) must be filed and served; and (6) other minor technical or formatting changes.

***Declaration Regarding Notice and Delivery of Request for Temporary Emergency (Ex Parte) Orders (form FL-303)***

The committee received eight comments about form FL-303. The form generally garnered support from the commentators, and most suggested revisions to improve it. In response to the comments, the committee recommended revising the form by:

- Changing the term “delivery” to “service” throughout the form;
- Adding a check box in item 1 to cover situations in which a person who is not a party provides notice and completes this form;
- Indicating in item 2 that notice of the request must be given before filing the request;
- Adding a specific check box in item 2(a)(1) to show if notice was given to minor’s counsel;
- Adding a fillable space in item 2 to provide the date, time, and place that notice was given to the other party; and
- Changing item 3(a) to state that an unfiled copy of the request was delivered.

A commentator stated that the form should be limited to providing information about notice and service. Therefore, items 5 and 6 on the form should be removed since they request information about other court cases and previous requests for the same orders. In response, the committee recommends removing items 5 and 6 so that the form includes only those matters covered by rule 5.151.

Another commentator was not sure whether the form is to be used when notice is given with a request for a domestic violence restraining order. In response, the committee recommends revising the notice box in the form to clearly state: “Do not use this form to ask for a domestic violence restraining order.”

***Temporary Emergency Court Orders (form FL-305)***

Seven commentators generally supported the proposed revisions to this form and suggested changes to improve it. The commentators suggested the following substantive and technical changes to the form, which the committee includes in its recommendations to the Judicial Council:

- Revising the title to “Temporary Emergency (Ex Parte) ~~Court~~ Orders”;
- Adding a preliminary statement that would establish the basis for granting the temporary emergency orders;
- Adding a separate column in the child custody item for a child’s birth date;
- Adding a check box in cases in which parties have more than five minor children;
- Assigning each item a separate number (3)–(7), instead of listing them as subitems 2(a)–(e);
- Providing more fillable space in item 1 to list name of party and his or her attorney; and
- Including a separate box for “Visitation (Parenting Time)” in the caption.

***Application and Order for Reissuance of Request for Order and Temporary Emergency Orders (form FL-306)***

As previously noted, the committee recommends changes to this form that are required by AB 1081, including renaming the form *Request and Order to Continue Hearing Date and Extend Temporary Emergency (Ex Parte) Orders*.

Four commentators suggested formatting and technical changes to form FL-306. In response, the committee recommends switching the order of items 2 and 3, so that the court can quickly reference the date the orders were originally issued, the last scheduled hearing date, and the number of continuances. The committee also recommends simplifying the language in the court orders section and providing more blank space for the judicial officer to specify other orders.

***Child Custody and Visitation (Parenting Time) Application Attachment (form FL-311)***

The committee received seven comments requesting additional changes to this form. In response to a few comments, the committee recommends reformatting item 2e(4) to allow more fillable space, adding missing punctuation at the end of item 2a and 2d, and changing “parenting timeshare” to “parenting time” in the note under item 2.

Another commentator suggested revising item 4d to state “Pick-up or drop-off location to begin the visits (*address*):” and revising 4e to state “Pick-up or drop-off location at the end of the visits (*address*):.” However, because these terms can cause confusion to some parties, the committee recommends not using “pick-up or drop-off.” Instead, the committee recommends using “The exchange point at the end (or at the beginning) of the visit will be (*address*):” This change will make form FL-311 consistent with the language used in *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341).

A commentator suggested revising item 13 to state, “If professional supervised visitation is requested, the party must file an *Income and Expense Declaration* (form FL-150).” The committee does not recommend revising the form as suggested. The change would require additional public comment and impact other rules and forms, which are not included in the proposal.

A commentator also suggested that item 2c is redundant and could be deleted. Item 2c states, “The parties will go to child custody mediation or child custody recommending counseling at (*specify location below*):.” Since this language already appears on page 1 of form FL-300, the commentator stated that having the same language on form FL-311 could lead litigants to check this box without specifying any other requests. However, because form FL-311 is also an attachment to other Judicial Council forms, such as the *Petition—Marriage/Domestic Partnership* (form FL-100) and *Response—Marriage/Domestic Partnership* (form FL-120), on which the standard mediation language does not appear, the committee recommends that the language at item 2c remain on form FL-311.

In response to a comment about the new check boxes in item 2e(1)–(3), the committee recommends reformatting each of them to clarify that a party should check “start of school” or “after school” only if these are applicable to their case and the children are in school. If the children are not in school, or if school is not in session at the time of the request for order, then it will be clear that the party only has to complete the starting and ending day of the week and the time for the visitation. Further, instead of making this section more complicated with an alternate schedule for when school is not in session, the committee prefers that a party provide that information in another part of the form or in an attachment for holidays and vacations.

***Request for Child Abduction Prevention Orders (form FL-312)***

Four commentators requested additional changes to this form. One commentator suggested correcting a typographical error in item 4d, which the committee recommends. Another commentator suggested a new check box for a litigant to request law enforcement assistance, if needed. However, without additional public comment, the committee cannot recommend this substantive change.

A commentator stated that item 4d needs to be revised to allow a complete answer. Specifically, the form should instruct a party to explain the other party’s history of domestic violence, child abuse, not cooperating in parenting, or taking the child without the other party’s permission. To provide clarity, the committee recommends revising the instructions at item 4d, rearranging the check boxes, and providing more fillable space for a party to explain any such history.

In response to another comment, the committee recommends revising item 9. This item requires a party to register the child abduction prevention orders in another state *before the children can travel to that state*. However, the item does not require a party to provide the court with proof of the registration before the children can travel to that state. The committee recommends this revision to item 9 to make it consistent with existing language in item 12, which requires a party to provide the court with proof that a party notified a foreign embassy or consulate about the court orders preventing child abduction.

***Responsive Declaration to Request for Order (form FL-320)***

Most of the comments received about this form relate to its reference to the *Income and Expense Declaration* (form FL-150). One commentator suggested deleting the word “current” before “Income and Expense Declaration (form FL-150)” in items 3–5. The Department of Child Support Services suggested revising the form to reflect that the department is not required to file an *Income and Expense Declaration* (form FL-150) when it files form FL-320. Another commentator suggested that the form be changed to avoid having a party file three separate income and expense declarations if he or she checks the boxes for child support, spousal or domestic partner support, and attorney’s fees and costs. Finally, a commentator suggested moving the notice box at the bottom of page 2 (about domestic violence forms) to the top of page 1 and maximizing the amount of fillable space available for item 10.

As to the first comment, the committee does not recommend deleting the word “current” because it reflects the requirements of rule 5.260 (General provisions regarding support cases). As to the other comments, the committee prefers:

- That the form remain directed to parties in the family law case and not be revised to indicate that DCSS is not required to file form FL-150. There are a number of procedures that are different with respect to DCSS. The committee does not want to highlight this particular matter either on this form or on form FL-320-INFO.
- To recommend revising forms FL-300-INFO and FL-320-INFO to include a note that one form FL-150 may be filed to respond to requests for support or attorney’s fees and costs.
- To remove the information in the notice box about domestic violence forms to the new information sheet and provide a reference and a link to form FL-320 at the top of the first page.

In addition to the above changes suggested by commentators, the committee recommends reformatting this form so that it maintains its consistency with the *Request for Order* (form FL-300). This includes changing the caption so that it reads “Party without Attorney or Attorney” for the reasons stated under comments about *Request for Order* (form FL-300).

***Information Sheet: Responsive Declaration to Request for Order (form FL-320-INFO)***

In response to five comments, the committee recommends various substantive, technical, and formatting changes to this form. The recommended changes include:

- Stating in item 1 that a responding party may seek to continue the hearing date if he or she needs more time to prepare form FL-320;
- Revising item 2 on page 1 to state that the court “may” (instead of “will”) make orders if the responding party does not file form FL-320;
- Simplifying the text in items 2 and 3 on page 1 to better describe when the form should and should not be used;
- Reworking the text in item 7 to add the deadline for filing the responsive papers with the court and clarifying that the party should make two copies of the paperwork to take to the court clerk;
- Reformatting item 9 to make the text easier to read and adding that service by mail should be on the party’s attorney if he or she has one;
- At item 10, correcting the form to state that the time for service of form FL-320 on the other party is nine court days;<sup>9</sup>

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<sup>9</sup> Code Civ. Proc., § 1005(b) provides, in pertinent part, that all papers opposing a motion so noticed shall be filed with the court and a copy served on each party at least nine court days, and all reply papers at least five court days before the hearing. The court, or a judge thereof, may prescribe a shorter time.



- Adding new text to provide references to information about child custody mediation and child custody recommending counseling appointments; and
- Making other, minor technical and formatting changes to correct the form’s numbering and improve its readability.

***Order to Pay Waived Court Fees and Costs (Superior Court) (form FL-336)***

Two commentators requested changes to this form. One commentator stated a concern that a person who files form FL-300 and form FL-337 will be dissuaded from requesting a set-aside of the order if there is a filing fee attached to the filing. Therefore, the commentator suggested changing the form to state that there is no fee to request a hearing. In response, the committee notes that Government Code section 68637(d), which establishes the procedure for the payment of previously waived court fees, provides that a support obligor who is ordered to pay previously waived fees shall be given notice and an opportunity for a hearing. The statute does not provide that the fees for the hearing shall be waived. Because the issue of fees for these hearings is not within the purview of the Judicial Council, any change to the statute requires a change to the Government Code.

The other commentator suggested removing the filing party/attorney box, since courts complete this form. In addition, the commentator was unsure why the notice box was included on page 2 and believed that the section may not be needed. In response, the committee notes that form FL-336 was adopted, effective July 1, 2009. The notice box on page 2 of the form provides information about procedures to help courts comply with the requirements of Government Code section 68637(d).<sup>10</sup>

***Application to Set Aside Order to Pay Waived Court Fees—Attachment (Family Law) (form FL-337)***

No commentators proposed additional substantive changes to this form. Therefore, the committee recommends only minor changes to the notice box to reference *Request for Order* (form FL-300) and add “Other Parent/Party” to the caption and to item 1.

***Child Custody and Visitation (Parenting Time) Order Attachment (form FL-341)***

Five commentators suggested changes to this form.

Two commentators suggested adding a specific reference for *Judgment* (form FL-250) because this form is often attached to parentage judgments. One commentator also suggested deleting item 7e(2), “Alternate weekends starting (date),” because these types of orders are difficult to enforce due to the analysis needed to determine which weekend the minor child is with a parent. In response, the committee recommends adding a new check box for *Judgment* (form FL-250). As to the second suggestion, the committee is not able to recommend the deletion without additional public input.

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<sup>10</sup> The report is found at: <http://www.courts.ca.gov/partners/documents/fwjcrep.pdf>.

Another commentator suggested reformatting items 7e(4), as well as items 12, 13, and 14 (now items 11, 12, 13). As to item 7, the commentator suggested reformatting changes to provide more space to write other orders in this space. As to the other items, the suggestion was also to reduce the blank space provided since attachments are more likely to be used, and reserve the additional blank space for the final item “Other orders.” The committee recommends these changes.

Finally, a commentator requested that this form include a new item relating to access to a child’s records under Family Code section 3025. The statute provides that a noncustodial parent cannot be denied access to a child’s records or information, including medical, dental, and school records. This language is currently on form FL-341(D) but, as the commentator noted, it applies to all child custody orders. In response, the committee recommends revising the form to include a new item, which would provide that both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records). The language is a restatement of the statute, but will help avoid any misunderstanding by schools or medical facilities when a parent shows them a copy of the order.

In addition to the above changes, the committee recommends deleting item 8 as a technical change to the form. Item 8 is a check box for the court to use to acknowledge the existence of a criminal protective order involving the same parties, and to provide that the criminal orders have priority of enforcement. This language was statutorily required on the form until AB 176 (Stats. 2013, ch. 263) deleted this language from the Family and Penal Codes. Deleting the item from the form will make the form consistent with current law.

#### ***Child Abduction Prevention Order Attachment (form FL-341(B))***

The committee received two comments about this form. One commentator stated that it is a good idea to adapt this form for use as a juvenile court child custody order. The other commentator noted that item 8 does not give directions about where and to whom the children’s passports and other vital documents should be turned in. The commentator also suggested adding “This is a Court Order” at the bottom of the form. The committee recommends revising the form as suggested by the commentator.

#### ***Children’s Holiday Schedule Attachment (form FL-341(C))***

Two commentators suggested additional changes to this form. One commentator suggested adding “This is a Court Order” at the bottom of the form. The committee does not recommend this change because the form is not used exclusively as an attachment to a court order. As noted at the top of the form, it may also be attached to a *Petition*, a *Response*, or a *Request for Order*.

The other commentator stated that it is a good idea to adapt this form for use as a juvenile court child custody order, but thought it would be problematic to add the new item about resolving conflicts. The committee recommends maintaining the new items on the form to allow the parties to consider examples of how they can resolve disagreements about holidays.

The commentator then suggested changing the form's title to "Child's Exception to Parenting Time Schedule and Attachment." In response, the committee does not recommend changing the title of the form. The committee believes that the current title clearly and more succinctly summarizes the form's purpose.

***Additional Provisions—Physical Custody Attachment (form FL-341(D))***

The committee received five comments about this form. Most favored the proposed revisions and one commentator objected to the form.

A comment from a domestic violence advocacy group recommended expanding the language following item 1b to also state that a party does not have to disclose their residence, work, or other contact information if they have a domestic violence restraining order against the other party that includes a "No Contact" order or if the person is residing in a confidential location. Without additional public comment on the proposed substantive change, the committee is not able to recommend this change during this cycle.

In response to a commentator's suggestions about item 6, "Phone contact between parties and children," the committee recommends revising item 6b to include that the custodial parent must make the child available for the scheduled telephone contact. The committee also recommends revising item 6c to include that no party or third party may interfere with the calls.

Another commentator disapproved of the form in its entirety. The commentator stated that many of the optional orders contained on this form, such as paragraphs 7–16, are orders that are not authorized by the Family Code and may be unconstitutionally broad as an intrusion on parental decisionmaking, since there is a presumption that fit parents act in their children's best interests. Having these orders in a court order form, however, suggests that such orders are otherwise appropriate. The commentator suggested that if they are included in the form, they should only be in an agreement form—not an order form—with a provision that such agreements are not subject to law enforcement or contempt proceedings but could be the basis for a request for further orders if violation of such agreement was found to be evidence of parental unfitness.

The committee does not believe that the form imposes any restrictions on a parent's right to act in the best interests the child, and continues to support optional form FL-341(D) for the reasons specified in its report to the Judicial Council dated August 15, 2003.<sup>11</sup> Before January 1, 2004, forms FL-311 and FL-341—the only forms relating to child custody and visitation orders—did not address matters such as holidays, summer vacation, and similar issues that are also of concern to parents. The committee recommended form FL-341(D) "to address common issues in custody and visitation orders, to help provide more standard forms for litigants to use, to allow more specificity in agreements and orders, and to allow better enforcement of these orders." Further, the committee designed the forms out of concern that many unrepresented litigants have

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<sup>11</sup> Judicial Council of Cal., Family and Juvenile Law Advisory Com. Rep., *Family Law: Child Custody and Visitation Orders* (Aug. 15, 2003).

difficulty getting guidance on how to construct an enforceable child custody order. The committee anticipated that, “These forms will assist many litigants and ultimately save time for family court services offices.”

Commentators from family court services, court facilitators, and domestic violence advocacy groups continue to support use of the form and have submitted suggestions for improving it during this current and two previous comment periods (SPR13 and W14).

***Joint Legal Custody Attachment (form FL-341(E))***

Five commentators suggested changes to this form. Three commentators stated that this proposal contains a significant change in the language concerning joint legal custody and were concerned with the form stating that the consent of the other party was needed for any of the issues itemized in the form. Of these commentators, one asked whether an order for “joint legal custody” means that a parent can act alone except as to the checked boxes on the form.

In response to the three commentators, the committee notes that the form reflects the provision of Family Code section 3083 without any significant change. The recommended revisions to the form are meant to clarify the form’s original purpose. The Judicial Council approved *Joint Legal Custody Attachment* (form FL-341(E)), effective January 1, 2004, to allow the court to specify the circumstances under which the *consent* of both parents is required to be obtained in order for them to exercise legal control of the child and the consequences of the failure to obtain mutual consent as required by Family Code section 3083.

Family Code section 3083 requires that:

In making an order of joint legal custody, the court shall specify the circumstances under which the consent of both parents is required to be obtained in order to exercise legal control of the child and the consequences of the failure to obtain mutual consent. In all other circumstances, either parent acting alone may exercise legal control of the child.

An order of joint legal custody shall not be construed to permit an action that is inconsistent with the physical custody order unless the action is expressly authorized by the court.

To correct a misunderstanding in the legal community about the meaning of “joint legal custody”—that it means neither party can act alone in making major decisions about a child—the committee added a notice under the caption to specify that, in exercising joint legal custody, the parties may act alone as long as the action does not conflict with any orders about physical custody of the children. In addition, the notice explains the proper use of this optional form. It is used only if a party wants the court to specify when the consent of both parties is required to exercise legal control of the children. The form also conforms to the code by noting that an order under section 3083 must include the consequences for failing to obtain mutual consent.

Because the form reflects the requirements of Family Code section 3083, it does not tread on parents' constitutional rights.

In response to other comments, the committee recommends removing the check box before item 4b to reflect that the provision about access to a child's records and information is a standard family law order mandated by Family Code section 3025. In addition, the committee recommends revising item 4b to state: "Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children."

### **Alternatives considered**

#### ***Amend rules and revise forms effective January 1, 2016 or July 1, 2016***

The committee considered recommending an effective date of January 1, 2016, for the rules and forms in the report. However, it was concerned that courts and court users might require more than two months to review, and fully implement, the new and revised rules and forms.

Courts, for example, may determine that they have to modify their local rules to be consistent with the family law rules of court. Adopting these rules and forms effective January 1, 2016, might not provide sufficient time for the process of modifying the local rules, circulating them for comment, and reviewing and redrafting them based on comments. Attorneys, litigants, and legal publication companies might also be pressed to make changes if the changes to the rules and forms were adopted by the Judicial Council in October 2016 for an effective date of January 1, 2016.

While the committee believes it is important to implement the changes recommended in the report in a timely manner, the committee prefers that all persons and organizations affected by the changes have more time to fully understand and comply with the rules. For this reason, the task force and committee rejected this option and recommended that the rules take effect on July 1, 2016. This provides the public with 8 months' notice before the changes take effect.

### **Implementation Requirements, Costs, and Operational Impacts**

The committee anticipates that this proposal will result in some costs incurred by the courts to revise forms, train court staff about the changes to the rules and forms included in this proposal, and possibly to revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council. However, the committee expects that the changes will save resources for the courts in the long term by clarifying and simplifying procedures.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The rules and forms in the report support the policies underlying Goal I, Access, Fairness, and Diversity, because they help remove barriers to the courts for all parties, especially self-

represented litigants. The new and revised information sheets (forms DV-400-INFO, FL-300-INFO, and FL-320-INFO) will give self-represented litigants better access to the courts by providing information on completing their forms and finding resources to assist them with their family law case. The information sheets will also help the courts because they will reduce the number of filings that court clerks have to handle multiple times because litigants have not completed their forms correctly. The simplified language and formatting of the *Request for Order* (form FL-300) will help parties better understand how to accurately complete the form and decrease the chance that they will have to complete the form multiple times.

These recommendations also serve Goal III: Modernization of Management and Administration, especially item B, by adopting streamlined practices for recording the termination of restraining orders issued on *Restraining Order After Hearing* (form DV-130) through the new form, *Findings and Order to Terminate Restraining Order After Hearing* (form DV-400). In addition, the amendment to rule 5.92 will allow court clerks, instead of judicial officers, to issue a *Request for Order* (form FL-300) as a ministerial act in limited circumstances. This can positively affect the time required to process these filings when the court, for example, only needs to issue an order on form FL-300 for the parties to attend orientation and confidential mediation or for child custody recommending counseling.

Finally, these recommendations serve Goal IV: Quality of Justice and Service to the Public, by implementing court procedures and processes that are fair and understandable.

### **Attachments**

1. Rule 5.12, 5.62, 5.63, 5.92, 5.94, 5.151, at pages 30–39
2. Forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, and DV-400, DV-400-INFO, and DV-505-INFO, at pages 40–62
3. Forms FL-300, FL-300-INFO, FL-303, FL-305, FL-306, at pages 63–75
4. Forms FL-311, FL-312, FL-320, FL-320-INFO, FL-336, FL-337, at pages 76–87
5. Forms FL-341, FL-341(B), FL-341(C), FL-341(D), FL-341(E), at pages 88–97
6. Chart of comments, at pages 98–213
7. Attachment A: Chart of comments on proposal SPR13-22 (78 pages)
8. Attachment B: Chart of comments on proposal SPR14-12 (97 pages)

Rules 5.12, 5.62, 5.63, 5.92, 5.94, and 5.151 of the California Rules of Court are amended, effective July 1, 2016, to read:

1 **Rule 5.12. ~~Discovery motions~~ Request for order regarding discovery**

2  
3 **(a) Use of terms**

4  
5 In a family law proceeding, the term “request for order” has the same meaning as the terms  
6 “motion” or “notice of motion” when they are used in the Code of Civil Procedure.

7  
8 **(b) ~~(a)~~ Applicable law**

9  
10 A request for order regarding discovery in family court ~~Family law discovery motions are~~  
11 is subject to the provisions of for discovery motions under Code of Civil Procedure  
12 sections 2016.010 through 2036.050 and Family Code sections 2100 et seq. through 2113  
13 regarding disclosure of assets and liabilities.

14  
15 **(c) ~~(b)~~ Applicable rules**

16  
17 Discovery proceedings brought in a case under the Family Code must comply with  
18 applicable civil rules for motions, including:

19 (1)–(5) \* \* \*

20  
21  
22 **Rule 5.62. Appearance by respondent or defendant**

23  
24 **(a) Use of terms**

25  
26 In a family law proceeding, the term “request for order” has the same meaning as the terms  
27 “motion” or “notice of motion” when they are used in the Code of Civil Procedure.

28  
29 **(b) ~~(a)~~ Appearance**

30  
31 Except as provided in Code of Civil Procedure sections 418.10 and Family Code sections  
32 2012 and 3409, a respondent ~~or defendant~~ is deemed to have ~~appeared~~ made a general  
33 appearance in a proceeding when he or she files:

- 34  
35 (1) A response, or answer;  
36  
37 (2) A ~~notice of motion~~ request for order to strike, under section 435 of the Code of Civil  
38 Procedure;  
39  
40 (3) A ~~notice of motion~~ request for order to transfer the proceeding under section 395 of  
41 the Code of Civil Procedure; or  
42  
43 (4) A written notice of his or her appearance.  
44

1 **(c) ~~(b)~~ Notice required after appearance**

2  
3 After appearance, the respondent ~~or defendant~~ or his or her attorney is entitled to notice of  
4 all subsequent proceedings of which notice is required to be given by these rules or in civil  
5 actions generally.

6  
7 **(d) ~~(e)~~ No notice required**

8  
9 Where a respondent ~~or defendant~~ has not appeared, notice of subsequent proceedings need  
10 not be given to the respondent ~~or defendant~~ except as provided in these rules.

11  
12  
13 **Rule 5.63. ~~Motion~~ Request for order to quash proceeding or responsive relief**

14  
15 **(a) Use of terms**

16  
17 In a family law proceeding, the term “request for order” has the same meaning as the terms  
18 “motion” or “notice of motion” when they are used in the Code of Civil Procedure.

19  
20 **(b) ~~(a)~~ \* \* \***

21  
22 **(c) ~~(b)~~ Service of respondent’s ~~motion~~ request for order to quash**

23  
24 The ~~motion~~ request for order to quash must be served in compliance with Code of Civil  
25 Procedure section 1005(b). If the respondent files a ~~notice of motion~~ request for order to  
26 quash, no default may be entered, and the time to file a response will be extended until 15  
27 days after service of the court’s order denying the ~~motion~~ request for order to quash.

28  
29 **(d) ~~(e)~~ \* \* \***

30  
31 **(e) ~~(d)~~ Waiver**

32  
33 The parties are deemed to have waived the grounds set forth in (a) if they do not file a  
34 ~~motion~~ request for order to quash within the time frame set forth.

35  
36 **(f) ~~(e)~~ Relief**

37  
38 When a ~~motion~~ request for order to quash is granted, the court may grant leave to amend  
39 the petition or response and set a date for filing the amended pleadings. The court may also  
40 dismiss the action without leave to amend. The action may also be dismissed if the ~~motion~~  
41 request for order has been sustained with leave to amend and the amendment is not made  
42 within the time permitted by the court.



1 **Rule 5.92. Request for court order; ~~response~~ responsive declaration**

2  
3 ~~(a)–(d)~~

4  
5 **(a) Application**

6  
7 (1) In a family law proceeding under the Family Code:

8  
9 (A) The term “request for order” has the same meaning as the terms “motion” or  
10 “notice of motion” when they are used in the Code of Civil Procedure;

11  
12 (B) A *Request for Order* (form FL-300) must be used to ask for court orders,  
13 unless another Judicial Council form has been adopted or approved for the  
14 specific request; and

15  
16 (C) A *Responsive Declaration to Request for Order* (form FL-320) must be used  
17 to respond to the orders sought in form FL-300, unless another Judicial  
18 Council form has been adopted or approved for the specific purpose.

19  
20 (2) In an action under the Domestic Violence Prevention Act, a *Request for Order* (form  
21 FL-300) must be used to request a modification or termination of all orders made  
22 after a hearing on *Restraining Order After Hearing* (form DV-130).

23  
24 (3) In a local child support action under the Family Code, any party other than the local  
25 child support agency must use *Request for Order* (form FL-300) to ask for court  
26 orders.

27  
28 **(b) Request for order; required forms and filing procedure**

29  
30 (1) The *Request for Order* (form FL-300) must set forth facts sufficient to notify the  
31 other party of the moving party’s contentions in support of the relief requested.

32  
33 (2) When a party seeks orders for spousal or domestic partner support, attorney’s fees  
34 and costs, or other orders relating to the parties’ property or finances:

35  
36 (A) The party must complete an *Income and Expense Declaration* (form FL-150)  
37 and file it with the *Request for Order* (form FL-300); and

38  
39 (B) The *Income and Expense Declaration* (form FL-150) must be current, as  
40 described in rule 5.260 and include the documents specified in form FL-150  
41 that demonstrate the party’s income.

42  
43 (3) When seeking child support orders:

1           (A) A party must complete an *Income and Expense Declaration* (form FL-150) and  
2           file it with the *Request for Order* (form FL-300);

3  
4           (B) The *Income and Expense Declaration* (form FL-150) must be current, as  
5           described in rule 5.260 and include the documents specified in the form that  
6           demonstrate the party's income; and

7  
8           (C) A party may complete a current *Financial Statement (Simplified)* (form FL-  
9           155) instead of a current *Income and Expense Declaration* (form FL-150) only  
10           if the party meets the requirements listed in form FL-155.

11  
12          (4) The moving party may be required to complete, file, and have additional forms or  
13          attachments served along with a *Request for Order* (form FL-300) when seeking  
14          court orders for child custody and visitation (parenting time), attorney's fees and  
15          costs, support, and other financial matters. For more information, see *Information*  
16          *Sheet for Request for Order* (form FL-300-INFO).

17  
18          (5) The moving party must file the documents with the court clerk to obtain a court date  
19          and then have a filed copy served on all parties in the case within the timelines  
20          required by law.

21  
22          (6) No memorandum of points and authorities need be filed with a *Request for Order*  
23          (form FL-300) unless required by the court on a case-by-case basis.

24  
25          (c) **Request for temporary emergency (ex parte) orders**

26  
27          If the moving party seeks temporary emergency orders pending the hearing, the moving  
28          party must:

29  
30          (1) Comply with rules 5.151 through 5.169 of the California Rules of Court;

31  
32          (2) Complete and include a proposed *Temporary Emergency (Ex Parte) Orders* (form  
33          FL-305) with the *Request for Order* (form FL-300); and

34  
35          (3) Comply with specified local court procedures and/or local court rules about reserving  
36          the day for the temporary emergency hearing, submitting the paperwork to the court,  
37          and use of local forms.

38  
39          (d) **Request for order shortening time (for service or time until the hearing)**

40  
41          If the moving party seeks an order for a shorter time to serve documents or a shorter time  
42          until the hearing:

1       (1) The moving party must submit the request as a temporary emergency order on form  
2       FL-300 and comply with the requirements of rules 5.151 through 5.169 of the  
3       California Rules of Court; and

4  
5       (2) The moving party’s request must be supported by a declaration or a statement of  
6       facts showing good cause for the court to prescribe shorter times for the filing and  
7       service of the *Request for Order* (form FL-300) than the times specified in Code of  
8       Civil Procedure section 1005.

9  
10       (3) The court may issue the order shortening time in the “Court Orders” section of the  
11       *Request for Order* (form FL-300).

12  
13       **(e) Issuance by court clerk**

14  
15       The court clerk’s authority to issue a *Request for Order* (form FL-300) as a ministerial act  
16       is limited to those orders or notices:

17  
18       (1) For the parties to attend orientation and confidential mediation or child custody  
19       recommending counseling; and

20  
21       (2) That may be delegated by a judicial officer and do not require the use of judicial  
22       discretion.

23  
24       **(f) Request for order; service requirements**

25  
26       (1) The *Request for Order* (form FL-300) and appropriate documents or orders must be  
27       served in the manner specified for the service of a summons in Code of Civil  
28       Procedure sections 415.10 through 415.95, including personal service, if:

29  
30       (A) The court granted temporary emergency orders pending the hearing;

31  
32       (B) The responding party has not yet appeared in the case as described in rule  
33       5.62; or

34  
35       (C) The court ordered personal service on the other party.

36  
37       (2) A *Request for Order* (form FL-300) must be served as specified in Family Code  
38       section 215 if filed after entry of a family law judgment or after a permanent order  
39       was made in any proceeding in which there was at issue the custody, visitation  
40       (parenting time), or support of a child.

41  
42       (A) Requests to change a judgment or permanent order for custody, visitation  
43       (parenting time), or support of a child may be served by mail on the other party  
44       or parties only if the moving party can verify the other parties’ current address.

1  
2 (B) Declaration Regarding Address Verification (form FL-334) may be used as the  
3 address verification required by Family Code section 215. The completed  
4 form, or a declaration that includes the same information, must be filed with  
5 the proof of service of the Request for Order.  
6

7 (3) All other requests for orders and appropriate documents may be served as specified  
8 in Code of Civil Procedure section 1010 et seq., including service by mail.  
9

10 (4) The following blank forms must be served with a Request for Order (form FL-300):  
11

12 (A) Responsive Declaration to Request for Order (form FL-320); and  
13

14 (B) Income and Expense Declaration (form FL-150), when the requesting party is  
15 -serving a completed FL-150 or FL-155.  
16

17 **(g) Responsive declaration to request for order; procedures**  
18

19 To respond to the issues raised in the Request for Order (form FL-300) and accompanying  
20 papers, the responding party must complete, file, and have a Responsive Declaration to  
21 Request for Order (form FL-320) served on all parties in the case.  
22

23 (1) The Responsive Declaration to Request for Order (form FL-320) must set forth facts  
24 sufficient to notify the other party of the declarant's contentions in response to the  
25 request for order and in support of any relief requested.  
26

27 (2) The responding party may request relief related to the orders requested in the moving  
28 papers. However, unrelated relief must be sought by scheduling a separate hearing  
29 using Request for Order (form FL-300) and following the filing and service  
30 requirements for a Request for Order described in this rule.  
31

32 (3) A completed Income and Expense Declaration (form FL-150) must be filed with the  
33 Responsive Declaration to Request for Order (form FL-320) following the same  
34 requirements specified above in rule 5.92(b)(2) and (b)(3).  
35

36 (4) The responding party may be required to complete, file, and serve additional forms  
37 or attachments along with a Responsive Declaration to Request for Order (form FL-  
38 320) when responding to a Request for Order (form FL-300) about child custody and  
39 visitation (parenting time), attorney fees and costs, support, and other financial  
40 matters. For more information, read Information Sheet: Responsive Declaration to  
41 Request for Order (form FL-320-INFO).  
42

1 (5) No memorandum of points and authorities need be filed with a *Responsive*  
2 *Declaration to Request for Order* (form FL-320) unless required by the court on a  
3 case-by-case basis.

4  
5 (6) A *Responsive Declaration to Request for Order* (form FL-320) may be served on the  
6 parties by mail, unless otherwise required by court order.

7  
8 **Advisory Committee Comment**

9  
10 The Family and Juvenile Law Advisory Committee and the Elkins Implementation Task Force  
11 developed rule 5.92 and *Request for Order* (form FL-300) in response to *Elkins Family Law Task*  
12 *Force: Final Report and Recommendations (April 2010)* for one comprehensive form and related  
13 procedures to replace the *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-  
14 301). (See page 35 of the final report online at [www.courts.ca.gov/elkins-finalreport.pdf](http://www.courts.ca.gov/elkins-finalreport.pdf).)

15  
16 **Rule 5.94. Order shortening time; other filing requirements; request to continue hearing**  
17 **date and extend temporary emergency (ex parte) orders**

18  
19 (a) **Order shortening time**

20  
21 \* \* \*

22  
23 (b) **Time for filing proof of service**

24  
25 \* \* \*

26  
27 **(c) ~~(d)~~ Filing of late papers**

28  
29 No moving or responding papers relating to a request for order may be rejected for filing  
30 on the ground that ~~it was~~ they were untimely submitted for filing. If the court, in its  
31 discretion, refuses to consider a late filed paper, the minutes or order must so indicate.

32  
33 **(d) ~~(e)~~ Computation of Timely submission to court clerk**

34  
35 Moving or responding papers are deemed timely filed if they are submitted; ~~before the~~  
36 ~~close of the clerk's office to the public on the day that the paper is due is deemed timely~~  
37 ~~filed.~~

38  
39 (1) Before the close of the court clerk's office to the public; and

40  
41 (2) On or before the day the papers are due.

42  
43 **(e) ~~(e)~~ Failure to timely serve ~~moving papers~~ request for order and temporary emergency**  
44 **(ex parte) orders**

1 If a *Request for Order* (FL-300) is not timely served on the opposing party, the moving  
2 party must notify the court as soon as possible before the date assigned for the court  
3 hearing and request a new hearing date to allow additional time to serve the *Request for*  
4 *Order* (FL-300) and supporting documents.

5  
6 The moving party must also request that the court reissue the *Request for Order* (FL-300)  
7 and any temporary orders. To do so, the moving party must complete and submit to the  
8 court an *Application and Order for Reissuance of Request for Order* (form FL-306).

9  
10 The *Request for Order* (form FL-300) and *Temporary Emergency (Ex Parte) Orders* (form  
11 FL-305) will expire on the date and time of the scheduled hearing if the moving party fails  
12 to:

- 13  
14 (1) Have the other party timely served before the hearing with the *Request for Order*  
15 (form FL-300), supporting documents, and any orders issued on *Temporary*  
16 *Emergency (Ex Parte) Orders* (form FL-305); or  
17  
18 (2) Obtain a court order to continue the hearing and extend the expiration date of the  
19 temporary emergency (ex parte) orders until the end of the continued hearing.

20  
21 **(f) Procedures to request continued hearing date and extension of temporary emergency**  
22 **(ex parte) orders**

23  
24 (1) If a *Request for Order* (form FL-300) that includes temporary emergency orders is  
25 not timely served on the other party before the date of the hearing, and the moving  
26 party wishes to proceed with the request, the moving party must ask the court to  
27 continue the hearing date and extend the expiration date of the temporary  
28 emergency orders so that they remain in effect until the end of the new hearing.

29  
30 (2) The following procedures apply to the request:

31  
32 (A) The moving party must complete and submit an original *Request and Order to*  
33 *Continue Hearing Date and Extend Temporary Emergency (Ex Parte) Orders*  
34 (form FL-306) with two copies for the court to review.

35  
36 (i) The form should be submitted to the court no later than five court days  
37 before the hearing date originally set on the *Request for Order*.

38  
39 (ii) The moving party may present the application to the court at the  
40 hearing of the *Request for Order*.

41  
42 (iii) A moving party who makes an oral request to the court on the date of  
43 the hearing is also required to complete and submit form FL-306 if the  
44 court grants the request.

- 1           (B) A moving party who requests that the court modify the temporary restraining  
 2 orders must include a copy of a proposed modified order with form FL-306  
 3 and specify the reasons why the court should grant the request;  
 4
- 5           (C) After the court signs and files form FL-306, a filed copy must be attached as  
 6 the cover page of the filed *Request for Order* (form FL-300), the original or  
 7 modified temporary emergency orders, and supporting documents.  
 8
- 9           (D) The other party must be served with a copy of the filed *Request and Order to*  
 10 *Continue Hearing Date and Extend Temporary Emergency (Ex Parte) Orders*  
 11 (form FL-306), the filed *Request for Order* (form FL-300), original or  
 12 modified temporary emergency orders, and supporting documents in the  
 13 manner required under rule 5.92 or as ordered by the court.  
 14
- 15           (E) If the *Request and Order to Continue Hearing Date and Extend Temporary*  
 16 *Emergency (Ex Parte) Orders* (form FL-306), *Request for Order* (FL-300), the  
 17 original or modified temporary emergency orders, and supporting documents  
 18 are not timely served on the other party, and the moving party wishes to  
 19 proceed with the hearing, he or she must repeat the procedures in this rule.  
 20  
 21

22 **Rule 5.151. Request for temporary emergency (ex parte) orders; application; required**  
 23 **documents**

24  
 25 (a)–(b)     \* \* \*

26  
 27 (c)   **Required documents**

28  
 29 A request for emergency orders must be in writing and must include all of the following  
 30 completed documents ~~when relevant to the relief requested:~~

- 31  
 32 (1) *Request for Order* (form FL-300) that identifies the relief requested;₂  
 33
- 34 (2) When relevant to the relief requested, a current *Income and Expense Declaration*  
 35 (form FL-150) or *Financial Statement (Simplified)* (form FL-155) and *Property*  
 36 *Declaration* (form FL-160);₂  
 37
- 38 (3) *Temporary Emergency (Ex Parte) Orders* (form FL-305) to serve as the proposed  
 39 temporary order;₂  
 40
- 41 (4) A written declaration regarding notice of application for emergency orders based on  
 42 personal knowledge ~~and;~~ *Declaration Regarding Notice and Service of Request for*  
 43 *Temporary Emergency (Ex Parte) Orders* (form FL-303), a local court form, or a  
 44 declaration that contains the information as form FL-303 may be used for this  
 45 purpose.  
 46

1 (5) \* \* \*  
2  
3 (d)-(e) \* \* \*  
4  
5



Clerk stamps date here when form is filed.

Use this form to change the hearing date listed on form [DV-109](#), *Notice of Court Hearing*. (Read [DV-115-INFO](#), How to Ask for a New Hearing Date for more information).

**DRAFT**

**NOT APPROVED  
BY THE JUDICIAL  
COUNCIL**

**1 Name of Person Asking for Protection:**

Your lawyer in this case (*if you have one*):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**Address** (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.*):

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**2 Name of Person to Be Restrained:**

Mailing Address (*if known*): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**3 Request to Continue Hearing Date and Extend Temporary Restraining Order**

- a. The hearing date is (*date*):
- b. The *Notice of Court Hearing* (form [DV-109](#)) and any temporary restraining orders have been extended (*specify number*): \_\_\_\_\_ times.
- c. I ask the judge to continue the *Notice of Court Hearing* (form [DV-109](#)) and extend the expiration date of any temporary restraining orders granted on *Temporary Restraining Order* (form [DV-110](#)) because:
  - 1.  I could not get the papers served before the hearing date.
  - 2.  Other (*specify*): \_\_\_\_\_

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*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name, if you have one*

\_\_\_\_\_  
*Lawyer's signature*

**This is not a Court Order.**

## DV-115-INFO How to Ask for a New Hearing Date

### You may need to ask for a new hearing date

If you are unable to have form [DV-109](#) (*Notice of Court Hearing*) and other papers served in time before the hearing date, use form [DV-115](#), *Request to Continue Hearing Date and Extend Temporary Restraining Order*.

### What does form DV-115 do?

On form [DV-115](#) you ask the judge to “continue” the hearing and “extend” any temporary restraining orders on form [DV-110](#), *Temporary Restraining Order*.

- “Continue” the hearing means to give you a new hearing date.
- “Extend” means to keep any temporary orders in effect until the new hearing date.

### Follow these steps:

- Fill out all of form [DV-115](#).
- Fill out items ① and ② on form [DV-116](#), *Order to Continue Hearing Date and Extend Temporary Restraining Order*.
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- If the judge signs form [DV-116](#), the court will give you a new hearing date.
- File both forms with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to court on the hearing date.
- Have a copy of all court papers served personally on the person to be restrained by the time listed in item ⑥ on form [DV-116](#).
- Now the temporary orders, if any, will last until the new hearing date.
- Ask the person who serves the papers to complete form [DV-200](#), *Proof of Personal Service*, and give it to you. Make two copies and bring them all to court on the hearing date.
- The clerk will send the restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.

**Bring a copy of all of your papers and the original form [DV-200](#), *Proof of Personal Service*, to the court hearing.**

### Need help?

Ask the court clerk about free or low-cost legal help.

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

**1-800-799-7233**

**TDD: 1-800-787-3224**

It's free and private.

They can help you in more than 100 languages.

*Clerk stamps date here when form is filed.*

**DRAFT**

**NOT APPROVED  
BY THE JUDICIAL  
COUNCIL**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fills in case number:*

**Case Number:**

**1 Name of Person Asking for Protection:** \_\_\_\_\_

Your lawyer in this case (if you have one): \_\_\_\_\_

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**Address** (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Name of Person to Be Restrained:** \_\_\_\_\_

*(Court will fill out all sections below.)*

**3 Reason for New Hearing Date**

The hearing currently scheduled for (date): \_\_\_\_\_ is reset to the date in **4** below because:

- a.  The person in **2** was not served before the current hearing date.
- b.  The parties were referred to Family Court Services.
- c.  The person in **2** asked for time to hire a lawyer or prepare a response.
- d.  Other (specify): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4 Order for Continuance and Notice of New Hearing**

The *Notice of Court Hearing* (form [DV-109](#)) is reset for hearing as follows:

<div style="border: 1px solid black; border-radius: 10px; padding: 5px; display: inline-block;"> <b>New Hearing Date</b> </div> <span style="font-size: 2em; vertical-align: middle;">→</span>	Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	
	_____		

**This is a Court Order.**



**5 Temporary Restraining Order (Extend and/or Continue)**

- a.  No temporary restraining orders were issued in this case.
- b.  The request to keep temporary restraining orders in effect until the new hearing date is:
  - (1)  GRANTED. There are no changes to the Temporary Restraining Order except for the expiration date. Any orders listed on the *Temporary Restraining Order* (form DV-110), issued on (date): \_\_\_\_\_, remain in effect until the end of the hearing in (4).
  - (2)  GRANTED AS MODIFIED. The Temporary Restraining Order is modified. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in (4).
- c.  The request to keep temporary restraining orders in effect is **DENIED** until the hearing.  
Reason for denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Warning and Notice to the Person in 2**

If (5) b is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in (4).

**6 Service of Order**

- a.  No further service of this Order is required because both parties were present at the hearing when the new hearing date was ordered.
- b.  A copy of this Order must be served on the person in (2) at least \_\_\_\_\_ days before the hearing, along with all other forms that were filed with the court requesting domestic violence restraining orders and a hearing date. All forms must be personally served unless otherwise specified in (6) c. If item (5) b is checked, a copy of the Temporary Restraining Order **must** also be served. If item (5) c is checked, a copy of the Temporary Restraining Order **must not** be attached or served.

See form DV-109, *Notice of Court Hearing*, item (5), for a list of all documents that must be personally served with this Order.

- c.  Other (specify): \_\_\_\_\_

**This is a Court Order.**



**7 No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this order, he or she will do it for free.

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 <http://www.courts.ca.gov/forms.htm> for *Request for Accommodations by Persons with Disabilities and Response* (form [MC-410](#)). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk’s Certificate—**

*Clerk’s Certificate*  
*[seal]*

I certify that this *Order to Continue Hearing Date and Extend Temporary Restraining Order* (CLETS-TRO) is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Original Order Amended Order

Clerk stamps date here when form is filed. DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL

1 Name of Protected Person:

Your lawyer in this case (if you have one): Name: State Bar No.: Firm Name: Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.): Address: City: State: Zip: Telephone: Fax: E-Mail Address:

Fill in court name and street address: Superior Court of California, County of

2 Name of Restrained Person:

Description of restrained person:

Sex: M F Height: Weight: Hair Color: Eye Color: Race: Age: Date of Birth: Mailing Address (if known): City: State: Zip: Relationship to protected person:

Clerk fills in case number when form is filed. Case Number:

3 Additional Protected Persons

In addition to the person named in 1, the following persons are protected by orders as indicated in items 6 and 7 (family or household members):

Table with 4 columns: Full name, Relationship to person in 1, Sex, Age

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-130, Additional Protected Persons," as a title.

4 Expiration Date

The orders, except as noted below, end on

(date): at (time): a.m. p.m. or midnight

- If no date is written, the restraining order ends three years after the date of the hearing in item 5(a). If no time is written, the restraining order ends at midnight on the expiration date. Note: Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. Custody, visitation, and child support orders usually end when the child is 18. The court orders are on pages 2, 3, 4, and 5 and attachment pages (if any).

This order complies with VAWA and shall be enforced throughout the United States. See page 5.

This is a Court Order.

**5 Hearings**

- a. The hearing was on (date): \_\_\_\_\_ with (name of judicial officer): \_\_\_\_\_
- b. These people were at the hearing (check all that apply):
- The person in ①       The lawyer for the person in ①(name): \_\_\_\_\_
- The person in ②       The lawyer for the person in ②(name): \_\_\_\_\_
- c. The people in ① and ② must **return to Dept.** \_\_\_\_\_ **of the court** on (date): \_\_\_\_\_  
at (time): \_\_\_\_\_  a.m.    p.m. to review (specify issues): \_\_\_\_\_

**To the person in ② :**

The court has granted the orders checked below. Item ⑨ is also an order. 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.

**6  Personal Conduct Orders**

- a. The person in ② must **not** do the following things to the protected people in ① and ③:
- Harass, attack, strike, threaten, assault (*sexually or otherwise*), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (*on the Internet, electronically or otherwise*), or block movements.
- Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail, or other electronic means.
- Take any action, directly or through others, to obtain the addresses or locations of any protected persons. (*If this item is not checked, the court has found good cause not to make this order.*)
- b. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.
- c.  Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

**7  Stay-Away Order**

- a. The person in ② **must** stay at least (specify): \_\_\_\_\_ yards away from (check all that apply):
- The person in ①       School of person in ①
- The persons in ③       The child(ren)'s school or child care
- Home of person in ①       Other (specify): \_\_\_\_\_
- The job or workplace of person in ①      \_\_\_\_\_
- Vehicle of person in ①      \_\_\_\_\_
- b.  Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

**8  Move-Out Order**

The person in ② must move out immediately from (address): \_\_\_\_\_

**9 No Guns or Other Firearms or Ammunition**

- a. The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

**This is a Court Order.**

- 9 b. The person in 2 must:
  - Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within his or her immediate possession or control. Do so within 24 hours of being served with this order.
  - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, sold, or stored. ([Form DV-800, Proof of Firearms Turned In, Sold, or Stored](#), may be used for the receipt.) Bring a court filed copy to the hearing.
- c.  The court has received information that the person in 2 owns or possesses a firearm.
- d.  The court has made the necessary findings and applies the firearm relinquishment exemption under Family Code section 6389(h). Under California law, the person in 2 is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): \_\_\_\_\_  
 The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling a firearm.

10  **Record Unlawful Communications**  
 The person in 1 has the right to record communications made by the person in 2 that violate the judge’s orders.

11  **Care of Animals**  
 The person in 1 is given the sole possession, care, and control of the animals listed below. 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 following animals: \_\_\_\_\_

12  **Child Custody and Visitation**  
 Child custody and visitation are ordered on the attached form DV-140, *Child Custody and Visitation Order* or (*specify other form*): \_\_\_\_\_

13  **Child Support**  
 Child support is ordered on the attached form FL-342, *Child Support Information and Order Attachment* or (*specify other form*): \_\_\_\_\_

14  **Property Control**  
 Only the person in 1 can use, control, and possess the following property: \_\_\_\_\_

15  **Debt Payment**  
 The person in 2 must make these payments until this order ends:  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
 Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
 *Check here if more payments are ordered. List them on an attached sheet of paper and write “DV-130, Debt Payments” as a title.*

16  **Property Restraint**  
 The  person in 1  person in 2 must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the person must notify the other of any new or big expenses and explain them to the court. (*The person in 2 cannot contact the person in 1 if the court has made a “No-Contact” order.*)  
 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.

**This is a Court Order.**



**17**  **Spousal Support**  
Spousal support is ordered on the attached form FL-343, *Spousal, Partner, or Family Support Order Attachment* or (*specify other form*): \_\_\_\_\_

**18**  **Insurance**  
 The person in **(1)**  the person in **(2)** is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

**19**  **Lawyer's Fees and Costs**  
The person in **(2)** must pay the following lawyer's fees and costs:  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**20**  **Payments for Costs and Services**  
The person in **(2)** must pay the following:  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
 Check here if more payments are ordered. List them on an attached sheet of paper and write "DV-130, Payments for Costs and Services" as a title.

**21**  **Batterer Intervention Program**  
The person in **(2)** must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

**22**  **Other Orders**  
Other orders (*specify*): \_\_\_\_\_

**23**  **No Fee to Serve (Notify) Restrained Person**  
If the sheriff or marshal serves this order, he or she will do it for free.

**24** **Service**  
a.  The people in **(1)** and **(2)** were at the hearing or agreed in writing to this order. No other proof of service is needed.  
b.  The person in **(1)** was at the hearing on the request for original orders. The person in **(2)** was not present.  
(1)  Proof of service of form DV-109 and form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in form DV-110 except for the end date. The person in **(2)** must be served. This order can be served by mail.  
(2)  Proof of service of form DV-109 and form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in form DV-110, or form DV-110 was not issued. The person in **(2)** must be personally "served" (given) a copy of this order.  
c.  Proof of service of form FL-300 to modify the orders in form DV-130 was presented to the court.  
(1)  The people in **(1)** and **(2)** were at the hearing or agreed in writing to this order. No other proof of service is needed.  
(2)  The person in  **(1)**  **(2)** was not at the hearing and must be personally "served" (given) a copy of this amended order.

**25**  **Criminal Protective Order**  
a.  Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.  
Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
b.  Other Criminal Protective Order in effect (*specify*): \_\_\_\_\_  
Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

**This is a Court Order.**

(List other orders on an attached sheet of paper. Write "DV-130, Other Criminal Protective Orders" as a title.)

c.  No information has been provided to the judge about a criminal protective order.

**26**  **Attached pages are orders.**

- Number of pages attached to this six-page form: \_\_\_\_\_
- All of the attached pages are part of this order.
- Attachments include (check all that apply):
  - DV-140    DV-145    DV-150    FL-342    FL-343
  - Other (specify): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge (or Judicial Officer)

**Certificate of Compliance With VAWA**

This restraining (protective) order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

**Warnings and Notices to the Restrained Person in 2**

**If you do not obey this order, you can be arrested and charged with a crime.**

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

**You cannot have guns, firearms, and/or ammunition.**



**You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. Unless the court grants an exemption, you must sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect. Even if exempt under California law, you may be subject to federal prosecution for possessing or controlling a firearm.**

**Instructions for Law Enforcement**

**Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

- The hearing date in item **5** (a) on page 2, or
- The date next to the judge's signature on this page.

The orders *end* on the expiration date in item **4** on page 1. If no date is listed, they end three years from the hearing date.

**This is a Court Order.**



## 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.

## Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person “served” (notified) if:

- 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 at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Order System (DVROS). (Fam. Code, § 6381(b)-(c).)

## If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

## Child Custody and Visitation

The custody and visitation orders are on form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.

## Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

## 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 and Fam. Code, §§ 6383(h)(2), 6405(b)):**

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

### —Clerk's Certificate—

Clerk's Certificate  
[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.  
  
DRAFT -  
  
NOT APPROVED BY THE  
JUDICIAL COUNCIL

Fill in court name and street address:  
**Superior Court of California, County of**

Court fills in case number when form is filed.  
**Case Number:**

**1 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.
- Not be listed in items **1** or **3** of form **DV-100, Request for Domestic Violence Restraining Order.**
- Give a copy of all documents checked in **4** to the restrained 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**.

**4** I gave the person in **2** a copy of all the documents checked:

- a.  DV-109 with **DV-100** and a blank **DV-120** (*Notice of Court Hearing; Request for Domestic Violence Restraining Order; blank Response to Request for Domestic Violence Restraining Order*)
- b.  DV-110 (*Temporary Restraining Order*)
- c.  DV-105 and **DV-140** (*Request for Child Custody and Visitation Orders, Child Custody and Visitation Order*)
- d.  FL-150 with a blank FL-150 (*Income and Expense Declaration*)
- e.  FL-155 with a blank FL-155 (*Financial Statement (Simplified)*)
- f.  DV-115 (*Request to Continue Hearing Date and Extend Temporary Restraining Order*)
- g.  DV-116 (*Order to Continue Hearing Date and Extend Temporary Restraining Order*)
- h.  DV-130 (*Restraining Order After Hearing*)
- i.  Other (*specify*):

**5** I personally gave copies of the documents checked above to the person in **2** on:

- a. Date: \_\_\_\_\_ b. Time: \_\_\_\_\_  a.m.  p.m.
- c. At this address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

(If you are a registered process server):

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

**7** 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

**DV-200-INFO****What Is “Proof of Personal Service”?****What is “service”?**

Service is the act of giving your legal papers to the other person. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Notice of Court Hearing* (form DV-109), *Request for Domestic Violence Restraining Order* (form DV-100) and *Temporary Restraining Order* (form DV-110) must be served “in person.” That means someone—not you or anyone else protected by the order—must personally “serve” (give) the person to be restrained a copy of the forms. You cannot send them by mail. Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

**Why do I have to get the orders served?**

- The *police cannot arrest* anyone for violating an order *unless* the restrained person knows about the order.
- The *judge cannot make the orders permanent* unless the restrained person was served.

**Who can serve?**

Ask someone you know, a process server, or a law enforcement agency (for example, a sheriff) to personally serve (give) a copy of the orders to the person to be restrained. You *cannot* send the forms to that person by mail.

The server must:

- Be 18 years of age or over
- Not be you or anyone to be protected by the orders

A sheriff can serve the order at no cost to you.

A “registered process server” is a business you pay to deliver court forms.

Look for “Process Serving” in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different Proof of Service form, make sure it lists the forms served.)



*Don't serve it by mail!*

**How to Serve**

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person. Ask the person's name.
- Give the person copies of all papers checked on [form DV-200, Proof of Personal Service](#).
- Fill out and sign [form DV-200](#).
- Give the signed [form DV-200](#) to you.

**What if the person won't take the papers or tears them up?**

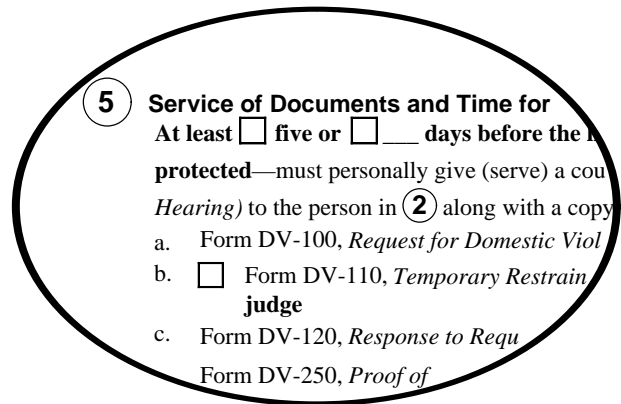
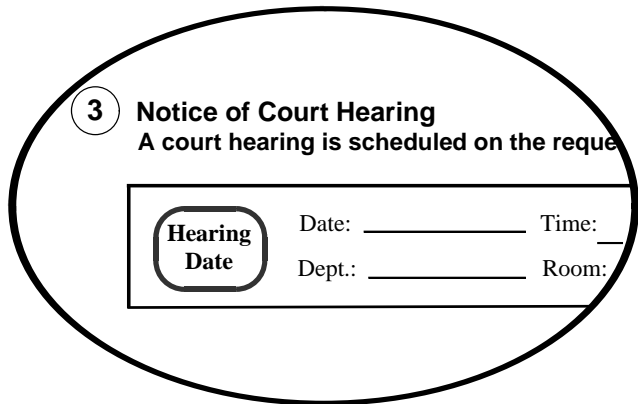
- If the person won't take the papers, just leave them near him or her.
- It doesn't matter if the person tears them up.



**When do the orders have to be served?**

It depends. To know the exact date, you have to look at two things on [form DV-109](#):

First, look at the hearing date on page 1 of [form DV-109](#). Next, look at the number of days written in item ⑤ on page 2.



Look at a calendar. Subtract the number of days in item ⑤ from the hearing date. That’s the final date to have the orders served. It’s always OK to serve earlier than that date.

If nothing is written in item ⑤ you must have the papers served at least 5 days before the hearing.

**Who signs the Proof of Personal Service?**

Only the person who serves the orders can sign the *Proof of Personal Service* ([form DV-200](#)). You do not sign it. The person to be restrained does not sign it.

**What happens if I cannot get the papers served before the hearing date?**

Before your hearing, fill out and file a *Request to Continue Hearing Date and Extend Temporary Restraining Order* ([form DV-115](#)) and *Order to Continue Hearing Date and Extend Temporary Restraining Order* ([form DV-116](#)). These forms ask the judge for a new hearing date and make any temporary orders last until then. Ask the clerk for the forms or go to [www.courts.ca.gov](http://www.courts.ca.gov).

You **must** attach a copy of [form DV-115](#) and [DV-116](#) to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date. For more information on getting a new hearing date, read [form DV-115-INFO](#), *How to Ask for a New Hearing Date*.

**What do I do with the completed Proof of Personal Service?**

**Bring a copy of the original Proof of Personal Service ([form DV-200](#)) to your hearing.**

If the sheriff serves the orders, he or she will send the *Proof of Personal Service* to the court and CLETS (California Law Enforcement Telecommunications System), a statewide computer system that lets police know about your order, for you.

If someone other than the sheriff serves the orders, you should:

- If possible, file the original *Proof of Personal Service* ([form DV-200](#)) with the court at least 2 days before your hearing. If you were unable to do this, bring the original *Proof of Personal Service* to your hearing.
- The clerk will send it to CLETS.
- Always keep an extra copy of the restraining orders with you for your safety.

Clerk stamps date here when form is filed.

**DRAFT  
NOT APPROVED BY THE  
JUDICIAL COUNCIL**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

Complete only items 1 and 2. The remaining items are for court use.

**1 Name of Protected Party:** \_\_\_\_\_**2 Name of Restrained Party:** \_\_\_\_\_**3 Court Findings** (Fam. Code, § 6345 (a) & (d))

- a.  The **Protected Party** filed the request to terminate the restraining orders in *Restraining Order After Hearing* (form DV-130). A proof of service (by mail or personal service) of the request on the Restrained Party is filed with the court.
- b.  The **Restrained Party** filed the request to terminate restraining orders. The filed proof of service shows that the Protected Party received notice of the Request by:
1.  Personal service.
  2.  Service on the Secretary of State (the Protected Person is registered in the Safe at Home Program).
  3.  An alternative, court-ordered method of service that gives actual notice of the request and the hearing.
- c.  The **Restrained Party** filed the request to terminate the restraining orders in form DV-130. The Protected Party was physically present in court on hearing date, waived his or her right to notice, and does not challenge the sufficiency of the notice.
- d.  The **Protected Party** was physically present at the hearing and verified his or her identity.
- e.  The **Protected Party and the Restrained Party** submitted a written stipulation (agreement) to terminate the restraining orders in *Restraining Order After Hearing* (form DV-130).
- f.  Other (*specify*): \_\_\_\_\_

**4 Court Orders**The protective orders in *Restraining Order After Hearing* (form DV-130) issued or modified on (*date*): \_\_\_\_\_ are terminated. This order is effective when made.

- a.  Child custody, visitation (parenting time), and child support orders in *Restraining Order After Hearing* (form DV-130)
1.  Remain in effect.
  2.  Have been modified on (*date*): \_\_\_\_\_
  3.  Are also terminated.
- b.  Spousal or domestic partner support orders in *Restraining Order After Hearing* (form DV-130)
1.  Remain in effect.
  2.  Have been modified on (*date*): \_\_\_\_\_
  3.  Are also terminated.
- c. Unless modified or terminated by court order, any existing orders for child custody, child visitation (parenting time), child support, and spousal or partner support made in a Domestic Violence Prevention Act case after a noticed hearing survive the termination of the protective order, and remain in effect. Family Code sections 6340 (a), 6345(b).
- d. This order does not modify or terminate any existing criminal, juvenile, or probate court orders.

**This is a Court Order.**

5  **Hearings**

- a. The hearing was on (date): \_\_\_\_\_ with (name of judicial officer): \_\_\_\_\_
- b. These people were at the hearing (check all that apply):
  - The Protected Party  Protected Party's lawyer (name): \_\_\_\_\_
  - The Restrained Party  Restrained Party's lawyer (name): \_\_\_\_\_
  - Other (name): \_\_\_\_\_  Lawyer (name): \_\_\_\_\_
  - Other (name): \_\_\_\_\_  Lawyer (name): \_\_\_\_\_

6 **CLETS Entry**

The court or its designee will transmit this form within one business day to law enforcement personnel for entry into the statewide Restraining and Protective Orders System via CLETS.

7 **Service of this Order**

- a.  The **Protected Party** and the **Restrained Party** were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b.  The **Protected Party** (party who asked for the order) was at the hearing. The **Restrained Party** was not. Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally “serve” the Restrained Party with a filed copy of this order.
- c.  The **Restrained Party** (party who asked for the order) was at the hearing. The **Protected Party** was not. Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally “serve” the Protected Party with a filed copy of this order.
- d.  Other (specify): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)*

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate  
[seal]*

I certify that this *Findings and Order to Terminate Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**



## DV-400-INFO How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?

- 1 **Who can ask the court to change or end the *Restraining Order After Hearing*?**
  - The Protected Party or the Restrained Party can ask to modify (change) or terminate (end) the restraining orders issued in *Restraining Order After Hearing* (form DV-130) before the orders expire.
  - Do not use form FL-300 to ask to renew the restraining orders in form DV-130 before they expire. Use *Request to Renew Restraining Order* (form DV-700).
- 2 **What orders can be changed or ended?**

A party may ask the court to change or end any of the orders made on form DV-130, including:

  - The restraining orders that protect persons from violence or threat of violence by others (for example, the no contact, stay-away, move out, recording of unlawful communication orders);
  - The list of persons protected by the orders;
  - Child custody, child visitation (parenting time), or child support orders; and
  - Spousal or domestic partner support orders.
- 3 **If I ask to end the restraining order, can I keep child custody, visitation, or support orders?**

If the restraining order ends, any child custody, visitation (parenting time), support, or spousal or domestic partnership orders will remain in effect, unless the court also changes or ends those orders.
- 4 **What if the Restrained Party wants to change or end the restraining orders?**

A restrained party must not violate the restraining order to contact the protected party. There are strict requirements if the restrained party asks the court to change or end the orders as described in this form.
- 5 **What forms do I fill out to ask to change or end the *Restraining Order After Hearing*?**
  - a. To ask for an order to change or end your *Restraining Order After Hearing* (form DV-130);
    - Fill out FL-300, *Request for Order*.
  - b. To ask to change the child custody or visitation (parenting time) orders, you may need some of these forms:
    - FL-105, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
    - FL-311, *Child Custody and Visitation (Parenting Time) Application Attachment*
    - FL-312, *Request for Child Abduction Prevention Orders*
    - FL-341(C), *Children’s Holiday Schedule Attachment*
    - FL-341(D), *Additional Provisions—Physical Custody Attachment*
    - FL-341(E), *Joint Legal Custody Attachment*
  - c. To ask the court to change the child support orders made in form DV-130, you need:
    - A current form FL-150, *Income and Expense Declaration*. You may use form FL-155, *Financial Statement (Simplified)*, instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
  - d. To ask the court to change the spousal or partner support orders (or orders about your finances), you need:
    - A current form FL-150, *Income and Expense Declaration*
    - FL-157, *Spousal or Partner Support Declaration Attachment* (if asking to change a support judgment)
  - e. To ask the court to make orders for attorney’s fees and costs, you need:
    - A current form FL-150, *Income and Expense Declaration*
    - FL-319, *Request for Attorney’s Fees and Costs Attachment* (or provide the information in a declaration)
    - FL-158, *Supporting Declaration for Attorney’s Fees and Costs* (or provide the information in a declaration)
  - f. If you plan on having witnesses testify at the hearing, you will need:
    - FL-321, *Witness List*
  - g. Additional forms you may need are described on pages 3 and 4 of this information sheet.
- 6 **What if I want to respond to a request to change or end the *Restraining Order*?**

Complete, file, and serve form FL-320, *Responsive Declaration to Request for Order*. See form FL-320-INFO, *Information Sheet: Responsive Declaration to Request for Order* for more information.

# DV-400-INFO How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?

## 7 Complete form FL-300 (page 1)

**Caption:** Complete the top part of the form, including your name, address, telephone number, e-mail address, and the court address.

### • Write the names of the parties in the caption.

If you already have a family law case, use the party names as they are in that case. If you are the Petitioner in that case, you will be the Petitioner on form FL-300. If you are the Respondent in the family law case, you will be the Respondent on form FL-300.

If you do not already have a family law case, list yourself as the Petitioner on form FL-300 if you are the Protected Party on the restraining order. List yourself as the Respondent on form FL-300 if you are the Restrained Party on the restraining order.

### • Check all the boxes that apply to the orders you want.

Check the “Change” box if you want to change the order. Below that, indicate the orders that you want to change; for example, domestic violence order, child custody, visitation (parenting time), spousal or partner support.

If you want to ask the court to end the domestic violence orders, check the box for “Domestic Violence Order.” Then, check “Other, (specify)” and write “End restraining orders in form DV-130.”

- Item 1:** Write the name of the other parties in your case.
- Item 2:** Leave this blank. The court clerk will fill in the date, time, and location of the hearing.
- Item 3:** This is a notice to the other parties in the case.
- Items 4–5:** Leave these blank. The court will complete them if it grants the order.
- Item 6:** In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party’s attorney to make the appointment and then complete item 6 before filing form FL-300. Ask your court’s Family Law Facilitator or Self-Help Center to find out what your court requires.
- Items 7–8:** Leave these blank. The court will complete them if needed.

## 8 Complete form FL-300 (pages 2–4)

FL-300	
PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, State Bar number, and address)  TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY  <b>NOT APPROVED BY THE JUDICIAL COUNCIL</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	CASE NUMBER: _____
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	
REQUEST FOR ORDER <input type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Property Control <input type="checkbox"/> Other (specify): _____	
<b>NOTICE OF HEARING</b>	
1. TO (name(s)): _____ <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other Parent/Party <input type="checkbox"/> Other (specify): _____	
2. A COURT HEARING WILL BE HELD AS FOLLOWS:	
a. Date: _____ Time: _____ Dept.: _____ Room: _____ b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify): _____	
3. <b>WARNING to the person served with the Request for Order:</b> The court may make the requested orders without you if you do not file a Responsive Declaration to Request for Order (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.) <small>(Forms FL-300-INFO and DV-400-INFO provide information about completing this form.)</small>	
<b>COURT ORDER</b> <small>(for court use only)</small>	
It is ordered that:	
4. <input type="checkbox"/> Time <input type="checkbox"/> for service <input type="checkbox"/> until the hearing is shortened. Service must be on or before (date): _____	
5. <input type="checkbox"/> Any Responsive Declaration to Request for Order (form FL-320) must be served on or before (date): _____	
6. <input type="checkbox"/> The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location): _____	
7. <input type="checkbox"/> The orders in Temporary Emergency (Ex Parte) Orders (form FL-305) apply to this proceeding and must be personally served with all documents filed with this Request for Order.	
8. <input type="checkbox"/> Other (specify): _____	
Date: _____	JUDICIAL OFFICER: _____
<small>Form Adopted for Mandatory Use Judicial Council of California FL-300 (Rev. July 1, 2015)</small>	<small>Page 1 of 4 Family Code §§ 2045, 2107, 6324, 6376, 6333.5(a)(3), 6340(a)(3), Government Code § 26850 Cal. Rules of Court, rule 5.92 www.courts.ca.gov</small>
<b>REQUEST FOR ORDER</b>	

## 9 Complete additional forms and make copies

Complete any additional forms that you need to give to the court clerk when you file the *Request for Order*. Make at least three copies of your full packet.

## 10 File your completed forms

Take them to the clerk’s office in person, mail them, or e-file them (if available in your county). The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*.

Note: To help schedule the hearing date, tell the clerk if the Protected Party is registered in the Safe at Home program. Extra time is needed for the Protected Party to receive notice after it is served on the Secretary of State.

## 11 Filing fee

Generally, there is no fee to file a request to change or end the orders included in *Restraining Order After Hearing* (form DV-130). However, after a restraining order is ended, the court may charge a fee if a party files a request to change the child custody, visitation, or support orders granted in form DV-130.



## DV-400-INFO How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?

### 12 Temporary Emergency (Ex Parte) Orders (nondomestic violence orders)

To address emergencies, courts can sometimes grant a party's request for temporary emergency orders with or without notice to the other party before the court hearing. The temporary orders last until the day of the hearing.

- *A request for temporary emergency orders must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.*
- Ask your court's family law facilitator or self-help center to explain procedures for requesting temporary emergency orders at your court, and follow those procedures.
- By law, the court **CANNOT** grant a Restrained Party's request for temporary emergency orders to change or end the restraining orders before the noticed court hearing. However, the Restrained Party may seek a court order for a shorter time until the hearing or for a shorter time to serve the request on the Protected Party.

### 13 Serve the Request for Order documents

The other party must be "served" with a:

- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.
- Copy of any temporary emergency orders granted.
- Blank form FL-320, *Responsive Declaration to Request for Order*.
- Blank form FL-150, *Income and Expense Declaration* (if you served form FL-150 or form FL-55).

### 14 General information about "service"

"Service" is the act of giving your legal papers to all persons named as parties in the case so that they know: what orders you are asking for; whether temporary emergency orders were made before the hearing; the date, time, and location of the hearing; and how to respond to your request.

NOTE: For questions about serving form FL-300, talk with a lawyer or contact your Family Law Facilitator or Self-Help Center <http://www.courts.ca.gov/1083.htm>.

### 15 Service deadlines

Unless the court orders a different deadline: Personal service (hand-delivery) must be completed at least *16 court days* before the hearing.

Service by mail must be completed at least *16 court days, PLUS five calendar days*, before the hearing if service is done within the state.

### 16 Who can "serve" the documents

The server must be 18 years of age or older and not be anyone protected or restrained by the orders.

You cannot serve the papers. The server can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server. If serving by mail, the server must live or work in the county where the mailing took place.

### 17 When personal service is required

- A Restrained Party's request to change or end restraining orders must always be personally served (hand-delivered) on the Protected Party, unless the court allows another method.
- The court granted temporary emergency (ex parte orders) that start before the hearing date.

Note: Special procedures apply for personal service on a Protected Party who has a confidential address and a registration number with the Secretary of State's Safe at Home program. For more information, go to <http://www.sos.ca.gov/registries/safe-home/about>.

### 18 When service by mail is permitted

- A Protected Party's *Request for Order* to change or end the restraining orders in form DV-130 may be served on the restrained party by mail.
- Requests by either party only to change *temporary orders* in form DV-130 for child custody or visitation (parenting time), support, financial, or other orders (NOT protective orders), may be served by mail.
- Requests made by either party only to change "*permanent*" or "*final*" orders for child custody and visitation (parenting time), or child support in form DV-130 may be served by mail if an *Address Verification* is included (see form FL-334 at [courts.ca.gov/documents/fl334.pdf](http://courts.ca.gov/documents/fl334.pdf)).

**19 Server must complete a *Proof of Service***

After the forms are personally served, the server must complete a proof of personal service and give it to you. Form FL-330, *Proof of Personal Service* may be used for this purpose. Give the server form FL-330-INFO, *Information Sheet for Proof of Personal Service* for instructions.

If service was by mail, the server may use form FL-335, *Proof of Service by Mail*. Give the server form FL-335-INFO, *Information Sheet for Proof of Service by Mail* for instructions.

**20 File the *Proof of Service* before your hearing**

Make three copies of the proof of service. Give the original and copies to the court clerk as soon as possible (or e-file them) **before your hearing**.

The clerk will keep the original and give you back the copies stamped "Filed." Bring a copy stamped "Filed" to your hearing. The filed *Proof of Service* shows the judge that the person received a copy of the *Request for Order* and all other documents or attachments.

**21 Get ready for your hearing**

Find more information about preparing for your hearing at <http://www.courts.ca.gov/1094.htm>.

**22 Go to the court hearing**

Take at least three copies of your filed forms to the hearing, including the proof of service. At the hearing, the judge will decide whether to change or end the restraining orders.

**23 What if the judge changes or ends the restraining order at the hearing?**

If the judge *changes (amends)* the orders, fill out a new form DV-130, *Restraining Order After Hearing* that shows the changed orders.

Check the "Amended" box on the top of the form. The court will write the number of the amendment on the form. For example, if it is the first time the order is changed, the court will write "1st" before the word "Amended"

Give the court three copies of the proposed amended order.

If the judge *ends* the restraining order, give the court form DV-400, *Findings and Order to Terminate Restraining Order After Hearing*. Complete only items 1 and 2, and give the court three copies.

After the judge signs the order, the clerk will file the original and give you three stamped copies.

**24 Serve the court order**

Have the other party personally served with a copy of the filed orders made on form DV-130 or form DV-400, unless the court orders another method of service or the other party was served at the hearing,

**25 File the *Proof of Service***

The server must complete a proof of personal service, such as form FL-330, *Proof of Personal Service*. Make three copies.

The original proof of personal service must then be filed with the court clerk. The clerk will file the original and give you back the copies you sent to the clerk stamped "Filed."

Keep one copy with you and another in a safe place in case you need to show it to the police.

**26 Get the order entered into the statewide Restraining Order Registry**

The court will send the filed, amended form DV-130 or form DV-400 and proof of service to law enforcement for you. That way police across the state and the nation will know the order has changed or ended.

**27 Need more help?**

Ask the court clerk about free or low-cost legal help.

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline at 1-800-799-7233 (TDD: 1-800-787-3224). It's free and private. They can help in more than 100 languages.

**28 If you need protection in the future, you can always go back to court and ask for a restraining order.**

**DV-505-INFO** How Do I Ask For a Temporary Restraining Order?

**1 Use this form as a checklist.**  
(Look at the numbers at the top of your forms.)

a. For a restraining order you need:

- DV-100 *Request for Domestic Violence Restraining Order*
- CLETS-001 (*Confidential CLETS Information*)
- DV-109 *Notice of Court Hearing*
- DV-110 *Temporary Restraining Order*

b. If you have children with the person you want protection from, you also need:

- DV-105 *Request for Child Custody and Visitation Orders*
- DV-140 *Child Custody and Visitation Order*

c. If you want child support or spousal support, you also need:

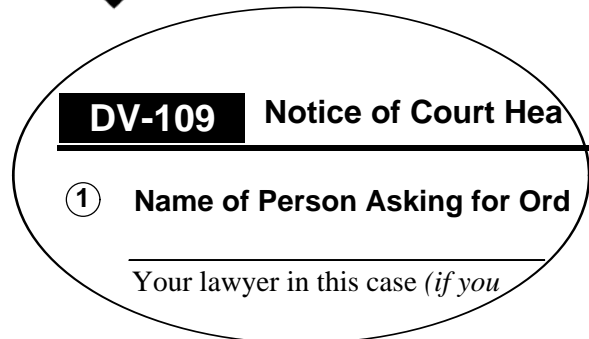
- FL-150\* *Income and Expense Declaration* or
- FL-155\* *Financial Statement (Simplified)*

\* Read *Which Financial Form—FL-155 or FL-150?* (form [DV-570](#)) to know which one is right for you.

d. Ask the clerk if your county has special forms or rules.

e. There are other forms you will need later (*do not fill them out now*):

- DV-120 *Response to Request for Domestic Violence Restraining Order*
- DV-130 *Restraining Order After Hearing (Order of Protection)*
- DV-200 *Proof of Personal Service*



**2 Fill out the forms you need and take them to the court clerk.** The clerk will give your forms to the judge. The judge will look at them and decide whether to make (“grant”) the temporary orders. Sometimes the judge will want to talk to you. If so, the clerk will tell you.

**3 Find out if the judge made the temporary restraining orders.** Ask the clerk when to come back to see if the judge signed the order ([form DV-110](#)). The judge must decide by the next business day. If the judge grants a temporary restraining order, check it carefully to see what the orders are. The judge might not order everything you requested. The court will set a hearing date on [form DV-109](#) whether or not the judge grants any temporary orders.

**4 “File” the judge’s order.** The clerk will keep the original forms for the court and will file-stamp up to three copies for you. If you need more, you may make them yourself.

***What to do with your copies:***

- Keep one copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained person is ordered not to go (school, work, child care, etc.)
- Give a copy to the security officers in your apartment building and workplace.

Restraining orders get entered into CLETS, a statewide computer system that lets police know about your order. The court will send the order to law enforcement or CLETS for you.



# DV-505-INFO How Do I Ask For a Temporary Restraining Order?

## 5 Know your hearing date: [form DV-109](#)

Look at [form DV-109](#) for the date and time of your hearing. You **must** go to your hearing to get a permanent order.

The order you have now only lasts for about three weeks. Any orders made on [form DV-110](#) (*Temporary Restraining Order*) will end on the hearing date.

You have the right to cancel the hearing. Read page 2 of [form DV-109](#) for information.

## 6 “Serve” the restrained person.

Ask someone you know, a process server, or law enforcement to personally “serve” (give) the restrained person a copy of the notice of hearing, the order, and other papers. You **cannot** serve the papers yourself. They **cannot** be sent by mail. The server must:

- Be 18 years of age or older
- Not be listed in item ① or ③ of [form DV-100](#), *Request for Domestic Violence Restraining Order*.

Law enforcement will serve the orders for **free**, but you have to ask.

A “process server” is a business you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.”

If law enforcement or the process server uses a different Proof of Service form, make sure the form lists all the forms served.

## 7 File the **Proof of Personal Service** ([form DV-200](#)).

The *Proof of Personal Service* shows the judge and police that the restrained person got a copy of the request for orders. Make three copies of the completed *Proof of Personal Service*. Take the original and copies to the court clerk as soon as possible **before your hearing**. The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy to your hearing.

Keep one copy with you and another in a safe place in case you need to show it to the police. Give the other copies out as you did in ④. The court will send your completed *Proof of Personal Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

- If the sheriff serves your order, he or she will send the *Proof of Personal Service* to the court and to CLETS for you.

**DV-109 Notice of Court Hearing**

Clerk stamps date here when form is filed.

1 **Name of Person Asking for Order:**

Your lawyer in this case (if you have one):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Fill in court name and street address:  
Superior Court of California, County of \_\_\_\_\_

2 **Name of Person to Be Restrained:**

Clerk fills in case number when form is filed.  
Case Number: \_\_\_\_\_

The court will fill out the rest of this form.

3 **Notice of Court Hearing**  
A court hearing is scheduled on the request for restraining orders against the person in ②.

Hearing Date	Date	Time	Name and address of court if different from above: Dept.	Room
	_____	_____	_____	_____

4 **Temporary Restraining Orders (any orders granted are attached on Form DV-110)**

a. Temporary restraining orders for personal conduct, stay away, and protection of animals, as requested in Form DV-100, *Request for Domestic Violence Restraining Order*, are:

(1)  All granted until the court hearing  
(2)  All denied until the court hearing (specify reasons for denial in (b)):  
(3)  Partly granted and partly denied until the court hearing (specify reasons for denial in (b)):

b. Requested temporary restraining orders for personal conduct, stay away, and protection of animals are denied because:

(1)  The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5)  
(2)  The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.  
(3)  Further explanation of reason for denial, or reason not listed above:  
\_\_\_\_\_  
\_\_\_\_\_

**This is a Court Order.**

Notice of Court Hearing  
(Domestic Violence Prevention)

Judicial Council of California, www.courts.ca.gov  
Revised January 3, 2012, Mandatory Form  
Family Code, § 242, Approved by DOJ

DV-109, Page 1 of 3



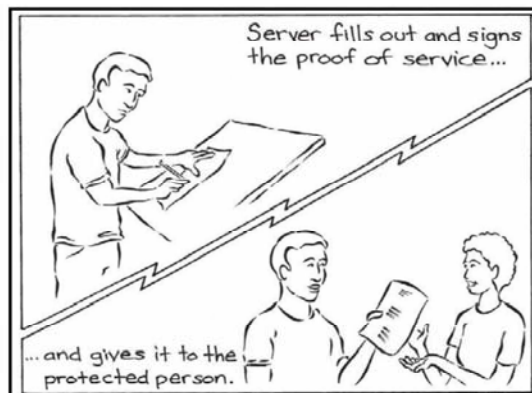
Don't serve it by mail!



## 8 If the restrained person wasn't served . . .

The restrained person **must** be served before the hearing. If the restrained person wasn't served, fill out [form DV-115](#) (*Request to Continue Hearing Date and Extend Temporary Restraining Order*) and the top of [form DV-116](#) (*Order to Continue Hearing Date and Extend Temporary Restraining Order*) to ask the judge for a new hearing date. Do this **before** or **at** your hearing. (If you wait until after the hearing, you have to start from the beginning and complete all of the forms again.)

If the judge signs [form DV-116](#), any restraining orders will last until the new hearing date.



- File the signed order ([form DV-116](#)) with the clerk. The clerk will send it to law enforcement or CLETS for you.
- Attach [form DV-115](#) and [form DV-116](#) to your other court papers and have the restrained person personally served.
- After serving the orders, the server fills out and signs [form DV-200](#), *Proof of Personal Service*, and gives it to you.
- File the original [form DV-200](#), *Proof of Personal Service*, and bring a copy to your hearing.
- Bring a copy of [form DV-115](#) and [form DV-116](#) to your hearing.

## 9 Need help?

The clerk has information sheets that can help you. Or you can get them at: [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms)

- *Can a Domestic Violence Restraining Order Help Me?* ([form DV-500-INFO](#))
- *What Is "Proof of Personal Service"?* ([form DV-200-INFO](#))
- *Get Ready for the Court Hearing* ([form DV-520-INFO](#))
- *How to Enforce Your Restraining Order* ([form DV-530-INFO](#))
- *How Can I Respond to a Request for Domestic Violence Restraining Order?* ([form DV-120-INFO](#))
- *How Do I Ask the Court to Renew My Restraining Order?* ([form DV-700-INFO](#))
- *Which Financial Form—FL-155 or FL-150?* ([form DV-570](#))

## 10 Need more help?

Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

**1-800-799-7233**

**TDD: 1-800-787-3224**

It's free and private.

They can help you in more than 100 languages.

PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>           <b>NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	
<b>REQUEST FOR ORDER</b> <input type="checkbox"/> <b>CHANGE</b> <input type="checkbox"/> <b>TEMPORARY EMERGENCY ORDERS</b> <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Property Control <input type="checkbox"/> Other (specify): _____	CASE NUMBER: _____

**NOTICE OF HEARING**

1. **TO (name(s)):** \_\_\_\_\_  
 Petitioner     Respondent     Other Parent/Party     Other (specify): \_\_\_\_\_

2. **A COURT HEARING WILL BE HELD AS FOLLOWS:**

a. Date: _____ Time: _____ <input type="checkbox"/> Dept.: _____ <input type="checkbox"/> Room.: _____ b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify): _____
--

3. **WARNING to the person served with the Request for Order:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)

(Forms FL-300-INFO and DV-400-INFO provide information about completing this form.)

**COURT ORDER**  
(FOR COURT USE ONLY)

**It is ordered that:**

4.  Time  for service  until the hearing is shortened. Service must be on or before (date): \_\_\_\_\_
5.  Any *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date): \_\_\_\_\_
6.  The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location): \_\_\_\_\_  
 \_\_\_\_\_
7.  The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8.  Other (specify): \_\_\_\_\_

Date: \_\_\_\_\_

_____ JUDICIAL OFFICER
---------------------------



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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REQUEST FOR ORDER

**Note:** Place a mark  in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration* (form MC-031) for this purpose.)

1.  RESTRAINING ORDER INFORMATION

One or more domestic violence restraining/protective orders are now in effect between (specify):  
 Petitioner     Respondent     Other Parent/Party (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):  
 (1)  Criminal: County/state (specify): Case No. (if known):  
 (2)  Family: County/state (specify): Case No. (if known):  
 (3)  Juvenile: County/state (specify): Case No. (if known):  
 (4)  Other: County/state (specify): Case No. (if known):

2.  CHILD CUSTODY  I request temporary emergency orders  
 VISITATION (PARENTING TIME)

a. I request that the court make orders about the following children (specify):

Child's Name	Date of Birth	<input type="checkbox"/> Legal Custody to (person who decides: health, education, etc):	<input type="checkbox"/> Physical Custody to (person with whom child lives):

b.  The orders I request for  child custody  visitation (parenting time) are:  Attachment 2a.  
 (1)  Specified in the attached forms:  
 Form FL-305     Form FL-311     Form FL-312     Form FL-341(C)  
 Form FL-341(D)     Form FL-341(E)     Other (specify):  
 (2)  As follows (specify):  Attachment 2b.

c. The orders that I request are in the best interest of the children because (specify):  Attachment 2c.

d.  This is a change from the current order for  child custody  visitation (parenting time).  
 (1)  The order for legal or physical custody was filed on (date): . The court ordered (specify):  
 (2)  The visitation (parenting time) order was filed on (date): . The court ordered (specify):

Attachment 2d.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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3.  CHILD SUPPORT

(Note: An earnings assignment may be issued. See Income Withholding for Support (form FL-195)

a. I request that the court order child support as follows:

Child's name and age

I request support for each child based on the child support guidelines.

Monthly amount (\$) requested (if not by guideline)

Attachment 3a.

b.  I want to change a current court order for child support filed on (date):  
The court ordered child support as follows (specify):

c.  I have completed and filed with this Request for Order a current Income and Expense Declaration (form FL-150) or, I filed a current Financial Statement (Simplified) (form FL-155) because I meet the requirements to file form FL-155.

d.  The court should make or change the support orders because (specify):  Attachment 3d.

4.  SPOUSAL OR DOMESTIC PARTNER SUPPORT

(Note: An Earnings Assignment Order For Spousal or Partner Support (form FL-435) may be issued.)

a.  Amount requested (monthly): \$

b.  I want the court to  change  end the current support order filed on (date):  
The court ordered \$ per month for support.

c.  This request is to modify (change) spousal or partner support after entry of a judgment. I have completed and attached Spousal or Partner Support Declaration Attachment (form FL-157) or a declaration that addresses the same factors covered in form FL-157.

d.  I have completed and filed a current Income and Expense Declaration (form FL-150) in support of my request.

e.  The court should should make, change, or end the support orders because (specify):  Attachment 4e.

5.  PROPERTY CONTROL

I request temporary emergency orders

a. The  petitioner  respondent  other parent/party be given exclusive temporary use, possession, and control of the following property that we  own or are buying  lease or rent

b. The  petitioner  respondent  other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

c.  This is a change from the current order for property control filed on (date):

d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6.  ATTORNEY'S FEES AND COSTS

I request attorney's fees and costs, which total (specify amount): \$ \_\_\_\_\_ . I filed the following to support my request:

- a.  A current *Income and Expense Declaration* (form FL-150).
- b.  A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
- c.  A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7.  DOMESTIC VIOLENCE ORDER

- Do not use this form to ask for domestic violence restraining orders! Read form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
- Read form DV-400-INFO, *How to Change or End a Domestic Violence Restraining Order* for more information.

- a.  The *Restraining Order After Hearing* (form DV-130) was filed on (date): \_\_\_\_\_
- b.  I request that the court  change  end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- c.  I request that the court make the following changes to the restraining orders (specify): \_\_\_\_\_  Attachment 7c.
- d.  I want the court to change or end the orders because (specify): \_\_\_\_\_  Attachment 7d.

8.  OTHER ORDERS REQUESTED (specify): \_\_\_\_\_  Attachment 8.

9.  TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:

- a.  To serve the *Request for Order* no less than (number): \_\_\_\_\_ court days before the hearing.
- b.  The hearing date and service of the the *Request for Order* to be sooner.
- c.  I need the order because (specify): \_\_\_\_\_  Attachment 9c.

10.  FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission.  Attachment 10.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF APPLICANT)



**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 [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

**FL-300-INFO** Information Sheet for Request for Order**1 USE Request for Order (form FL-300):**

- To schedule a court hearing and ask the court to make new orders or to change orders in your case. The request can be about child custody, visitation (parenting time), child support, spousal or partner support, property, finances, attorney's fees and costs, or other matters.
- To change or end the domestic violence restraining orders granted by the court in *Restraining Order After Hearing* (form DV-130). See *How Do I Ask to Change or End a Domestic Violence Restraining Order* (form DV-400-INFO) for more information.

**2 DO NOT USE Request for Order (form FL-300):**

- Before you have filed a Petition to start your case (form FL-300 may be filed with the Petition).
- If you and the other party have an agreement. For information about how to write up your agreement, get it approved by the court, and filed in your case, see <http://www.courts.ca.gov/selfhelp-agreeFL.htm>, speak with an attorney, or get help at your court's Self-Help Center or Family Law Facilitator's Office.
- When specific Judicial Council forms must be used to ask the court for orders. For example, to ask:
  - For a domestic violence restraining order, use forms DV-100, DV-109, and DV-110.
  - For an order for contempt, use form FL-410.
  - To set aside a child support order, use form FL-361 or form FL-640.
  - To set aside a volunteer declaration of paternity, use form FL-280.

**3 Forms checklist**

- Form FL-300, *Request for Order*, is the basic form you need to file with the court. Depending on your request, you may need these additional forms:
- To request child custody or visitation (parenting time) orders, you may need to complete some of these forms:
  - FL-105, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
  - FL-311, *Child Custody and Visitation (Parenting Time) Application Attachment*
  - FL-312, *Request for Child Abduction Prevention Orders*
  - FL-341(C), *Children's Holiday Schedule Attachment*
  - FL-341(D), *Additional Provisions—Physical Custody Attachment*
  - FL-341(E), *Joint Legal Custody Attachment*
- If you want child support, you need this form:
  - A current FL-150, *Income and Expense Declaration*. You may use form FL-155, *Financial Statement (Simplified)* instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
- If you want spousal or partner support or orders about your finances, you need these forms:
  - A current FL-150, *Income and Expense Declaration*
  - FL-157, *Spousal or Partner Support Declaration Attachment* (or provide the information in a declaration)
- If you want attorney's fees and costs, you need these forms:
  - A current FL-150, *Income and Expense Declaration*
  - FL-319, *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
  - FL-158, *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)
- To request temporary emergency (ex parte) orders, you need:
  - FL-305, *Temporary Emergency Orders* to serve as the proposed temporary emergency orders.
  - Your declaration describing how and when you gave notice about the request for temporary emergency orders. You may use form FL-303, *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders*.
  - Other forms required by local courts. See item 9 on page 3 of this form for more information.
- If you plan to have witnesses testify at the hearing, you need form:
  - FL-321, *Witness List*
- If you want to request a separate trial (bifurcation) on an issue, you need form:
  - FL-315, *Request or Response to Request for Separate Trial*



# FL-300-INFO Information Sheet for Request for Order

## 4 Complete form FL-300 (Page 1)

**Caption:** Complete the top portion with your name, address, and telephone number, and the court address. Next, write the name of the Petitioner, Respondent, or Other Parent/Party (You must use the party names as they appear in the petition that was originally filed with the court). Then, write the case number.

In the next section, check “CHANGE” if you want to change an existing order. Check “TEMPORARY EMERGENCY (EX PARTE) ORDER” if you are asking that the court make emergency orders that will be effective until the hearing date. Then, check all the boxes that apply to the orders you are requesting.

**Item 1:** List the name(s) of the other person(s) in your case who will receive your request. In some cases, this might include a grandparent who is joined as a party in the case, a local child support agency, or a lawyer who represents a child in the case.

**Item 2:** Leave this blank. The court clerk will fill in the date, time, and location of the hearing.

**Item 3:** This is a notice to all other parties.

**Items 4–5:** Leave these blank. The court will complete them if the orders are granted.

**Item 6:** In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party’s lawyer to make the appointment and then complete item 6 before filing form FL-300.

Ask your court’s Family Law Facilitator or Self-Help Center to find out what your court requires

**Items 7–8:** Leave these blank. The court will complete them, if needed.

## 5 Complete form FL-300 (pages 2–4)

**6 Complete additional forms and make copies**  
Complete any additional forms that you need to file with the *Request for Order*. Make at least two copies of your full packet.

*Note: You may file one form FL-150 to respond to items 3, 4, and 6.*

## 7 File your documents

Give your paperwork and the copies you made to the court clerk to process. You may take them to the clerk’s office in person, mail them, or, in some counties, you can e-file them.

The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*. The procedure may be different in some courts if you are requesting temporary emergency orders.

## 8 Pay filing fees

A fee is due at the time of filing.

If you cannot afford to pay the filing fee, and you do not already have a valid fee waiver order in this case, you can ask the court to waive the fee by completing and filing form FW-001, *Request to Waive Court Fees* and form FW-003, *Order on Court Fee Waiver*.



**FL-300-INFO** Information Sheet for Request for Order**9 Temporary Emergency (Ex Parte) Orders**  
(nondomestic violence orders)

Courts can make temporary orders in your family law case to respond to emergencies that cannot wait to be heard on the court's regular hearing calendar.

*The emergency must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.*

To request these orders:

- Complete form FL-300. Describe the emergency and explain why you need the temporary emergency orders before the hearing.
- Complete form FL-305 to serve as your proposed temporary orders.
- Include a declaration describing how and when you notified the other parties (or why you could not give notice) about your request and the hearing (see form FL-303).
- Complete other forms if required by your local court rules.
- Follow your court's local procedures for reserving the day for the hearing, submitting your paperwork, and paying filing fees.

**10 General information about "service"**

"Service" is the act of giving your legal papers to all persons named as parties in the case so that they know what orders you are asking for and have information about the hearing.

If the other parties are NOT properly served, the judge cannot make the orders you requested on the date of the hearing.

**11 Serve the Request for Order and blank forms**

The other party must be "served" with a:

- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.
- Copy of any temporary emergency orders granted.
- Blank form FL-320, *Responsive Declaration to Request for Order*.
- Blank form FL-150, *Income and Expense Declaration* (if you served form FL-150 or form FL-155).

**12 Who can be a "server"**

You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The "server" can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server.

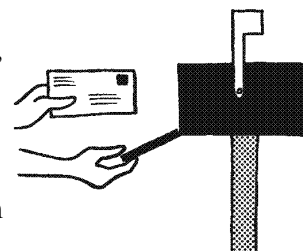
**13 "Personal Service"**

Personal service means that your "server" walks up to each person to be served, makes sure he or she is the right person, and then hand-delivers a copy of all the papers (and the blank forms) to him or her. The server may leave the papers near the person if he or she will not take them.



Note: Sometimes the papers may be personally served on the other party's lawyer (if he or she has one) in the family law case.

- 14 "Service by mail"** means that your "server" places copies of all the documents (and blank forms) in a sealed envelope and mails them to the address of each party being served (or to the party's lawyer, if he or she has one).



The server must be 18 years of age or over and live or work in the county where the mailing took place.

**Important!** For questions about personal service or service by mail, talk with a lawyer or check with your court's Family Law Facilitator or Self-Help Center at <http://www.courts.ca.gov/1083.htm>.

**FL-300-INFO** Information Sheet for Request for Order**15** When to use personal service or service by mail**Personal Service**

Personal service is the best way to make sure the other adults in your case are correctly served. Sometimes you **must** use personal service.

You **must** use personal service when the court:

- Ordered personal service;
- Granted temporary emergency orders;
- Does not yet have the power to make orders that apply to the other party because he or she has either NOT previously:
  - Been served with a *Summons* and *Petition*;<sup>\*</sup>

OR

  - Appeared in the case by filing a:
    - a. *Response* to a *Petition*;
    - b. *Appearance, Stipulations, and Waivers*;
    - c. Written notice of appearance;
    - d. Request to strike all or part of the *Petition*; or
    - e. Request to transfer the case.

<sup>\*</sup>Note: A *Request for Order* may be served at the same time as the family law *Summons* and *Petition*.

1. After serving, the server must fill out a *Proof of Personal Service* (form FL-330) and give it to you. If the server needs instructions, give him or her form FL-330-INFO, *Information Sheet for Proof of Personal Service*.
2. Take the completed *Proof of Personal Service* form to the clerk's office (or e-file it, if available in your court) at least 5 court days before your hearing.

**Deadline:** The deadline for personal service is **16 court days** before the hearing date, unless the court orders a different deadline.

**Service by Mail**

If you are not required to use personal service, you may use service by mail.

**Important!** Check with your court's Family Law Facilitator's Office or Self-Help Center, or ask a lawyer to be sure you are allowed to use service by mail in your case.

A *Request for Order* to change a judgment or final order on the issue of child custody, visitation (parenting time), or child support may be served by mail if:

- The documents do not include temporary emergency orders;
- The court did not order personal service; and
- You have verified the other party's current residence or office address. (You may use *Address Verification* (form FL-334).)

To change a judgment or final order on any other issue, including spousal or domestic partner support, the *Request for Order* may need to be personally served on the other party.

1. After serving, the server must fill out a *Proof of Service by Mail* (form FL-335) and give it to you. If the server needs instructions, give him or her an *Information Sheet for Proof of Service by Mail* (form FL-335-INFO).
2. Take the completed *Proof of Personal Service* form to the clerk's office (or e-file it, if available in your court) at least 5 court days before your hearing.

**Deadline:** Unless the court orders a different time, service by mail must be completed at least **16 court days PLUS 5 calendar days** before the hearing date (if service is in California). Other time lines apply for service outside of California.

**16** Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing. Include a filed *Proof of Service* form
- Find more information about preparing for your hearing at <http://www.courts.ca.gov/1094.htm>.
- For information about having the other party testify in court, go to URL to be determined.

**17** **After the hearing** the court orders made on form FL-340, *Findings and Order After Hearing*, must be filed and served.

**18** Do you have questions or need help?

- Find a lawyer through your local bar association, the State Bar of California at <http://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 <http://www.lawhelpca.org>.
- Contact the Family Law Facilitator or Self-Help Center for information and assistance, and referrals to local legal services providers. Go to <http://www.courts.ca.gov/selfhelp-courtresources.htm>.





ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):   TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>   DRAFT -  NOT APPROVED BY THE JUDICIAL COUNCIL
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
<b>DECLARATION REGARDING NOTICE AND SERVICE OF REQUEST          FOR TEMPORARY EMERGENCY (EX PARTE) ORDERS</b>	CASE NUMBER:

NOTICE: Do not use this form to ask for a domestic violence restraining order. File this completed form with the court clerk at the same time that the request for temporary emergency orders is filed in a family law case. Local court procedures for a hearing on the request for temporary emergency orders may vary. Check your court's local rules for the procedures at [courts.ca.gov/3027.htm](http://courts.ca.gov/3027.htm).

1. I am (*specify*):  attorney for  petitioner  respondent  other parent/party in the case.  
 not a party in the case (*specify*):
2. **NOTICE** (*Complete either a, b, or c*)
  - a.  **Before the request for temporary emergency orders was filed, I gave notice as described in items (1) through (5):**
    - (1) I gave notice to (*specify*):  
 Petitioner  Petitioner's Attorney  Other Parent/Party  Other Parent/Party's Attorney  
 Respondent  Respondent's Attorney  Child's Attorney  
 Other (*specify*):
    - (2) I notified the person in 2a(1) that on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  a.m.  p.m.  
 at this location (*specify*): \_\_\_\_\_  
 There will be an emergency court hearing.  Papers will be filed to ask for temporary emergency orders.
    - (3) I gave notice by this method:  
 personally on (*date*): \_\_\_\_\_ at (*location*): \_\_\_\_\_, California; at  a.m.  p.m.  
 telephone on (*date*): \_\_\_\_\_ telephone no.: \_\_\_\_\_ at  a.m.  p.m.  
 voicemail on (*date*): \_\_\_\_\_ voicemail no.: \_\_\_\_\_ at  a.m.  p.m.  
 fax machine on (*date*): \_\_\_\_\_ fax no.: \_\_\_\_\_ at  a.m.  p.m.
    - (4) The time I gave notice (*specify*):  
 By 10 a.m. the court day before this emergency hearing.  
 After 10 a.m. the court day before this emergency hearing because of the following exceptional circumstances (*specify*):
  - (5) I notified the person in 2a(1) that the following temporary emergency orders are being requested (*specify*):
  - (6) The person in 2a(1) responded as follows:  Attachment 2a(6)
  - (7) I  do  do not believe that the person in 2a(1) will oppose the request for temporary emergency orders.



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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2. **NOTICE** (continued)

- b.  **I did not give notice** about the request for temporary emergency orders. I request that the court waive notice to the other party due to the following exceptional circumstances (*check all that apply*):
- (1)  To help prevent an immediate danger or irreparable harm to myself (or my client) or to the children in the case.
  - (2)  There is an immediate risk that the children in the case will be removed from the state of California.
  - (3)  To help prevent immediate loss or damage to property subject to disposition in the case.
  - (4)  Other exceptional circumstances (*specify*):

(5) Facts in support of the request to waive notice (*specify*):  Attachment 2b(5)

- c.  **I did not give notice** about the request for temporary emergency orders. I used my best efforts to tell the opposing party when and where this hearing would take place but was unable to do so. The efforts I made to inform the other person were (*specify below*):  Attachment 2c

3.  **SERVICE**

a. An unfiled copy of *Request for Order* (form FL-300) for temporary emergency orders, *Temporary Emergency (Ex Parte) Orders* (form FL-305), and related documents were served on:

- Petitioner       Petitioner's Attorney       Other Parent/Party       Other Parent/Party's Attorney  
 Respondent       Respondent's Attorney       Child's Attorney  
 Other (*specify*):

b. Method of service:

- personal service on (*date*): \_\_\_\_\_ at (*location*): \_\_\_\_\_, California; at  a.m.  p.m.  
 fax machine on (*date*): \_\_\_\_\_ fax no.: \_\_\_\_\_ at  a.m.  p.m.  
 Overnight mail or other overnight carrier

- c.  **Documents were not served on the opposing party** due to the following exceptional circumstances (*specify facts in support of the request to waive service of the documents*).  Attachment 3c

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 ( <i>Name, State Bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>  DRAFT -  NOT APPROVED BY THE JUDICIAL COUNCIL
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	
<b>TEMPORARY EMERGENCY (EX PARTE) ORDERS</b> <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Property Control <input type="checkbox"/> Other ( <i>specify</i> ): _____	CASE NUMBER: _____

1. **TO (name(s)):** \_\_\_\_\_

Petitioner     Respondent     Other Parent/Party     Other (*specify*): \_\_\_\_\_

A court hearing will be held on the *Request for Order* (form FL-300) served with this order, as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> other ( <i>specify</i> ): _____			

2. **Findings:** Temporary emergency (ex parte) orders are needed to: (a) help prevent an immediate loss or irreparable harm to a party or to children in the case, (b) help prevent immediate loss or damage to property subject to disposition in the case, or (c) set or change procedures for a hearing or trial.

**COURT ORDERS:** The following temporary emergency orders expire on the date and time of the hearing scheduled in (1), unless extended by court order:

3.  **CHILD CUSTODY**

		<u>Temporary physical custody, care, and control to:</u>		
a. <u>Child's name</u>	<u>Date of Birth</u>	Petitioner	Respondent	Other Party/Parent
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

continued on Attachment 3(a)

b.  **Visitation (Parenting Time)** The temporary orders for physical custody, care, and control of the minor children in (3) are subject to the other party's or parties' rights of visitation (parenting time) as follows (*specify*):  See Attachment 3(b)

**THIS IS A COURT ORDER.**

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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3.  **CHILD CUSTODY (continued)**

c. **Travel restrictions**

- (1) The party or parties with temporary physical custody, care, and control of minor children **must not remove the minor children from the state of California unless the court allows it after a noticed hearing.**
- (2)  Petitioner  Respondent  Other Parent/Party must not remove their minor children (*specify*):
  - (a)  from the state of California.
  - (b)  from the following counties (*specify*):
  - (c)  other (*specify*):

d.  **Child abduction prevention orders** are attached (see form FL-341(B)).

- e. (1) **Jurisdiction:** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
- (2) **Notice and opportunity to be heard:** The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.
- (3) **Country of habitual residence:** The country of habitual residence of the child or children is (*specify*):
  - The United States of America  Other (*specify*):
- (4) **If you violate this order, you may be subject to civil or criminal penalties, or both.**

4.  **PROPERTY CONTROL**

a.  Petitioner  Respondent  Other Parent/Party is given exclusive temporary use, possession, and control of the following property that the parties  own or are buying  lease or rent

b.  Petitioner  Respondent  Other Parent/Party is ordered to make the following payments on the liens and encumbrances coming due while the order is in effect:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

5.  All other existing orders, not in conflict with these temporary emergency orders, remain in full force and effect.

6.  **OTHER ORDERS** (*specify*):  Additional orders are listed in Attachment 6.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

**THIS IS A COURT ORDER.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<p style="text-align: center;"><b>FOR COURT USE ONLY</b></p> <p style="text-align: center;"><b>DRAFT</b></p> <p style="text-align: center;"><b>NOT APPROVED BY THE JUDICIAL COUNCIL</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
<b>REQUEST AND ORDER TO CONTINUE HEARING DATE AND EXTEND TEMPORARY EMERGENCY (EX PARTE) ORDERS</b>	CASE NUMBER: _____

**REQUEST**

1. Name of person making this request: \_\_\_\_\_
2.
  - a. The temporary emergency (ex parte) orders were originally issued on (date): \_\_\_\_\_
  - b. The last scheduled hearing date was (date): \_\_\_\_\_
  - c.  Number of times the *Request for Order* (form FL-300) was continued and the temporary emergency orders extended: \_\_\_\_\_
3. I request that the court continue the hearing date of the *Request for Order* and (check all that apply):
  - a.  Extend the expiration date of the temporary emergency (ex parte) orders granted on the *Request for Order* (form FL-300).
  - b.  Extend the expiration date of the orders granted on *Temporary Emergency (Ex Parte) Orders* (form FL-305).
  - c.  Extend the order to shorten time for service or shorten time until the hearing.
  - d.  Change the temporary emergency (ex parte) orders (see attached proposed changed order).
  - e.  Other (specify): \_\_\_\_\_
4. I make this request because (specify):
  - a.  The papers could not be served as require before the hearing date on (specify):  Petitioner  Respondent  Other Parent/Party  Other (specify): \_\_\_\_\_
  - b.  The hearing was continued for the parties to meet with a child custody mediator or child custody recommending counselor.
  - c.  Other (specify): \_\_\_\_\_

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

\_\_\_\_\_  
 (TYPE OR PRINT NAME) SIGNATURE

**COURT ORDER**  
 FOR COURT USE ONLY

5. The hearing date for the *Request for Order* (form FL-300) is continued as follows:
 

Date:	Time:	Dept.:	Room:
at the street address of the court shown above.			
6. The temporary emergency orders remain in effect until:  the end of the new hearing date in 5.  (date): \_\_\_\_\_
7.  The temporary emergency (ex parte) orders are changed and remain in effect until the end of the hearing in 5. \_\_\_\_\_
8.  Time  for service  until the hearing is shortened. Service must be on or before (date): \_\_\_\_\_
9. A filed copy of this order must be attached as the cover page of the *Request for Order* and temporary orders, and then served.
10.  A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date): \_\_\_\_\_
11.  Other (specify): \_\_\_\_\_

Date: \_\_\_\_\_ ▶ \_\_\_\_\_  
JUDICIAL OFFICER

PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARENT/PARTY:	

CHILD CUSTODY AND VISITATION (PARENTING TIME) APPLICATION ATTACHMENT

—This is not a court order—

TO  Petition  Response  Request for Order  Responsive Declaration to Request for Order  
 Other (specify):

1.  **Custody.** Custody of the minor children of the parties is requested as follows:

<u>Child's Name</u>	<u>Date of Birth</u>	<u>Legal Custody to</u> (person who decides about health, education, etc.)	<u>Physical Custody to</u> (person with whom the child lives)
---------------------	----------------------	--	---

2.  **Visitation (Parenting Time).**

Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting time.

- a.  Reasonable right of parenting time (visitation) to the party without physical custody (not appropriate in cases involving domestic violence).
- b.  See the attached \_\_\_\_\_ -page document dated (specify date):
- c.  The parties will go to child custody mediation or child custody recommending counseling at (specify date, time, and location):
- d.  No visitation (parenting time).
- e.  Visitation (parenting time). (Specify start and ending date and time. If applicable, check "start of" OR "after school.")  
 Petitioner's  Respondent's  Other Parent's/Party's parenting time (visitation) will be as follows:

- (1)  **Weekends starting (date):**  
 (Note: The first weekend of the month is the first weekend with a Saturday.)  
 1st  2nd  3rd  4th  5th weekend of the month  
 from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m./ If applicable, specify:  start of school  after school  
 (day of week) (time)  
 to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m./ If applicable, specify:  start of school  after school  
 (day of week) (time)  
 (a)  The parties will alternate the fifth weekends, with the  petitioner  respondent  other parent/party having the initial fifth weekend, which starts (date):  
 (b)  The  petitioner  respondent  other parent/party will have the fifth weekend in  odd  even numbered months.
- (2)  **Alternate weekends starting (date):**  
 from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m./ If applicable, specify:  start of school  after school  
 (day of week) (time)  
 to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m./ If applicable, specify:  start of school  after school  
 (day of week) (time)
- (3)  **Weekdays starting (date):**  
 from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m./ If applicable, specify:  start of school  after school  
 (day of week) (time)  
 to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m./ If applicable, specify:  start of school  after school  
 (day of week) (time)
- (4)  Other visitation (parenting time) days and restrictions are:  listed in Attachment 2e(4)  as follows:

PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	CASE NUMBER: _____
---	--------------------

3.  **Supervised visitation (parenting time).**
- a. **If item 3 is checked, you must attach a declaration that shows why unsupervised visitation (parenting time) would be bad for your children. The judge is required to consider supervised visitation if one parent or party is alleging domestic violence and is protected by a restraining order.**
- b.  The person who supervises the visitation (parenting time) must meet the requirements listed in *Declaration of Supervised Visitation Provider* (form FL-324).
- c. I request that (name): \_\_\_\_\_ have supervised visitation (parenting time) with the minor children according to the schedule set out on page 1.
- d. I request that the visitation (parenting time) be supervised by (name): \_\_\_\_\_ who is a  professional  nonprofessional supervisor. The supervisor's phone number is (specify): \_\_\_\_\_
- e. I request that any costs of supervision be paid as follows: petitioner: \_\_\_\_\_ percent; respondent: \_\_\_\_\_ percent; other parent/party: \_\_\_\_\_ percent.
4.  **Transportation for visitation (parenting time) and place of exchange.**
- a. The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- b.  Transportation **to** begin the visits will be provided by (name): \_\_\_\_\_
- c.  Transportation **from** the visits will be provided by (name): \_\_\_\_\_
- d.  The exchange point at the beginning of the visit will be (address): \_\_\_\_\_
- e.  The exchange point at the end of the visit will be (address): \_\_\_\_\_
- f.  During the exchanges, the party driving the children will wait in the car and the other party will wait in his or her home (or exchange location) while the children go between the car and the home (or exchange location).
- g.  Other (specify): \_\_\_\_\_
5.  **Travel with children.** The  petitioner  respondent  other parent/party **must** have written permission from the other parent or party, or a court order, to take the children out of the following places:
- a.  the state of California.
- b.  the following counties (specify): \_\_\_\_\_
- c.  other places (specify): \_\_\_\_\_
6.  **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. I request the orders set out on attached form FL-312.
7.  **Children's holiday schedule.** I request the holiday and vacation schedule set out on the attached  form FL-341(C)  Other (specify): \_\_\_\_\_
8.  **Additional custody provisions.** I request the additional orders regarding custody set out on the attached  form FL-341(D)  Other (specify): \_\_\_\_\_
9.  **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out on the attached  form FL-341(E)  Other (specify): \_\_\_\_\_
10.  **Other.** I request the following additional orders (specify): \_\_\_\_\_

PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARENT/PARTY:	

**REQUEST FOR CHILD ABDUCTION PREVENTION ORDERS**

**—This is not a court order—**

TO  **Petition**  **Response**  **Request for Order**  **Responsive Declaration to Request for Order**  
 **Other (specify):** \_\_\_\_\_

1. Your name: \_\_\_\_\_

2. I request orders to prevent child abduction by (specify):  **Petitioner**  **Respondent**  **Other Parent/Party**

3. I think that he or she might take the children without my permission to (check all that apply): \_\_\_\_\_

a.  another county in California (specify the county): \_\_\_\_\_

b.  another state (specify the state): \_\_\_\_\_

c.  a foreign country (specify the foreign country): \_\_\_\_\_

(1)  He or she is a citizen of that country. \_\_\_\_\_

(2)  He or she has family or emotional ties to that country (explain): \_\_\_\_\_

4. I think that he or she might take the children without my permission because he or she (check all that apply): \_\_\_\_\_

a.  has violated—or threatened to violate—a custody or visitation (parenting time) order in the past. \_\_\_\_\_  
*Explain:* \_\_\_\_\_

b.  does not have strong ties to California. \_\_\_\_\_  
*Explain any work, financial, social, or family situation that makes it easy for the party to leave California.* \_\_\_\_\_

c.  has recently done things that make it easy for him or her to take the children away without permission. He or she has (check all that apply):

<input type="checkbox"/> quit his or her job.	<input type="checkbox"/> sold his or her home.
<input type="checkbox"/> closed a bank account.	<input type="checkbox"/> ended a lease.
<input type="checkbox"/> sold or gotten rid of assets.	<input type="checkbox"/> hidden or destroyed documents.
<input type="checkbox"/> applied for a passport, birth certificate, or school or medical records.	
<input type="checkbox"/> Other (specify): _____	

d.  has a history of (check all that apply and explain your answers in the space provided in this section):

<input type="checkbox"/> domestic violence.	<input type="checkbox"/> child abuse.	<input type="checkbox"/> not cooperating with me in parenting.
<input type="checkbox"/> taking the children without my permission. _____		
<i>Explain your answers to item d.</i> _____		

e.  has a criminal record. *Explain:* \_\_\_\_\_

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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I REQUEST THE FOLLOWING ORDERS AGAINST (specify):  Petitioner  Respondent  Other Parent/Party

5.  **Supervised Visitation (Parenting Time)**  
 I ask the court to order supervised visitation (parenting time). I understand that the person I request to supervise the visits must meet the qualifications listed in *Declaration of Supervised Visitation Provider* (form FL-324).

The specific terms are attached (check one):  form FL-311  as follows:

6.  **Post a Bond**

I ask the court to order the posting of a bond for \$ \_\_\_\_\_. If the party takes the children without my permission, I can use this money to bring the children back.

7.  **Do Not Move Without My Permission or Court Order**

I ask for a court order preventing the party from moving with the children, without my written permission or a court order.

8.  **No Travel Without My Permission or Court Order**

I ask for a court order preventing the party from traveling with the children outside (check all that apply):

this county  the United States

California  Other (specify):

without my written permission or a court order.

9.  **Notify Other State of Travel Restrictions**

I ask the court to order the party to register this order in the state of \_\_\_\_\_ and provide the court with proof of the registration before the children can travel to that state for visitation (parenting time).

10.  **Turn In and Do Not Apply for Passports or Other Vital Documents**

I ask for a court order (check all that apply):

requiring the party to turn in all the children's passports and other documents (such as visas, birth certificates, and other documents used for travel) that are in his or her possession and control.

preventing the party from applying for passports or other documents (such as visas or birth certificates) that can be used to travel with the children.

11.  **Provide Itinerary and Other Travel Documents**

If the party is allowed to travel with the children, I ask the court to order the party to give me before leaving (specify):

the children's travel itinerary.

copies of round-trip airline tickets.

addresses and telephone numbers where the children can be reached.

an open airline ticket for me in case the children are not returned.

other (specify):

12.  **Notify Foreign Embassy or Consulate of Passport Restrictions**

I ask the court to order the party to notify the embassy or consulate of \_\_\_\_\_ of this order and to provide the court with proof of that notification within \_\_\_\_\_ calendar days.

13.  **Foreign Custody and Visitation Order**

I ask the court to order the party to get a custody and visitation (parenting time) order in a foreign country equal to the most recent United States order before the children can travel to that country for visits. I understand that foreign orders may be changed or enforced depending on the laws of that country.

14.  **Other (specify):**

I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Date: \_\_\_\_\_ (SIGNATURE)



PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (optional): _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>   <h2 style="margin: 0;">DRAFT Not Approved by the Judicial Council</h2>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>PETITIONER:</b> <b>RESPONDENT:</b> <b>OTHER PARENT/PARTY:</b>	
<b>RESPONSIVE DECLARATION TO REQUEST FOR ORDER</b>	CASE NUMBER:
HEARING DATE: _____ TIME: _____ DEPARTMENT OR ROOM: _____	

Read Information Sheet: Responsive Declaration to Request for Order (form FL-320-INFO) for more information about this form.

1.  **RESTRAINING ORDER INFORMATION**
  - a.  No domestic violence restraining/protective orders are now in effect between the parties in this case.
  - b.  I agree that one or more domestic violence restraining/ protective orders are now in effect between the parties in this case.
  
2.  **CHILD CUSTODY**  
 **VISITATION (PARENTING TIME)**
  - a.  I consent to the order requested for child custody (legal and physical custody)
  - b.  I consent to the order requested for visitation (parenting time).
  - c.  I do not consent to the order requested for  child custody  visitation (parenting time)  but I consent to the following order:
  
3.  **CHILD SUPPORT**
  - a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) or, if eligible, a current *Financial Statement (Simplified)* (form FL-155) to support my responsive declaration.
  - b.  I consent to the order requested.
  - c.  I consent to guideline support.
  - d.  I do not consent to the order requested  but I consent to the following order:
  
4.  **SPOUSAL OR DOMESTIC PARTNER SUPPORT**
  - a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) to support my responsive declaration.
  - b.  I consent to the order requested.
  - c.  I do not consent to the order requested  but I consent to the following order:

PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARENT/PARTY:	

5.  PROPERTY CONTROL

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

6.  ATTORNEY'S FEES AND COSTS

- a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) to support my responsive declaration.
- b. I have completed and filed with this form a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.
- c.  I consent to the order requested.
- d.  I do not consent to the order requested  but I consent to the following order:

7.  DOMESTIC VIOLENCE ORDER

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

8.  OTHER ORDERS REQUESTED

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

9.  TIME FOR SERVICE / TIME UNTIL HEARING

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

10.  FACTS TO SUPPORT my responsive declaration are listed below. The facts that I write and attach to this form cannot be longer than 10 pages, unless the court gives me permission.  Attachment 10.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_ (TYPE OR PRINT NAME) ▶ \_\_\_\_\_ (SIGNATURE OF DECLARANT)

**FL-320-INFO** Information Sheet: Responsive Declaration to Request for Order

- 1 **If you received a *Request for Order* (form FL-300),**
- Carefully read the papers you received to make sure you understand what orders are being requested.
  - **Note the date, time, and location of the court hearing.**
  - **Check to see if the court ordered a specific date for filing and serving your *Responsive Declaration to Request for Order* (form FL-320).**
  - **If you need more time before the hearing to prepare a responsive declaration or talk to a lawyer, you may ask the court to continue the hearing date. For more information, consult with a lawyer or contact the Family Law Facilitator or Self-Help Center in your court (see item (15)).**
- 2 **USE *Responsive Declaration to Request for Order* (form FL-320)**
- Use form FL-320 to let the court and the other party know that you agree or disagree with the each of the requests made in the *Request for Order* (form FL-300).**
- **If you disagree, use form FL-320 to describe the orders you would like the court to make.**
  - **If you do not file and serve form FL-320, the court can still make orders without your input.**
- 3 **DO NOT USE *Responsive Declaration to Request for Order* (form FL-320) to:**
- Ask for court orders that were not requested in the *Request for Order* (form FL-300). Instead, file and serve your own *Request for Order* (form FL-300) to ask for orders about other issues.
  - Respond to *Request for Domestic Violence Restraining Order* (form DV-100). Instead, you must use *Response to Request for Domestic Restraining Order* (form DV-120).
- 4 **Forms checklist**
- a. Form FL-320, *Responsive Declaration to Request for Order* is the basic form you need. Depending on the requests made in the *Request for Order* (form FL-300), you may need other forms.
  - b. For child custody or visitation (parenting time) orders, you may need to complete some of these forms:
    - FL-105, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
    - FL-311, *Child Custody and Visitation (Parenting Time) Application Attachment*
    - FL-312, *Request for Child Abduction Prevention Orders*
    - FL-341(C), *Children’s Holiday Schedule Attachment*
    - FL-341(D), *Additional Provisions—Physical Custody Attachment*
    - FL-341(E), *Joint Legal Custody Attachment*
  - c. For child support, you need:
    - A current form FL-150, *Income and Expense Declaration*. You may use form FL-155, *Financial Statement (Simplified)* instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.

*Notice:*

    - The court will order child support based on the income of the parents.
    - Child support normally continues until the child is 18 years and has graduated from high school.
    - You must give the court information about your finances. If you do not, the child support order will be based on information about your income that the court receives from other sources.
  - d. For spousal or domestic partner support or orders about your finances, you need these forms:
    - FL-150, *Income and Expense Declaration*
    - FL-157, *Spousal or Partner Support Declaration Attachment* (if the request is to change a support judgment)
  - e. For attorney’s fees and costs, you need these forms:
    - FL-150, *Income and Expense Declaration*
    - FL-158, *Supporting Declaration for Attorney’s Fees and Costs* (or provide the information in a declaration)
    - FL-319, *Request for Attorney’s Fees and Costs Attachment* (or provide the information in a declaration)
  - f. If you plan on having witnesses testify at the hearing, you need this form:
    - FL-321, *Witness List*



# FL-320-INFO Information Sheet: Responsive Declaration to Request for Order

To respond to a *Request for Order*, you must:

**5 Complete caption of the form**  
Complete the top portion including your name, address, and telephone number, the court address, the name of all the parties in the case, and the case number. Also, print or type the same hearing date, time, and department that appears on the *Request for Order* (form FL-300).

**6 Specify a response to orders requested**  
**Items 1–9:** Each item on the form matches the item numbers on the *Request for Order* (form FL-300). Complete item 1. Next, mark the same box that is marked on form FL-300. Then, specify if you consent (agree) or do not consent to (disagree with) the orders requested. If you disagree, describe the order you would like the court to make. *Note: you may file one form FL-150 to respond to items 3, 4, and 6.*

**Item 10:** Use the space to explain your responses to items 1–9. Include the reasons why you do not agree with the orders requested by the other party and why the court should make the orders you described. If you need more space, write your responses on a separate sheet of paper and attach it to the form (*Attached Declaration* (form MC-031) may be used for this purpose).

**Sign and date:** Print your name, sign, and write the date you signed form FL-320.

**7 Next steps: file or serve your paperwork**  
You must file your paperwork with the court clerk at least 9 court days before the hearing. If the court orders a shorter time to file your papers, file them by the date specified in the order.

**Make 2 copies of your original paperwork. Then, do one of the following before the filing deadline:**

- Take your paperwork and copies to the court clerk to process (or e-file them, if available in your county). The clerk will keep the original and give you back copies with a court stamp on them. Have a stamped copy served; or
- Have an unstamped copy of your paperwork served *before* you take (or e-file) the originals and copies to the court clerk to file. Be sure the original documents are not served.

PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY	
TELEPHONE NO.: _____ FAX NO. (optional) _____ E-MAIL 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: _____			
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____		CASE NUMBER: _____	
RESPONSIVE DECLARATION TO REQUEST FOR ORDER			
HEARING DATE: _____ TIME: _____ DEPARTMENT OR ROOM: _____			

Read Information Sheet, Responsive Declaration to Request for Order (form FL-320-INFO) for more information about this form.

- RESTRAINING ORDER INFORMATION
  - No domestic violence restraining/protective orders are now in effect between the parties in this case.
  - I agree that one or more domestic violence restraining/protective orders are now in effect between the parties in this case.
- CHILD CUSTODY
  VISITATION (PARENTING TIME)
  - I consent to the order requested for child custody (legal and physical custody).
  - I consent to the order requested for visitation (parenting time).
  - I do not consent to the order requested for  child custody  visitation (parenting time) but I consent to the following order: \_\_\_\_\_
- CHILD SUPPORT
  - I have completed and filed a current *Income and Expense Declaration* (form FL-150) or, if eligible, a current *Financial Statement (Simplified)* (form FL-155) to support my responsive declaration.
  - I consent to the order requested.
  - I consent to guideline support.
  - I do not consent to the order requested  but I consent to the following order: \_\_\_\_\_
- SPOUSAL OR DOMESTIC PARTNER SUPPORT
  - I have completed and filed a current *Income and Expense Declaration* (form FL-150) to support my responsive declaration.
  - I consent to the order requested.
  - I do not consent to the order requested  but I consent to the following order: \_\_\_\_\_

Form Adopted for Mandatory Use  
Judicial Council of California  
FL-320 (Rev. April 2, 2016)

RESPONSIVE DECLARATION TO REQUEST FOR ORDER

Page 1 of 2  
Code of Civil Procedure, § 5005  
Cal. Rules of Court, rule 5.52  
www.courtinfo.ca.gov

**8 Pay filing fees**  
Generally, you do not have to pay a fee to file the *Responsive Declaration*. However, if you have never filed any papers in the case, you may have to pay a “first appearance fee,” which, in general, everyone has to pay when filing court papers in a case for the first time.

If you cannot afford to pay the filing fee, you can ask the court to waive the fees. To do so, complete and file form FW-001, *Request to Waive Court Fees* and form FW-003, *Order on Court Fee Waiver*.

**9 Serve your papers on the other party**  
“Service” is the act of giving your legal papers to all persons named as parties in the case so that they know what orders you want the court to make. *Note:* If a party has a lawyer in the case, the papers should be served on that party’s lawyer.



**FL-320-INFO** Information Sheet: Responsive Declaration to Request for Order**9** How to “serve”

**Server.** You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The “server” can be a friend, a relative who is not involved in your case, a county sheriff, or a professional process server.

**Personal service.**

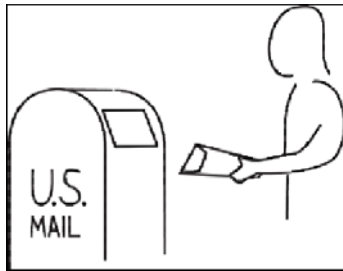
Your papers may be served by “personal service.” “Personal service” means that



your “server” walks up to each person to be served, makes sure he or she is the right person, and then gives a copy of all the papers to him or her.

**Service by mail.**

“Service by mail” means that your “server” places copies of all the documents in a sealed envelope and mails them to the address of each party



being served (or to the party’s lawyer, if he or she has one.) The server must be 18 years of age or over and must live or work in the county where the mailing took place.

**10** Deadline for service

Personal service or service by mail on the other party must be completed at least *9 court days* before the court hearing. If the court has ordered a shorter time to serve your responsive papers, be sure to have them served by the date specified in the court order.

**11** Server must complete a *Proof of Service*

After personal service, the server should complete a form FL-330, *Proof of Personal Service*. Form FL-330-INFO, *Information Sheet for Proof of Personal Service* has instructions to help the person complete the form.

After service by mail, the server should complete form FL-335, *Proof of Service by Mail*. Form FL-335-INFO, *Information Sheet for Proof of Service by Mail* has instructions to help the person complete the form.

**12** File the *Proof of Service* before your hearing date

The *Proof of Service* shows the judge that the person received a copy of your *Responsive Declaration to Request for Order*. Make three copies of the completed *Proof of Service*. Take the original and copies to the court clerk as soon as possible **before your hearing**.

The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy stamped “Filed” to your hearing. (If unstamped copies of your paperwork were served, you can file the completed *Proof of Service* when you file the original *Responsive Declaration*.)

**13** Participate in child custody mediation or child custody recommending counseling

If the *Request for Order* includes a court order for you to attend mediation or child custody recommending counseling, the date, time, and location is found on page 1 of the *Request for Order*. For more information, read *Child Custody Information Sheet* (form [FL-313-INFO](#) or form [FL-314-INFO](#)).

**14** Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing. Include a filed *Proof of Service* form.
- Find more information about preparing for the hearing at [www.courts.ca.gov/1094.htm](http://www.courts.ca.gov/1094.htm).

**15** Still have questions or need help?

- Contact the Family Law Facilitator or Self-Help Center for information, local rules, and referrals to local legal services providers. Go to <http://www.courts.ca.gov/1083.htm/>.
- Talk to a lawyer if you want legal advice, someone to go to court with you, or other legal help. Find an attorney through your local bar association, the State Bar of California at [calbar.ca.gov](http://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 [lawhelpcalifornia.org](http://lawhelpcalifornia.org).

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):   TELEPHONE NO.: _____ FAX NO. ( <i>optional</i> ): _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT Not Approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>PETITIONER:</b> <b>RESPONDENT:</b> <b>OTHER PARENT/PARTY:</b>	
<b>ORDER TO PAY WAIVED COURT FEES AND COSTS (Superior Court)</b>	CASE NUMBER: _____

1. This proceeding was heard as follows:  Default or uncontested  By declaration under Family Code section 2336  
 Contested or Trial  On the Request for Order filed (*date*): \_\_\_\_\_ by (*party*): \_\_\_\_\_  
 Other (*specify*): \_\_\_\_\_

on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

- a. by Judge (*name*):  Temporary Judge
- b.  Petitioner/Plaintiff present  Attorney present (*name*): \_\_\_\_\_
- c.  Respondent/Defendant present  Attorney present (*name*): \_\_\_\_\_
- d.  Other present  Attorney present (*name*): \_\_\_\_\_

**2. THE COURT FINDS**

- a. The court made an order waiving court fees and costs for  Petitioner  Respondent  Other Parent/Party in this matter on (*date*): \_\_\_\_\_
- b.  The court made an order for support payable by  Petitioner  Respondent  Other Parent/Party to  Petitioner  Respondent  Other Parent/Party on (*date*): \_\_\_\_\_
- c.  The court entered a Judgment for support in the case on (*date*): \_\_\_\_\_
- d. After considering information in the court file and other evidence,  Petitioner  Respondent  Other Parent/Party has the ability to pay all or part of the waived court fees and costs.

**3. THE COURT ORDERS**

- a.  Petitioner  Respondent  Other Parent/Party must pay  his or her own  Petitioner's  Respondent's  Other Parent's/Party's previously waived court fees and costs totalling (*specify*): \_\_\_\_\_
- b. Payment be made:
  - (1) \$ \_\_\_\_\_ per month until paid in full, beginning (*date*): \_\_\_\_\_
  - (2)  Within 10 days from the date of service of this *Order to Pay Waived Court Fees and Costs* (see attached *Proof of Service*).
  - (3) After all current support and accrued support arrears have been paid (if ordered to pay the other party's waived court fees). (Gov. Code, § 68637(d).)
  - (4)  Other (*specify*): \_\_\_\_\_
- c. Payment be sent to (*specify*): \_\_\_\_\_

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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4.  **NOTICE TO THE PERSON ORDERED TO PAY WAIVED COURT FEES AND COSTS** (specify):
- Petitioner    Respondent    Other Parent/Party (name):
- a. You are receiving this notice because the court ordered you to pay the initial fee waiver recipient's previously waived court fees and costs described on page 1 AND you were not present in court at the time the order was made or the judgment was entered.
- b. You have the right to request a hearing to ask that the court set aside the order:

**YOU HAVE AN OPPORTUNITY FOR A HEARING TO REQUEST THAT THE COURT SET ASIDE THE ORDER TO PAY WAIVED COURT FEES AND COSTS**

To request a hearing, complete and file with the court clerk:

- (1) *Request for Order* (form FL-300); and
- (2) *Application to Set Aside Order to Pay Waived Court Fees—Attachment* (form FL-337).

The forms specified in item a must be completed and filed with the court clerk **within 30 days** from the date of service of this *Order to Pay Waived Court Fees and Costs* (see attached Proof of Service).

In addition, the party requesting the hearing must serve the other party with:

- (1) Copies of the documents in item a filed with the court; and
- (2) A **blank Responsive Declaration to Request for Order** (form FL-320).

You can obtain these forms from the clerk of the court, your county law library, or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

5. If your request for hearing to set aside the order is filed with the court clerk within 30 days from the date you were served with this *Order to Pay Waived Court Fees and Costs*, the order will not be enforced until after the hearing.

**WARNING: The court has ordered that you pay court fees and costs. If you do not pay the court fees and costs, the court can institute collection proceedings and charge you interest and a collection fee.**

Date:

\_\_\_\_\_  
JUDICIAL OFFICER

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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**APPLICATION TO SET ASIDE ORDER TO PAY WAIVED COURT FEES—ATTACHMENT  
Attachment to Request for Order (form FL-300)**

- I am the  petitioner  respondent  other parent/party. I request that the court set aside the *Order to Pay Waived Court Fees and Costs* (form FL-336).
- In making this request, I ask the court to consider the information in the court's case file, the information attached to this application, the information specified in the supporting declaration, and the evidence presented at the hearing.

**NOTICE**

To request a hearing, the party must complete and file with the court clerk the following: (1) *Request for Order* (form FL-300) and (2) *Application to Set Aside Order to Pay Waived Court Fees—Attachment (Family Law)* (form FL-337). These forms must be completed and filed with the court clerk within 30 days from the date of personal service of the *Order to Pay Waived Court Fees and Costs* (form FL-336) OR within 35 days from the date the *Order to Pay Waived Court Fees and Costs* (form FL-336) was served by mail.

In addition, the party requesting the hearing must serve the other party with (1) copies of the above-listed documents filed with the court and (2) a **blank** *Responsive Declaration to Request for Order* (form FL-320). You may obtain Judicial Council forms from the clerk of the court, your county law library, or [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

If the request for hearing is filed with the court clerk within this time, the *Order to Pay Waived Court Fees and Costs* (form FL-336) will not be enforced until after the hearing.

- The reasons in support of this request are (*specify below*):  
 Complete supporting declaration attached. You may use *Attached Declaration* (form MC-031).

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

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

  
 \_\_\_\_\_  
 (SIGNATURE OF DECLARANT)



PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARENT/PARTY:	

**CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT**

- TO  Findings and Order After Hearing (form FL-340)  Judgment (form FL-180)  Judgment (form FL-250)  
 Stipulation and Order for Custody and/or Visitation of Children (form FL-355)  
 Other (specify):

- Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Fam. Code, §§ 3400–3465).
- Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
- Country of habitual residence.** The country of habitual residence of the child or children in this case is  
 the United States  Other (specify):
- Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.
- Child Custody.** Custody of the minor children of the parties is awarded as follows:

Child's Name	Birth Date	Legal custody to: (person who makes decisions about health, education, etc.)	Physical custody to: (person with whom child lives)

- Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. (*Child Abduction Prevention Orders Attachment* (form FL-341(B)) must be attached and must be obeyed.)
- Visitation (Parenting Time)**
  - Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)
  - See the attached \_\_\_\_\_-page document.
  - The parties will go to child custody mediation or child custody recommending counseling at (specify date, time, and location):
  - No Visitation (Parenting Time)
  - Visitation (Parenting Time) for the  petitioner  respondent  other (name):  
will be as follows:
    - Weekends starting (date):**  
(Note: The first weekend of the month is the first weekend with a Saturday.)  
 1st  2nd  3rd  4th  5th weekend of the month  
 from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m./ if applicable, specify:  start of school  after school  
 (day of week) (time)  
 to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m./ if applicable, specify:  start of school  after school  
 (day of week) (time)
    - The parties will alternate the fifth weekends, with the  petitioner  respondent  other parent/party having the initial fifth weekend, which starts (date):
    - The  petitioner  respondent  other parent/party will have the fifth weekend in  odd  even numbered months.

**THIS IS A COURT ORDER.**

**CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT**



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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11.  **Holiday schedule.** The children will spend holiday time as listed  below  in the attached schedule (*Children's Holiday Schedule Attachment* (form FL-341(C)) may be used for this purpose.)

12.  **Additional custody provisions.** The parties will follow the additional custody provisions listed  below  in the attached schedule. (*Additional Provisions—Physical Custody Attachment* (form FL-341(D)) may be used for this purpose.)

13.  **Joint legal custody.** The parties will share joint legal custody as listed  below  in the attached schedule. (*Joint Legal Custody Attachment* (form FL-341(E)) may be used for this purpose.)

14. **Access to children's records.** Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records).

15.  **Other** (*specify*):

**THIS IS A COURT ORDER.**

**CHILD CUSTODY AND VISITATION (PARENTING TIME)  
ORDER ATTACHMENT**

PETITIONER: _____	CASE NUMBER: _____
RESPONDENT: _____	
OTHER PARENT/PARTY: _____	

**CHILD ABDUCTION PREVENTION ORDER ATTACHMENT**

- TO  **Child Custody and Visitation (Parenting Time) Order Attachment (form FL-341)**  
 **Custody Order— Juvenile— Final Judgment (form JV-200)**  
 Other (*specify*): \_\_\_\_\_

1. **The court finds there is a risk that** (*specify name of party*): \_\_\_\_\_ **will take the child without permission because that party** (*check all that apply*): \_\_\_\_\_
- a.  has violated—or threatened to violate—a custody or visitation (parenting time) order in the past.
  - b.  does not have strong ties to California.
  - c.  has done things that make it easy for him or her to take the children away without any permission, such as (*check all that apply*):
    - quit a job.  sold his or her home.
    - closed a bank account.  ended a lease.
    - sold or gotten rid of assets.  hidden or destroyed documents.
    - applied for a passport, birth certificate, or school or medical records.
    - Other (*specify*): \_\_\_\_\_
  - d.  has a history of (*check all that apply*):
    - domestic violence.
    - child abuse.
    - not cooperating with the other parent or party in parenting.
  - e.  has a criminal record.
  - f.  has family or emotional ties to another county, state, or foreign country.
- (NOTE: If item "f" is checked, at least one other factor must be checked, too.)**

**THE COURT ORDERS, to prevent the party in item 1 from taking the children without permission:**

2.  **Supervised visitation (parenting time).** The terms are (*check one*): \_\_\_\_\_  
 as specified on attached form FL-341(A)  as follows: \_\_\_\_\_
3.  **The party in item 1 must post a bond for \$** \_\_\_\_\_ . The terms of the bond are (*specify*): \_\_\_\_\_
4.  **The party in item 1 must not move from the following locations with the children** without permission in writing from the other parent or party or a court order:  
 Current residence  Current school district (*specify*): \_\_\_\_\_  
 This county  Other (*specify*): \_\_\_\_\_
5.  **The party in item 1 must not travel with the children** out of (*check all that apply*): \_\_\_\_\_  
 this county.  the United States.  
 California.  Other (*specify*): \_\_\_\_\_
6.  **The party in item 1 must register this order** in the state of (*specify*): \_\_\_\_\_ before the children can travel to that state for visits.
7.  **The party in item 1 must not apply for a passport or any other vital document,** such as a visa or birth certificate, that can be used for travel.

**THIS IS A COURT ORDER.**

PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	CASE NUMBER: _____
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8.  **The party in item 1 must turn in all the children's passports and other vital documents in the party's possession or control as specified below** (*List the documents that must be turned in. Include the details for turning in the documents to the court, one of the attorneys, the other party, or another person*):

9.  **The party in item 1 must give the other parent or party the following before traveling with the children:**

- The children's travel itinerary
- Copies of round-trip airline tickets
- Addresses and telephone numbers where the children can be reached at all times
- An open airline ticket for the other parent in case the children are not returned
- Other (*specify*): \_\_\_\_\_

10.  **The party in item 1 must notify the embassy or consulate of** (*specify country*): \_\_\_\_\_ about this order and provide the court with proof of that notification within *specify number*: \_\_\_\_\_ days.

11.  **The party in item 1 must get a custody and visitation (parenting time) order** equivalent to the most recent U.S. order before the children may travel to that country for visits. The court recognizes that foreign orders may be changed or enforced according to the laws of that country.

12.  **Enforcing the order.** The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at (*phone number and address*): \_\_\_\_\_

13.  **Other orders** (*specify*): \_\_\_\_\_

14. This order is valid in other states and in any country that has signed the Hague Convention on Child Abduction.

**NOTICE TO AUTHORITIES IN OTHER STATES AND COUNTRIES**

This court has jurisdiction to make child custody orders under California's Uniform Child Custody Jurisdiction and Enforcement Act (Fam. Code, § 3400 et seq.) and the Hague Convention on Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they are listed above in item 13..

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

**THIS IS A COURT ORDER.**

PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	CASE NUMBER: _____
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**CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT**

TO  Petition  Response  Request for Order  Responsive Declaration to Request for Order  
 Stipulation and Order for Custody and/or Visitation of Children  Findings and Order After Hearing or Judgment  
 Visitation Order—Juvenile  Other (specify): \_\_\_\_\_

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Petitioner," "Respondent," "Other Parent," or "Other Party" to specify each parent's (or party's) years—odd or even numbered years or both ("every year")—and under "Times," specify the starting and ending days and times.

**Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting time.**

<b>Holidays</b>	<b>Times (from when to when)</b> <i>(Unless noted below, all single-day holidays start at ____ a.m. and end at ____ p.m.)</i>	<b>Every Year</b> <i>Petitioner/ Respondent/ Other Parent/Party</i>	<b>Even Numbered Years</b> <i>Petitioner/ Respondent/ Other Parent/Party</i>	<b>Odd Numbered Years</b> <i>Petitioner/ Respondent/ Other Parent/Party</i>
December 31 (New Year's Eve)				
January 1 (New Year's Day)				
Martin Luther King's Birthday (weekend)				
February 12 (Lincoln's Birthday)				
President's Day (Weekend)				
President's Week Recess, first half				
President's Week Recess, second half				
Spring Break, first half				
Spring Break, second half				
Mother's Day				
Memorial Day (weekend)				
Father's Day				
July 4th				
Summer Break				
Labor Day (weekend)				
Columbus Day (weekend)				
Halloween				
November 11 (Veterans Day)				
Thanksgiving Day				
Thanksgiving weekend				
December/January School Break				
Child's birthday (date):				
Child's birthday (date):				
Child's birthday (date):				
Mother's birthday (date):				
Father's birthday (date):				
Other Parent/Party's birthday (date):				
Breaks for year-round schools				



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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**ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT**

- TO  **Petition**    **Response**    **Request for Order**    **Responsive Declaration to Request for Order**  
 **Stipulation and Order for Custody and/or Visitation of Children**    **Findings and Order After Hearing or Judgment**  
 **Custody Order—Juvenile —Final Judgment**    **Other (specify):**

The additional provisions to physical custody apply to (specify parties):  Petitioner    Respondent    Other Parent/Party

1.  **Notification of parties' current address.**    Petitioner    Respondent    Other Parent/Party  
 must notify all parties within (specify number): \_\_\_\_\_ days of any change in his or her  
 a. address for  residence    mailing    work    e-mail  
 b. telephone/message number at  home    cell phone    work    the children's schools  
 The parties may not use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. No residence or work address is needed if a party has an address with the State of California's Safe at Home confidential address program.
  
2.  **Notification of proposed move of child.** Each party must notify the other (specify number): \_\_\_\_\_ days before any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.
  
3.  **Child care.**  
 a.  The children must not be left alone without age-appropriate supervision.  
 b.  The parties must let each other know the name, address, and phone number of the children's regular child-care providers.
  
4.  **Right of first option of child care.** In the event any party requires child care for (specify number): \_\_\_\_\_ hours or more while the children are in his or her custody, the other party or parties must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a party is working.
  
5.  **Canceled visitation (parenting time).**  
 a.  If the noncustodial party fails to arrive at the appointed time and fails to notify the custodial party that he or she will be late, then the custodial party need wait for only (specify number): \_\_\_\_\_ minutes before considering the visitation (parenting time) canceled.  
 b.  If the noncustodial party is unable to exercise visitation (parenting time) on a given occasion, he or she must notify the custodial party (specify):  
      at the earliest possible opportunity.  
      Other (specify): \_\_\_\_\_  
 c.  If the children are ill and unable to participate in the scheduled visitation (parenting time), the custodial party must give the noncustodial party (specify):  
      as much notice as possible.  
      A doctor's excuse.  
      Other (specify): \_\_\_\_\_
  
6.  **Phone contact between parties and children.**  
 a.  The children may have telephone access to the parties  and the parties may have telephone access to the children at reasonable times, for reasonable durations.  
 b.  The custodial parent must make the child available for the following scheduled telephone contact (specify child's telephone contact with each party): \_\_\_\_\_  
  
 c.  No party or any other third party may listen to, monitor, or interfere with the calls.



PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARENT/PARTY:	

7.  **No negative comments.** The parties will not make or allow others to make negative comments about each other or about their past or present relationships, family, or friends within hearing distance of the children.
8.  **Discussion of court proceedings with children.** Other than age-appropriate discussion of the parenting plan and the children's role in mediation or other court proceedings, the parties will not discuss with the children any court proceedings relating to custody or visitation (parenting time).
9.  **No use of children as messengers.** The parties will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.
10.  **Alcohol or substance abuse.** The  petitioner  respondent  other parent/party may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within (*specify number*): \_\_\_\_\_ hours prior to or during periods of time with the children  and may not permit any third party to do so in the presence of the children.
11.  **No exposure to cigarette or medical marijuana smoke.** The parties will not expose the children to secondhand cigarette or medical marijuana smoke.
12.  **No interference with schedule of any party without that party's consent.** The parties will not schedule activities for the children during the other party's scheduled visitation (parenting time) without the other party's prior agreement.
13.  **Third-party contact.**
- The children will have no contact with (*specify name*): \_\_\_\_\_
  - The children must not be left alone in the presence of (*specify name*): \_\_\_\_\_
14.  **Children's clothing and belongings.**
- Each party will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
  - The children will be returned to the other party with the clothing and other belongings they had when they arrived.
15.  **Log book.** The parties will maintain a "log book" and make sure that the book is sent with the children between their homes. Using businesslike notes (no personal comments), parties will record information related to the health, education, and welfare issues that arise during the time the children are with them.
16.  **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parties change. Such changes will be in writing, dated and signed by the parties; each party will retain a copy. If the parties want a change to be a court order, it must be filed with the court in the form of a court document.
17.  **Other (*specify*):**

PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	CASE NUMBER: _____
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**JOINT LEGAL CUSTODY ATTACHMENT**

- TO  **Petition**    **Response**    **Request for Order**    **Responsive Declaration to Request for Order**  
 **Stipulation and Order for Custody and/or Visitation of Children**    **Findings and Order After Hearing or Judgment**  
 **Custody Order—Juvenile—Final Judgment**    **Other (specify):**

**NOTICE!** In exercising joint legal custody, the parties may act alone, as long as the action does not conflict with any orders about the physical custody of the children. **Use this form only if you want to ask the court to make orders specifying when the consent of both parties is required to exercise legal control of the children and the consequences for failing to obtain mutual consent.**

1. The parties (specify):  Petitioner    Respondent    Other Parent/Party   will have joint legal custody of the children.
2. In exercising joint legal custody, the parties will share in the responsibility and discuss in good faith matters concerning the health, education, and welfare of the children. The parties must discuss and consent in making decisions on the following matters:
  - a.  Enrollment in or leaving a particular private or public school or daycare center
  - b.  Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
  - c.  Participation in extracurricular activities
  - d.  Selection of a doctor, dentist, or other health professional (except in emergency situations)
  - e.  Participation in particular religious activities or institutions
  - f.  Out-of-country or out-of-state travel
  - g.  Other (specify): \_\_\_\_\_
3. **If a party does not obtain the consent of the other party to those items in 2, which are granted as court orders:**
  - a. He or she may be subject to civil or criminal penalties.
  - b. The court may change the legal and physical custody of the minor children.
  - c.  Other consequences (specify): \_\_\_\_\_
4.  **Special decision making designation and access to children's records**
  - a. The  petitioner    respondent    other parent/party   will be responsible for making decisions regarding the following issues (specify): \_\_\_\_\_
  - b. **Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.**
5.  **Health-care notification.**
  - a.  Each party must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (specify number): \_\_\_\_\_ days of the first treatment or examination.
  - b.  Each party is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The party authorizing such emergency treatment must notify the other party as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
  - c.  The parties are required to administer any prescribed medications for the children.
6.  **School notification.** Each party will be designated as a person the children's school will contact in the event of an emergency.
7.  **Name.** The parties will not change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other party.
8.  Other (specify): \_\_\_\_\_

## SPR15-16

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Department of Child Support Services (DCSS) by Alisha A. Griffin Director	NI	See comments on specific provisions below.	See response to specific provisions below.
2.	California Department of Justice	AM	See comments on specific provisions below.	See response to specific provisions below.
3.	California Judges Association by Joan P. Weber California Judges Association President	NI	See comments on specific provisions below.	See response to specific provisions below.
4.	California Partnership to End Domestic Violence by Krista Niemczyk Sacramento	NI	The Partnership has identified three suggestions to improve the rules and forms listed in this proposal.  See comments on specific provisions below.	See response to specific provisions below.
5.	John Chemeleski Trial Court Commissioner Long Beach	AM	See comments on specific provisions below.	See response to specific provisions below.
6.	Robert Chin Contra Costa County	NI	“These forms would be a great help to simplify the attempts to right a wrong...”  * Comment redacted because full comment relates to commentator’s personal case.	See response to specific provisions below.
7.	Family Law and Juvenile Court Operations Managers	NI	<ul style="list-style-type: none"> <li>There are various references to “Visitation (Parenting Time).” We recommend</li> </ul>	Changing all instances in which the term “visitation (parenting time) appears in a rule or

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>	
by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County		<p>switching those references to reflect “Parenting Time (Visitation)” per the recommendation made by the Elkins Task Force. Page 48 of the final report states, <i>“The phrase “parenting time” should be used in statutes and rules of court where applicable instead of “visitation.” Any statutory or rule changes should state that these changes are not intended to change substantive law but rather to use nomenclature that more respectfully describes the time parents are responsible for, or spend time with, their children.”</i></p> <ul style="list-style-type: none"> <li>Throughout the forms and rules the following reference appears: “a completed Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155) must be filed.....” this gives the impression that either form is acceptable when that is not the case. There are specific requirements for the filing of the FL-155. Suggest additional wording wherever this appears to make it clear that the FL-155 is not always appropriate. Rules 5.92(g) and 5.151(c)(2) give generic statements regarding the use of either form: “when relevant to the relief requested”, since the</li> </ul>	<p>form will affect more rules and forms than are in the present cycle. Therefore, the committee prefers to maintain the term “visitation (parenting time)” in the rules and forms in this report and consider making a global changes in a future cycle.</p>	<p>The committee has amended rules and revised forms to clarify the circumstances in which a party may use form FL-155 and when FL-150 is required.</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			FL-155 may not be used if spousal support or attorney fees are being requested, the generic statement may lead a party to file the FL-155 in error.  See comments on specific provisions below.	
8.	Marie Hazlett Head Court Records Systems Clerk Los Angeles County Sheriff's Department	A	I agree to all proposed changes.	No response required.
9.	Legal Aid Foundation of Los Angeles	NI	See comments on specific provisions below.	See response to specific provisions below.
10.	Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney		See comments on specific provisions below.	See response to specific provisions below.
11.	Orange County Bar Association by Ashleigh Aitken President	AM	See comments on specific provisions below.	See response to specific provisions below.
12.	Fariba R. Soroosh Supervising Attorney Self Help Center/Family Law Facilitator's Office Superior Court of Santa Clara County	NI	See comments on specific provisions below.	See response to specific provisions below.
13.	The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch	NI	See comments on specific provisions below.	See response to specific provisions below.

## SPR15-16

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
	Legislative Counsel San Francisco			
14.	The State Bar of California Standing Committee on the Delivery of Legal Services	AM	See comments on specific provisions below.	See response to specific provisions below.
15.	Superior Court of Imperial County, Access Center by Rheeah Yoo Access Center Supervisor and Family Law Facilitator	NI	See comments on specific provisions below.	See response to specific provisions below.
16.	Superior Court of Los Angeles County	AM	See comments on specific provisions below.	See response to specific provisions below.
17.	Superior Court of Sacramento County	NI	<p>...Please note that many of the comments on SPR15-16 are “global”:</p> <ul style="list-style-type: none"> <li>• Consistency with the use of singular v. plural – i.e., we prefer “party” to “parties”</li> <li>• Over use of the word “also”</li> <li>• Consistency when identifying JC forms – i.e., we prefer stating “form FL-xxx” v. “FL-xxx”</li> <li>• Use of old language “child visitation” or</li> </ul>	<p>The committee recommends use of the word “party” or “parties” as it is appropriate within the context of the sentence.</p> <p>The committee recommends changing the forms to reduce the number of times “also” is used.</p> <p>Where space permits, the committee recommends using “form FL-xxx.”</p> <p>Changing all instances in which the term</p>

## SPR15-16

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>“visitation” v. new language “parenting time”</p> <p>See comments on specific provisions below.</p>	<p>“visitation (parenting time) appears in a rule or form will affect more rules and forms than are in the present cycle. Therefore, the committee prefers to consider this change in a future cycle.</p> <p>See response to specific provisions below.</p>
18.	Superior Court of Santa Clara County by Hon. Christine Copeland Commissioner	AM	<p>... FINALLY it is clear that if the restrained party wants to vacate or mod, they are held to CCP 1005 service requirements. Thank you. The statute always said that, but it was easily missed for some reason by litigants, attorneys, sometimes court calendaring staff, etc.</p> <p>See comments on specific provisions below.</p>	<p>No response required.</p> <p>See response to specific provisions below.</p>
19.	Superior Court of San Diego County by Mike Roddy Executive Officer	A	<p>See comments on specific provisions below.</p>	<p>See response to specific provisions below.</p>
20.	Hon. Rebecca Wightman Commissioner Superior Court of San Francisco County	NI	<p>“...I was glad to see that certain changes were made to proposed changed to FL-300 from the last round of comment, however, I still have a number of concerns that were previously raised in the public comment process that I do not believe were adequately addressed. I would ask that the Committee please review the prior public comments submitted (to W14-12)...”</p> <p>See comments on specific provisions below.</p>	<p>See response to specific provisions below and in the comment chart for W14-12.</p> <p>See response to specific provisions below.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>			
<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>

<b>Rule 5.12</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney	The proposed change would delete the term "motion" from the rule and replace it with the term "requests for orders". Although this change would use the terms "request for orders" consistently throughout Family Law RFO's, the terms "request for orders" is not used in the Code of Civil Procedure related to discovery motions.  Recommendation: Use a definitional section which specifies that as used in the rules, "request for orders" and "motion" mean the same thing to avoid confusion when looking at the specific requirements for discovery "motions" in the CCP.	The committee recommends amending the rule to provide a new section, as follows:  (a) <u>Use of terms</u>  <u>In a family law proceeding, the term "request for order" has the same meaning as the terms "motion" or "notice of motion" when they are used in the Code of Civil Procedure.</u>



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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rule 5.62</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney	<p>Comment: The proposed change would delete the term "defendant" from the rule, delete reference to "notice of motion" or "motion" and replace "appeared" with "made a general appearance. Again, the problem arises with the change in the term "motion" and replaced with the term "request for order" when the latter term is not defined in the Code of Civil Procedure which the Rules are intended to implement.</p> <p>Recommendation: There needs to be a definitional section that clarifies that "request for order" under the Rules is synonymous with the term "motion" or "notice of motion" when those terms are used in the Code of Civil Procedure.</p>	<p>The committee recommends amending the rule to provide a new section, as follows:</p> <p>(a) <u>Use of terms</u></p> <p><u>In a family law proceeding, the term "request for order" has the same meaning as the terms "motion" or "notice of motion" when they are used in the Code of Civil Procedure.</u></p>
Superior Court of Los Angeles County	We appreciate the committee's responsiveness to the submitted comments opposing the proposed changes to Rule 5.62(a)(5).	No response required.

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<b>Rule 5.63</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney	<p>Comment: The proposed change would replace the term "motion" with the term "request for order" with respect to procedures to file a "motion to quash" under the Code of Civil Procedure. The term "request for order" is not used in the Code of Civil Procedure.</p> <p>Recommendation: There needs to be a definitional section that clarifies that "request for order" under the Rules is synonymous with the term "motion" or "notice of motion" when those terms are used in the Code of Civil Procedure.</p>	<p>The committee recommends amending the rule to provide a new section, as follows:</p> <p>(a) <u>Use of terms</u></p> <p><u>In a family law proceeding, the term "request for order" has the same meaning as the terms "motion" or "notice of motion" when they are used in the Code of Civil Procedure.</u></p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rule 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney	a. Comment: The proposed rule reorders and clarifies the technical rules for filing a Request for Orders using form FL-300. There appear to be no substantive changes. In Section (b)(1) of the proposed rule, the term DECLARANT is used but is not defined anywhere in the rule. That section of the proposed rule would read, "The Request for Order...must set forth facts sufficient to notify the other party of the declarant's contentions in support of the relief requested."  Recommendation: Replace the term "declarant's" with the term "the moving party's".	The committee recommends amending the rule as suggested by the commentator.
	b. Comment: Under the proposed change, in section (d)(2), the rule references Code of Civil Procedure section 1005 (relating to service of MOTIONS) as applying to Requests for Orders.  Recommendation: Clarify that a "request for orders" is synonymous with a "motion".	The committee recommends amending the rule by adding a new item (a)(1)(C) to provide that <u>"The term "request for order" has the same meaning as the terms "motion" or "notice of motion" when they are used in the Code of Civil Procedure.</u>
	c. Comment: The proposed rule clarifies the service requirements for Requests for Orders as being the same for service requirements of the Code of Civil Procedure.	The committee believes that the above-described recommendation to the rule will respond to the concern raised by the commentator.

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<b>Rule 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>See proposed rule section (f)(3). The term "request for orders" is not used in the Code of Civil Procedure.</p> <p>Recommendation: Clarify that that the term "motion" is synonymous to "request for order".</p>	
<p>The State Bar of California Standing Committee on the Delivery of Legal Services</p>	<p>1. Rule 5.92. Request for Court Order (b)(2) “.....or when relevant to other relief requested.”</p> <p>Change language to <u>“or when a monetary contribution or financial relief is requested.”</u></p> <p>2. Rule 5.92. Request for Court Order (b)(3) “ Must be filed with the Request for Order (form FL-300) when a party seeks child support orders”,</p> <p>Add the following language <u>“and shall be updated every ninety (90) days and filed ten (10) days prior to any other further hearing dates concerning the same Request for Order regarding child support.”</u></p> <p>3. Rule 5.92. Request for Court Order (d) (2) The moving party’s request must be supported by a declaration <u>OR A STATEMENT OF FACTS</u> showing good cause for the court to prescribe shorter times....”</p>	<p>To respond to the concerns of the commentator, the committee recommends amending rule 5.92(b)(2) as follows:</p> <p>The committee recommends various formatting and substantive changes in the rule to better clarify what forms are need when a party seeks support orders, orders about the parties’ finances, or attorney’s fees and costs.</p> <p>The committee is not able to recommend this change without additional public comment.</p> <p>The committee recommends this amendment to the rule.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rule 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>4. Rule 5.92. for Court Order (g)(3) “.....or when relevant to other relief requested. ”</p> <p>Change language to <u>“or when a monetary contribution or financial relief is requested.”</u></p>	<p>The committee recommends various formatting and substantive changes in the rule to better clarify what forms are need when a party seeks support orders, orders about the parties’ finances, or attorney’s fees and costs.</p>
<p>Superior Court of Los Angeles County</p>	<p><b>(1) CRC 5.92(g)(2):</b> should make clear that if a party is seeking unrelated relief the RFO must be served on 16 days notice. The proposed rule could be read to suggest that the RFO on unrelated relief can be set for hearing at the same time as the existing RFO without complying with the 16 day notice rule.</p> <p><b>(2) CRC 5.92(b)(3) and 5.92(g)(3):</b> should indicate that all blanks must be filled in on the Income and Expense Declaration and pay stubs, profit and loss statement, or Schedule C, must be attached.</p> <p>We are supportive of the proposed language in Rule 5.92(g) regarding Responding papers as clear and thorough.</p>	<p>To respond to the concerns raised by the commentator, the committee recommends revising rule 5.92(g)(2) to state:</p> <p><u>“The responding party may request relief related to the orders requested in the moving papers. However, unrelated relief must be sought by scheduling a separate hearing using <i>Request for Order</i> (form FL-300) and following the filing and service requirements for a <i>Request for Order</i> described in this rule.</u></p> <p>The committee recommends amending the rule to incorporate some of the commentator’s suggestions.</p> <p>No response required.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rule 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Service Requirements Rule 5.92(f) (1)(B) on page 31, states that personal service is required when “The responding party has not yet appeared in the case as described in rule 5.62;” However, on the FL-300 INFO item 15 states personal service is required when the respondent has not yet been served with a summons and Petition, but makes no mention of an appearance being necessary. Item 17 states that service by mail is permissible when “Respondent was previously served with a Summons or Petition – it does not indicate that an appearance is necessary to allow service of an RFO by mail. The proposed rule and proposed form do not appear to be consistent.</p>	<p>The committee recommends revising form FL-300-INFO so that it is consistent with rule 5.92(f)(1)(B).</p>
<p>Superior Court of Sacramento County</p>	<p>* Comments</p> <p>Item (b)(2) - this is a good change</p> <p>Item (b)(4) - What is the point of this statement? The statement offers no instruction.</p> <p>Item (b)(5) - This is horrible. This statement will create more continuances and result in more local rules.</p> <p>Item (c)(1) - It is unnecessary to call out specific rules that parties must be complied with. It implies that they don't have</p>	<p>No response required.</p> <p>The committee recommends amending subdivision (b)(4) to reference Information Sheet for Request for Order (form FL-300-INFO), which provides a list of forms that may apply to a party requesting orders.</p> <p>Subdivision (b)(5) is a statement in the current rule. The committee has not received input from the courts that the current rule has created more continuances or resulted in more local rules since the rule became effective on July 1, 2012.</p> <p>The committee believes that is it particularly important that parties understand that there are special</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rule 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	to comply with any Statute not specifically called out.	requirements when requesting temporary emergency (ex parte) orders. Therefore, the committee recommends maintaining the language in the rule.
	Item (c)(2) - Insert (Ex Parte) after the word “Emergency”	The committee recommends amending the rule as suggested.
	Item (c)(3) - The phrase “local court procedures” sanctions unwritten rules which is in violation of Elkins.	The committee believes that it is important that parties understand that they must also comply with local court procedures, especially those that relate to scheduling hearings.
	Item (d)(1) - It is unnecessary to call out specific rules that parties must be complied with. It implies that they don’t have to comply with any Statute not specifically called out.	The committee believes that is it particularly important that parties understand that there are special requirements when requesting temporary emergency (ex parte) orders. Therefore, the committee recommends maintaining the language in the rule.
	Item (d)(3) - This is an editorial comment and does not need to be included.	The committee believes it is important to preserve the Advisory Committee Comment following the rule to reflect the history of, and the rationale for the use of, <i>Request for Order</i> (form FL-300).
	Item (e) - This section (e) adds no value or instruction. We	The committee believes that subdivision (e) should be

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rule 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>recommend it b removed.</p> <p>Item (f)(1) - Remove the reference to “including personal service” it’s unnecessary.</p> <p>Item (f)(2) - The word “paternity” should be replaced with the word “parentage”</p> <p>Item (f)(3) - insert “served by mail or otherwise...” [All other requests for orders and appropriate documents may be served by mail or otherwise as specified in code of Civil Procedure section 1010 et seq. At the end of the sentence remove “including service by mail.”</p> <p>Item (g)(4) - This section (4) adds nothing. The statement adds no instruction.</p>	<p>maintained in the rule to respond to the concerns raised by commentators in the previous comment cycles. The rule adds significant value to the courts. By authorizing the court clerk to issue a <i>Request for Order</i> as a ministerial act in certain circumstances, the rule can save courts significant time when the signature of a judicial officer would have been otherwise been required before filing.</p> <p>The committee recommends no change to subdivision (f)(1). The committee believes that a reference to “personal service” can be helpful to self-represented parties.</p> <p>The committee recommends amending the rule to remove the word “parentage.”</p> <p>The committee recommends no change to subdivision . The committee believes that a reference to “personal service” can be helpful to self-represented parties.</p> <p>The committee recommends amending the rule at (g)(4) to reference the information sheet associated with form FL-320, which provides a list of forms a party may want to complete and file.</p>



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<b>Rule 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Item (g)(5) - This statement will increase continuances and result in more local rules.	Subdivision (g)(5) is a statement in the current rule. The committee has not received input from the courts that the current rule has created more continuances or resulted in more local rules since the rule became effective on July 1, 2012.

<b>Rule 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
California Partnership to End Domestic Violence by Krista Niemczyk Sacramento	<u>Rule 5.94(e)(3)</u> The proposed version of this rule, “No fee will be charged for reissuance of the order unless the order has been dissolved three times previously.” is unclear as currently written. As written, it is punitive and could serve as a deterrent to repeated requests to reissuance. If fees could be assessed in cases where a party has requested reissuance three times previously, it could deter domestic violence survivors who have been unable to effectuate service due to evasion by the other party as well as other factors outside of the survivors’ control. Further, this rule is silent on those cases where a party has a fee waiver in place already. Would this rule supersede the fee waiver, or would those with a fee waiver be exempted from a fee under this rule? These temporary orders are an important tool for survivor safety, and the court should not create barriers and deterrents to survivors seeking a reissuance.	The committee recommends amending the rule to conform to Family Code section 245, which is amended, effective January 1, 2016 by Assembly Bill 1081.  The amended statute states that a fee shall not be charged for the extension of the temporary restraining order and deletes the language about charging a fee if the order had been dissolved three times previously.
The State Bar of California Standing Committee on the	Rule 5.94 Order shortening time (e)(2) Failure to timely serve the Request for Order (FL-300),	The committee recommends amending rule 5.94(e)(e) to

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<b>Rule 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Delivery of Legal Services	any temporary emergency orders and supporting documents or <u>FAILURE</u> to obtain a reissuance will result in all orders included in that Request for Order and Temporary Emergency Orders (form FL-305) <u>TO EXPIRE</u> on the actual hearing date. “	conform to the language of Family Code section (as amended, effective January 1, 2016):  <u>The Request for Order (form FL-300) and Temporary Emergency (Ex Parte) Orders (form FL-305) will expire on the date and time of the scheduled hearing if the moving party fails to:</u>  (1) <u>Have the other party timely served before the hearing with the Request for Order (form FL-300), supporting documents, and any orders issued on Temporary Emergency (Ex Parte) Orders (form FL-305); or</u>  (2) <u>Obtain a court order to continue the hearing and extend the expiration date of the temporary emergency (ex parte ) orders until the end of the continued hearing.</u>
Superior Court of Los Angeles County	We are supportive of the proposed language in Rule 5.94(e) Request for Order; reissuance clear and thorough.	No response required.
Superior Court of Sacramento County	* Commentator suggests inserting “(Ex Parte)” after the word “Emergency.”	The committee recommends amending the rule as suggested by the commentator.

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<b>Rule 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Item (d)(2) - Insert - “on or before” the day papers are due.	The committee recommends amending the rule as suggested by the commentator.
	Item (e)(2) - insert (Ex Parte) after the word “emergency.” Delete “actual” - it implies the court has hearings that are other than actual.	The committee recommends amending the rule as suggested by the commentator.
	Item (e)(3) - Stay with the standard language. Change “dissolved” to “reissued”	To conform to the changes to Family Code section 245, the committee recommends using the term “extended” instead of “reissued.”

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rule 5.151</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Superior Court of Sacramento County	* Comments  Item (c)(3) - insert (Ex Parte) after the word “Emergency”	The committee recommends this change to the rule.
Hon. Rebecca Wightman Commissioner Superior Court of San Francisco County	<ul style="list-style-type: none"> <li>• By combining or “mixing” Ex Parte emergency request information with regular noticed motion information all on one RFO form (upon the CRC 5.151 being revised to require use of RFO vs. courts having been allowed to have a <i>separate</i> Ex Parte Application form), this inadvertently allows the trial court judicial officer to review information on an ex parte basis (for an ex parte hearing) that, but for the fact that both requests must be made on the same form, would not have otherwise been before that judicial officer. The ethical and due process issues raised by such a situation, are some of the very concerns raised by the CJEO opinion. I have attached a copy of the CJEO Opinion for your review. (The opinion may be found at: <a href="http://www.judicialethicsopinions.ca.gov/sites/default/files/CJEO_Formal_Opinion_2014-004.pdf">http://www.judicialethicsopinions.ca.gov/sites/default/files/CJEO_Formal_Opinion_2014-004.pdf</a>)</li> <li>• Suggestion: Please consider – in conjunction with revising FL-300, a CHANGE in the CRC 5.151 to allow an alternative EX PARTE Emergency Application (NOT just a “notice” declaration). By creating this alternative, you can avoid the ethics and other issues raised.</li> </ul>	<p>The CJEO opinion relates to review of motions when no notice has been given or waived. This proposal anticipates that courts will follow rule 5.151 which requires parties to provide notice or good cause for waiver.</p> <p>The committee considered a separate ex parte form, however, it is concerned that it is difficult for the court and the parties to have multiple filings on the same issue. It also seems that most parties have a difficult time separating out which issues of their child custody issue are an emergency versus other issues and that declarations will commonly be confused.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-130</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
California Department of Justice California Restraining and Protective Order Unit	We have reviewed the proposed revisions to the existing form DV-130 and approve of the changes.	No response required.
Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County	Page one, section 4, recommend moving the “original order” and “___ Amended Order” boxes to the top of the form to be consistent with other judicial council forms.	The committee recommends that the check box for “Amended Order be moved to the top of the form.
Marie Hazlett Head Court Records Systems Clerk Los Angeles County Sheriff’s Department	* “... the proposed revision to form DV-130 which adds check boxes to indicate the order is an original or 1st, 2nd, 3rd amended will be extremely helpful to agencies that do the CLETS entries. It will make it very clear when a CLETS entry needs to be updated.”	No response required.
Fariba R. Soroosh Supervising Attorney Self Help Center/Family Law Facilitator’s Office Superior Court of Santa Clara County	-Item 4: Omit “original Order” box and move the “Amended Order” box to the top, next to the title of the form, as it is too confusing place in this spot next to the expiration date. We need not indicate that an order is original as it is assumed so unless the amended box is checked (same as with Petition, for example). Also, ROs are amended for various reasons and putting this box next to the expiration date area may seem as if the expiration date is being amended.	The committee prefers to maintain the “Original” and “Amended” boxes as this revision was developed with significant input from the legal community, including court staff, domestic violence victim advocates, and law enforcement officers. The revision was also approved the Department of Justice, California Restraining and Protective Order Unit.
The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM)	Item 4: Omit “original Order” box and move the “Amended Order” box to the top, next to the title of the form, as it is too confusing place in this spot next to the expiration date. It is unnecessary to indicate that an order is original as it is	The committee prefers to maintain the “Original” and “Amended” boxes as this revision was developed with significant input from the legal community, including court staff, domestic violence victim advocates, and law

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-130</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
by Saul Bercovitch Legislative Counsel San Francisco	presumed. Also, Restraining Orders are amended for various reasons and putting this box next to the expiration date area may seem as if the expiration date is being amended.	enforcement officers. The revision was also approved the Department of Justice, California Restraining and Protective Order Unit.
Superior Court of Los Angeles County	DV-130: Item 24: add "by someone other than the protected person" after "served" (or similar language as on new DV -400 at page 2).  Page 2 : The bold language re consequences for violating the order may be misleading since, in certain circumstances, violation of the order may have other consequences (parole violation, charge for the underlying crime, etc.)	To be consistent with the language in the items in the section, the committee prefers to not include the suggested language  The specific language was not an item on which the committee specifically requested comment. The committee may consider reviewing this language in a future cycle.
Superior Court of Sacramento County	* Comments  Item 3 - Last check box reads " <i>Check here if there are additional protected persons. List them on attached sheet of paper and write, "DV-130, Additional Person," as a title.</i> " - Replace word "write" with "print"  Item 15 - Last check box reads " <i>Check here if more payments are ordered. List them on an attached sheet of paper and write "DV-130, Debt Payments" as a title.</i> " - Replace word "write" with "print"  Item 20 - " <i>Check here if more payments are ordered. List them on an attached sheet of paper and write "DV-130, Payments for Costs and Services" as a title.</i> " - Replace word "write" with "print"	The committee does not recommend changing the language as suggested by the commentator. The use of the word "write" vs. "print" in the Judicial Council forms was previously vetted by the committee and was not among the changes on which the committee sought comment during this cycle.  Same as above response.  Same as above response.

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-130</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Item 25(a) - Replace word “write” with “print”	The committee does not recommend changing the language as suggested by the commentator. The use of the word “write” vs. “print” in the Judicial Council forms was previously vetted by the committee and was not among the changes on which the committee sought comment during this cycle.
Superior Court of Santa Clara County by Hon. Christine Copeland Commissioner	DV-130 24(b)(2)- the current DV-130 says the same thing, but when did we change this? I believe it used to be that if the order made differed from the APPLICATION, and restrained person was not at the hearing, then the DV-130 had to be personally served. Now, if the DV-130 differs from the DV-110 and restrained person was not at the hearing, personal service is required. Rarely would a DV-130 match a DV-110, if the latter is made pending hearing. I point out request for batterers intervention classes as a good example: who would be making that pre-hearing at the DV-110 stage? But many make that after-hearing, at the DV-130 stage. Same for financial orders: who would be making a spousal support order at the DV-110 stage, or a medical bill reimbursement order pre-hearing? Yet many orders would come out of the DV-130 hearing. It would be great to have a rule or legislative fix.	Family Code section 6384(a) provides that mail service is permissible if the “terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining or emergency protective order, except for the duration of the order.  As noted by the commentator, an order for batterer’s treatment or spousal support would not be included in the temporary order, and thus, the order after hearing would require personal service.

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-200</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County	<ul style="list-style-type: none"> <li>Item #1 – form asks for “Name of Person Asking for Protection”, this may not be accurate. This could be a person who has a Protection Order and IS a Protected Person. Recommend changing to: Name of Protected Person or Person Asking for Protection.</li> <li>Item #4 – recommend adding two other items: <i>How to Change or End a Domestic Violence Restraining Order (DV-400)</i> and an option to add amended filings, such as “Amended _____.”</li> </ul>	<p>To address the concerns raised by the commentator, the committee has decided not to recommend revising form DV-200 to include reference to service of a <i>Request for Order</i> (form FL-300). The committee believes the best protocol is for litigants to use the existing family law proof of service forms (FL-330 and FL-335) to serve the <i>Request for Order</i>.</p> <p>The committee does recommend revising the form so that it conforms to the changes to Family Code section 245, which will be amended, effective January 1, 2016 by Assembly Bill 1081.</p>
Superior Court of Sacramento County	<p>Suggested revision - A field should be added to include the submitting party’s name and mailing address.</p> <p>As the form is currently set up, we are unable to determine which party submitted the form (especially true once both parties start using each form for the FL-300).</p> <p>We are unable to determine who to return the form to if it is incomplete.</p>	<p>To address the concerns of the commentator, the committee has decided not to recommend revising form DV-200 to include references to service of a <i>Request for Order</i> (form FL-300). The committee believes the best protocol is for litigants to use the existing family law proof of service forms (FL-330 and FL-335) to serve the <i>Request for Order</i>.</p> <p>The committee does recommend revising the form so that it conforms to the changes to Family Code section 245, which will be amended, effective January 1, 2016 by Assembly Bill 1081.</p>



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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-250</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<ul style="list-style-type: none"> <li>• Item #1 – form asks for “Name of Person Asking for Protection”, this may not be accurate. This could be a person who has a Protection Order and IS a Protected Person. Recommend changing to: Name of Protected Person or Person Asking for Protection.</li> <li>• Item #4 – recommend adding an option to add amended filings, such as “Amended _____.”</li> </ul>	<p>To address the concerns raised by the commentator, the committee has decided not to recommend revising form DV-250 to include reference to service of a <i>Request for Order</i> (form FL-300). The committee believes:</p> <ul style="list-style-type: none"> <li>• Existing family law proofs of service (forms FL-330 and FL-335) should be used to serve a family law form (FL-300).</li> <li>• Using a DV form to serve a FL form is not the culture in family law proceedings and might be confusing to litigants.</li> <li>• Forms DV-250 and FL-250-INFO were designed specifically for the initial request for temporary domestic violence restraining orders.</li> <li>• Further substantive and formatting changes would be required to DV-250-INFO to reflect the expanded use of DV-250 for family law filings. This would require public comment.</li> </ul>
<p>Superior Court of Sacramento County</p>	<p>Suggested revision - A field should be added to include the submitting party’s name and mailing address.</p> <p>As the form is currently set up, we are unable to determine which party submitted the form (especially true once both parties start using each form for the FL-300).</p> <p>We are unable to determine who to return the form to if it is incomplete.</p>	<p>Same as above response.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>California Department of Justice California Restraining and Protective Order Unit</p>	<p>In section 4- Court Orders - We propose the following, The protective orders in <i>Restraining Order After Hearing</i> (form DV-130) issued or modified on (date): _____ are hereby terminated.</p> <p>In many cases, the order is sometimes extended or modified more than once and the issue date is often changed to the date when modified.</p> <p>Section 5 (<i>now item 6</i>)- CLETS Entry – We propose the following verbiage: The court or its designee will transmit this form within one business day to law enforcement personnel for entry into <del>CLETS</del> the statewide Restraining and Protective Order System via CLETS.</p> <p>(CLETS is not a database but it the mechanism used for transporting the data to and from authorized LEA’s, other criminal justice agencies and the DOJ.)</p> <p>We recommend adding “CLETS-CANCEL” at the bottom of the form. We added that on the bottom of existing JC forms many years ago to help the records person know what order type to use when entering into CLETS since we have codes for all the different order types. In this case Form DV- 400 is an order for termination of an existing OAH. This will require a “CANCEL” transaction in CARPOS.</p>	<p>The committee recommends revising the form as recommended by the commentator.</p> <p>The committee recommends revising the form as recommended by the commentator.</p> <p>No response required.</p> <p>The committee recommends adding this language to the bottom of the form.</p>
<p>Family Law and Juvenile Court</p>	<ul style="list-style-type: none"> <li>• We recommend retitling the form to <i>Findings and Notice of</i></li> </ul>	<p>The committee recommends that the form be titled</p>

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<p><i>Termination of Restraining Order and Order</i>, as courts will use this form to make orders.</p> <ul style="list-style-type: none"> <li>• Add instructions to the top of the form to reflect, “Complete numbers 1 and 2 only.”</li> <li>•</li> <li>• Item #3(a) should include the Temporary Restraining Order (DV-110) for instances when parties would like to terminate temporary restraining orders.</li> <li>• Item #3(e) – please clarify if this form will be required for all dismissals or particular dismissals.</li> <li>• Item #4(b) (<i>now 4c.</i>) – this is a statement regarding existing child custody, support, etc. orders remaining in effect and could be confusing when (d) and/or (e) are checked as they conflict. Recommend making (b) a check box to be used when those types of orders will remain.</li> <li>•</li> <li>• Item #4(d) and (e) (<i>now a and b</i>) – recommend adding information to Item #1 in both sections to indicate the date and form # of the modifying order.</li> </ul>	<p><i>Findings and Order to Terminate Restraining Order After Hearing.</i></p> <p>The committee recommends revising the form to include the language suggested by the commentator.</p> <p>This form is intended to cover termination of a restraining order after hearing, as required by Family Code section 6345.</p> <p>The committee recommends not including particular language on the form about dismissals to avoid implying that form DV-400 must be used with all dismissals.</p> <p>The committee recommends revising the form at item 4c to begin with “Unless modified or terminated by court order.” The committee prefers that the item remain a statement rather than a check box.</p> <p>The committee recommends revising the form as suggested by the commentator.</p>
<p>Legal Aid Foundation of Los Angeles</p>	<p>The family law advocates at Legal Aid Foundation of Los Angeles—who have significant experience representing domestic violence survivors—in collaboration with our LAFLA Self Help Center colleagues, have reviewed the Judicial</p>	<p>No response required.</p>

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Council’s proposed new DV-400 form and the proposed changes relating to modifying and terminating domestic violence restraining orders.</p> <p>First, we are grateful to the Committee for carefully considering the relevant feedback received from three previous public comment periods, and for recognizing that these changes are controversial and potentially hazardous to victims of violence. We also recognize that California Family Code (CFC) § 6380(f) mandates the Judicial Council to adopt forms for restraining order modifications and terminations.</p> <p>With regard to balancing the tensions between these issues, we respectfully offer the following comments, feedback, and suggestions and hope that you will carefully consider the following proffered modifications:</p> <p><b>1. NOTICE: Service and Identification Requirements:</b></p> <p>As you well know, the new DV-400 would become the Judicial Council’s mandatory form for use when terminating a CLETS civil restraining order in California. One of the major reasons termination of these orders is potentially hazardous to domestic violence victims is notice. The Judicial Council must ensure that the new forms and instructions comport with the requirements of CFC § 6345(d), which provides for personal service (or service on the Secretary at State for those victims registered in the Safe At Home program.)</p>	<p>No response required.</p> <p>No response required.</p>

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>It is particularly crucial that any person protected by a DV-130 CLETS order properly receives timely notice and an opportunity to be heard to object, if desired, or otherwise they will be left extremely vulnerable. This often happens with criminal protective orders that can expire prior to the expiration date written on the form (for example, when probation is terminated, or the restrained person is incarcerated. This latter situation is more of a problem than may appear at first blush because of early release dates.)</p> <p>Due to the high-conflict nature of domestic violence relationships, we are concerned about the potential for fraud regarding actual service and appearance at hearings. What if the Protected Party is not the person who was personally served, did not receive notice of the upcoming hearing, and was not the individual who appeared as the Protected Party at the designated hearing? In an attempt to avoid such fraud, we propose the following safeguards:</p> <p><b>a. Additional Court Service by Mail</b>            We propose that <i>in addition</i> to the personal service requirement, a clerk of the Superior Court be required to send out a notice by mail to the Protected Party to the most recent address on file. This additional method of service (i) would create only minimal additional costs for the Court; (ii) is already a service the Court provides in certain other situations or cases (trial setting conferences, unlawful</p>	<p>No response required.</p> <p>While the concerns of the commentator are appreciated, the committee does not recommend revising the rule to require the clerk to mail the notice as suggested. This would require clerks to be able to identify these cases. Setting up a procedure that is significantly different than other family law and domestic violence matters would be difficult for the courts to implement at this time,</p>

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>detainer matters<sup>1</sup>); and (iii) protects the Court by reducing the possibility of fraud and the potential subsequent hazardous consequences.</p> <p><b>b. Protected Party: Valid Identification Necessary</b> In order to ensure that the person who appears at the hearing <i>is actually</i> the Protected Party, we propose that the alleged Protected Party be required to show a valid identification document (such as California ID or valid passport) to the court clerk on the day of the hearing. This will ensure that the Restrained Party cannot bring someone else to the hearing, fraudulently claiming to be the Protected Party. We are aware of anecdotes of this type of fraud and know of some courtrooms already utilizing a practice of checking identification.</p> <p><b>c. Additional time for service for Safe At Home Registered Litigants</b> For those litigants who have registered with the Safe At Home program, we request that the Court provide for additional time for the hearing, allowing for the fact that mail via the Safe At Home program will take longer to reach the intended recipient. Appropriate extra time would be a minimum of eight days, three additional days pursuant to Government Code § 6207’s time allowance for the forwarding of mail by the Secretary of State and five</p>	<p>particularly given the cutbacks in staffing.</p> <p>This recommendation does not prevent courts from establishing or continuing such a local practice.</p> <p>The committee recommends revising item 3 in form DV-400 to include a finding that a protected person who appeared at the hearing and verifying his or her identity. The committee believes that this recommendation is institutionalizing a best practice, not putting an undue burden on the court, since most people travel to court with some kind of identification.</p> <p>The committee recommends including in DV-400-INFO a notice for the restrained party to let the court clerk know if the other party participates in the Safe at Home program. The restrained party will need to request a hearing date to allow time for the protected party to receive notice of the court hearing from the Secretary of State.</p>

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>additional days for mailing from the SAFE at Home program onto the litigant, under CCP §1013.</p> <p>In addition, we propose that any litigant signing a proof of service to a Safe At Home registrant include a valid registration number for that registrant, if this information is properly recorded in the case file on a Notice of Change of Address form or other filed document.</p> <p><b>d. Personal Service by a Sheriff or Registered Service Professional</b>                      The current proposal requires personal service on the Protected Party of any request to modify or terminate a restraining order currently in effect. We would favor service of a DV-400 form and any attachments being perfected by either a sheriff or a registered service professional. This will help to avoid the problems associated with false proofs of service and maintain the highest possible protection for the domestic violence victim. We believe it would be appropriate for the sheriff to charge for such service (subject to the use of a fee waiver by eligible litigants.) This accords with the language of VAWA, which provides for free service for victims of domestic violence, but not for the restrained party (bold font added):  <b>VAWA Language on no fee</b>                      U.S. Code › Title 42 › Chapter 46 › Subchapter XII-H › § 3796gg-5</p>	<p>The committee prefers to recommend that form DV-400-INFO include a notice about special service requirements for protected parties who are registered with the Safe at Home program. The form would also include a link to that web site.</p> <p>The committee does not recommend this change in service requirements without a specific amendment in the Family Code.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>42 U.S. Code § 3796gg-5 - Costs for criminal charges and protection orders                      (a) In general                      A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, or unit of local government—                      (1) certifies that its laws, policies, and <b>practices do not require</b>, in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, sexual assault, or stalking, <b>that the victim bear the costs</b> associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction;</p> <p><b>California FC language on no fee for ROs</b>                      6222. There is no filing fee for an application, a responsive pleading, or an order to show cause that seeks to obtain, modify, or enforce a protective order or other order authorized</p>	<p>The committee recommends revising the information sheet to reflect that there is no fee to file a request to change or end a <i>Restraining Order After Hearing</i> (form</p>



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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>by this division <b>when the request for the other order is necessary to obtain or give effect to a protective order.</b> There is no fee for a subpoena filed in connection with that application, responsive pleading, or order to show cause.</p> <p><b>2. <u>OTHER ORDERS: Proposal for Additional Options &amp; Attached Forms, FL-341 et seq.:</u></b></p> <p>The proposed DV-400 form provides for the Court not only to modify or terminate a CLETS restraining order, but also to modify or terminate other orders including those for child custody, visitation and support; and for spousal or domestic partner support. The Court might not modify or terminate any of those orders, thus leaving those boxes blank.</p> <p>We are concerned that the current form design makes it too easy for a litigant to fraudulently check one of the available boxes <i>after</i> the Court makes its orders. These DV-400 orders (like TROs and ROAHs) would most likely be hand-written by the Judicial Officer at the time of the hearing, thus an additional hand-written “x” would be easy to add after the fact.</p> <p>In response, we propose that the form have additional options at #4(d) and (e): “Have not been modified” and “Have not been terminated.” Further, we propose that for any of these modifications, the Court be required to attach the appropriate FL-341-343 or DV 140 form, indicating precisely what modifications are made, thus the forms need appropriate check</p>	<p>DV-130) under Family Code section 6222. The committee also recommends that this section specify that, under rule 5.381 of the California Rules of Court, <i>after</i> the restraining order ends, the court may charge a fee to file a request to change the child custody, visitation, and support orders granted in form DV-130.</p> <p>The committee recommends adding checkboxes in item 4 a and b to provide an option to indicate that orders relating to child custody, visitation, or spousal, domestic partner, or child support remain in effect.</p> <p>Same as above response.</p> <p>The committee recommends adding checkboxes in item 4 a and b to provide an option to indicate that orders relating to child custody, visitation, or spousal, domestic partner, or child support remain in effect.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>boxes, indicating which forms are attached.</p> <p><b><u>3. PREVIOUS REQUEST(S): Requirement to Notify Court re Previous Requests for Same Orders:</u></b></p> <p>We are also concerned about the possibility of litigation abuse, such as is evident in <i>Lister v. Bowen</i>, (2013), 215 Cal.App.4th 319 (“The court was also concerned about the number of hearings held on the matter. It indicated its view that Bowen could not “let this go” . . .” <i>Lister</i> at 328.) We, therefore, propose an additional inquiry on the proposed DV-400 and FL-300 forms, copying the language from the proposed form FL-303, paragraph 6, asking the moving party to address whether s/he has made the same request previously, and if so, to provide details. Such an inquiry would notify the trier of fact whether or not there has been a history of prior unsuccessful filings, information that is not revealed by the modifications offered by FL-300, page 2, 1(e) and 2(b), which only recognize successful prior modifications.</p> <p><sup>1</sup> In Los Angeles County, after a significant problem with inadequate service in unlawful detainer (“UD”) cases resulting in default judgments, the Court now mails notice of UD filing to tenants upon filing of all unlawful detainer actions. The interests to be protected in a proposed termination of restraining order are no less important than those in an eviction.</p>	<p>Form DV-400 is meant only to note and transmit the termination of a restraining order after hearing into the statewide Restraining and Protective Order System. Therefore, the committee does not recommend revising the form for a party to provide details about how many times the party has made a request to terminate the restraining order after hearing.</p>
	-Add the word “order” to the title for clarity.	The committee recommends a revised title that includes

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>-Include information regarding Judicial Officer’s name, courtroom number and date and time of hearing. This item could be placed between items 2 and 3 or there is space below the “Case Number” box.</p> <p>-Item 3(a): Require filing date of the RO being terminated to be consistent with item 4.</p> <p>-Item 3(b)(3): Make it simple and replace “designed to afford actual notice” with, for example, “to make sure that the other party receives notice of your request and the hearing”.</p> <p>-Item 3(d): Omit this option as it may encourage RP’s to approach PP’s for such stipulations. PP’s may mistakenly believe that it is OK for RP to contact them for this purpose. This may create a huge safety risk for PP’s.</p> <p>-Item 3(e): Is this why the word “Notice” is used in the title? As I understand it, this form can be used to communicate through CLETS that the RO is terminated because the case was dismissed previously. I have seen situations where a case was dismissed but the Clerk did not enter an order into CLETS terminating the RO based on the dismissal of the case.</p> <p>-Item 4(b)(<i>now c</i>): Insert “Unless the case was dismissed” at</p>	<p>the word “order.”</p> <p>The committee recommends revising the form to include information regarding Judicial Officer’s name, courtroom number and date and time of hearing.</p> <p>The committee prefers that this section focus on identifying the party that filed the request to terminate.</p> <p>The committee recommends simplifying the language at item 3(b)(3).</p> <p>The committee prefers that the item remain to reflect the relief cited in the statute. However, the committee also recommends revising the information sheet (form DV-400-INFO) to specify that a restrained party may not violate a restraining order to contact the protected party.</p> <p>The committee recommends revising the title of the form to “Findings and Order to Terminate Restraining Order After Hearing.”</p> <p>The committee recommends revising the item to start</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>the start of this provision to avoid confusion as this provision applies in every case where this form is used even if item 3(e) is checked as the reason for issuance of this order.</p> <p>-Item 4(c)(now d): This provision needs clarification and simplification as the word “civil” includes family law matters and most SRL’s do not know what “probate” means. This item can be changed to state, for example, “This order does not modify or terminate any non-family law restraining or protective orders” and perhaps continue with “including, but not limited to, Criminal Protective Orders.”</p>	<p>with “unless modified or terminated by court order...”</p> <p>The committee recommends that the sentence state that the order does not modify or terminate any other criminal, juvenile, civil, or probate orders.</p>
<p>The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco</p>	<p>-Add the word “order” to the title for clarity.</p> <p>-Include information regarding the Judicial Officer’s name, courtroom number and date and time of hearing. This item could be placed between items 2 and 3 or there is space below the “Case Number” box.</p> <p>-Item 3(a): Require filing date of the RO being terminated to be consistent with item 4.</p> <p>-Item 3(b)(3): Simplify and replace “designed to afford actual notice” with “to make sure that the other party receives notice of your request and the hearing”.</p> <p>-Item 3(d): Omit this option as it may encourage restrained</p>	<p>The committee recommends a revised title that includes the word “order.”</p> <p>The committee recommends revising the form to include information regarding Judicial Officer’s name, courtroom number and date and time of hearing.</p> <p>The committee prefers that this section focus on identifying the party that filed the request to terminate.</p> <p>The committee recommends simplifying the language at item 3(b)(3).</p> <p>The committee prefers that the item remain to reflect the</p>

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>parties to approach protected parties for such stipulations. Protected parties may mistakenly believe that it is acceptable and permissible for the restrained party to contact him/her for this purpose. This may create a significant safety risk for the protected person.</p> <p>-Item 3(e): Is this why the word “Notice” is used in the title? As we understand, this form can be used to communicate through CLETS that the RO is terminated because the case was dismissed previously. FLEXCOM reports cases where an RO is dismissed but the Clerk did not enter an order into CLETS terminating the RO.</p> <p>-Item 4(b)(<i>now c</i>): Insert “Unless the case was dismissed” at the start of this provision to avoid confusion as this provision applies in every case where this form is used even if item 3(e) is checked as the reason for issuance of this order.</p> <p>-Item 4(c)(<i>now d</i>): This provision needs clarification and simplification with regard to the words “civil” and “probate”. This item can be changed to state, for example, “This order does not modify or terminate any non-family law restraining or protective orders” and perhaps continue with “including, but not limited to, Criminal Protective Orders.”</p>	<p>relief cited in the statute. The committee recommends that the information sheet state that a restrained party must not violate a restraining order to contact the protected party.</p> <p>The committee recommends revising the title of the form to “Findings and Order to Terminate Restraining Order After Hearing.”</p> <p>The committee recommends revising the item to start with “unless modified or terminated by court order...” A case that is dismissed falls under the current language, “unless changed by court order.”</p> <p>The committee recommends that the sentence state that the order does not modify or terminate any other criminal, juvenile, civil, or probate orders.”</p>
The State Bar of California Standing Committee on the Delivery of Legal Services	DV-400 – This is a good form that provides the court with all the findings necessary prior to terminating a restraining order. This should make the orders more uniform.	No response required.

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>However, section No. 4 “Court Orders” is a bit confusing. Item (b) (<i>now c</i>) states that custody/visitation/support orders survive termination of the DVRO unless changed by court order. However, item (d) (<i>now a</i>) then states that the orders were terminated or modified. Item (b)(<i>now c</i>) is standard language on the form, not a check box. Item (d) (<i>now a</i>) is a check box. Insertion of clarifying language should be considered. For example, at Item (b)(<i>now c</i>) adding the language, “and remain in effect unless changed by court order or terminated as stated below in Item (d)(<i>now a</i>).”</p>	<p>The committee recommends revising item 4 to include the commentator’s suggestions.</p>
<p>Superior Court of Los Angeles County</p>	<p>The proposed title of the new form DV400 “Findings and Notice of Termination of Restraining Order” should be changed to “Findings and Notice of Modification and/or Termination of Restraining Order.” The name of the form is misleading as it does allow for modification of the restraining order.</p>	<p>The committee agrees to recommend a different title for this form to avoid confusion. The form is only to be used to reflect termination of form DV-130. If form DV-130 is amended, DV-130 is to be used to note it is an amended order.</p>
<p>Superior Court of Sacramento County</p>	<p>* Comments</p> <p>Items 1-3 - Form should be consistent “party” or “person”</p> <p>Item 4 (b) and (d) (<i>now a and b</i>)- approved language for “child visitation” is “parenting time”</p>	<p>The committee recommends revising item 1 and 2 to state “Name of Protected Party” and “Name of Restrained Party.”</p> <p>The committee has changed all references to “visitation” to “visitation (parenting time)”.</p>

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<b>DV-400</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Item 6 ( <i>now</i> 7)- Why not use party designations here since there is room on the page? The numbers are confusing and make the service instructions harder to read, especially for SRL/pro pers.	The committee recommends revising item 6 as requested by the commentator.
Superior Court of Santa Clara County by Hon. Christine Copeland Commissioner	<p>DV-400: Items 1 and 2 use "person" then right below, items 3 and 4 use "party." You may want to sync up and choose just "person" or "party" and then use uniformly.</p> <p>DV-400 and DV-400 INFO I am confused after reading the proposal and forms a few times: is "change" the same as "renew" the RO? If the renewal process and forms remain intact as of 1/1/16, then maybe we should make clear on the INFO sheet that if you want to renew an existing order, do not use the RFO form set...</p> <p>Otherwise, I know my SRLs and they are going to equate a request for "change" with a renewal request (and who could blame them- that would be a change) and use the RFO form set.</p>	<p>The committee recommends revising item 1 and 2 to state "Name of Protected Party" and "Name of Restrained Party."</p> <p>As used in the rules and forms, "change" means "modify," not "renew." The committee recommends revising the information sheet (form DV-400-INFO) to specify the forms needed to ask the court to renew the restraining order after hearing.</p> <p>The committee recommends revising the information sheet (form DV-400-INFO) to refer to form DV-700 if a party wants to renew the restraining order after hearing.</p>

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<b>DV-400-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
California Department of Justice	Section 2 – 1st check box. Restraining Orders that protect persons from violence or threat of violence by others, including personal conduct, no contact, stay-away, move out, firearm <i>exemptions</i> , recording of unlawful communications. The only way this can be modified would be if the court had a finding for this exemption.	The committee recommends deleting “firearms” from item 2.
California Partnership to End Domestic Violence by Krista Niemczyk Sacramento	Deciding to change or end a restraining order is an important decision that can have serious consequences for a survivor. As such, we would recommend that the DV-400-INFO include a statement about consulting with a domestic violence advocate and/or an attorney should be included. Similar information is currently provided on several Judicial Council forms, including the DV-500-INFO; DV-505-INFO, and DV-520-INFO. At minimum, the language included in these existing forms should be inserted into the DV-400-INFO. The text is provided here as reference:  Need more help? Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline: 1-800-799-7233 <b>TDD: 1-800-787-3224</b> It’s free and private. They can help you in more than 100 languages.	The committee recommends revising the form to include the language suggested by the commentator.



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<b>DV-400-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><u>Should the form instruct a party to attach a copy of the current court ordered <i>Restraining Order After Hearing</i> (DV-130) if seeking to modify, terminate, or respond to a request about that order?</u></p> <p>As was noted above with reference to the form FL-300, we believe that the instruction should ask the party to attach the DV-130 <i>only if it is available</i>. While we agree that attaching the DV-130 does allow the court to be more efficient, in many instances survivors have lost their DV-130 or their existing DV-130 has been damaged and is difficult to read clearly. These survivors should not be penalized.</p>	<p>The committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130.</p>
<p>Legal Aid Foundation of Los Angeles</p>	<p>Again, we do believe that in any request to modify or terminate a restraining order that the Restraining Order After Hearing should be attached. Therefore, the instructions should indicate that the moving party must attach to their request. We do not believe it is necessary to attach the Restraining Order After Hearing to a response to a request as it would be duplicative. (Cf. above section 3: Previous Requests)</p>	<p>After considering all the comments on this issue, the committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130. The court has access to the filed order and requiring a party to attach the order may cause undue delay or cost in filing the request.</p>
<p>Orange County Bar Association by Ashleigh Aitken President</p>	<p>*The form should instruct a party to attach a copy of the current order on form DV-130 if seeking to modify or terminate the order. This procedure makes it consistent with the FL-300 request.</p>	<p>After considering all the comments on this issue, the committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130. The court has access to the filed order and requiring a party to attach the order may cause undue delay or cost in filing the request.</p>
<p>Fariba R. Soroosh</p>	<p>Item 4: Include (repeat) an admonishment to RP’s not to</p>	<p>The committee recommends revising the form as</p>

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<b>DV-400-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Supervising Attorney Self Help Center/Family Law Facilitator's Office Superior Court of Santa Clara County	contact PP's as the contact may be in violation of the existing RO. This may also avoid any coercion and undue pressure that RP's may exert upon PP's. This poses a huge safety risk for PP's.	suggested by the commentator.
The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco	-Item 4: Include (repeat) an admonishment to restrained parties not to contact protected parties as the contact may be in violation of the existing Restraining Order. This may also avoid any coercion and undue pressure that restrained parties may exert upon protected parties. This poses a significant safety risk for protected parties.	The committee recommends revising the form as suggested by the commentator.
The State Bar of California Standing Committee on the Delivery of Legal Services	<u>Re: form DV-400-INFO</u> Should the form instruct a party to attach a copy of the current court ordered <i>Restraining Order After Hearing</i> (DV-130) if seeking to modify, terminate, or respond to a request about that order? Yes.  This new form explains to the litigants how a DVRO can be modified or terminated. However, at Item 3, the language regarding custody/visitation/support orders states that these orders will remain in effect after termination of the DVRO. Language should be inserted that the orders will remain in effect unless terminated or modified by order of the court.	After considering all the comments on this issue, the committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130. The court has access to the filed order and requiring a party to attach the order may cause undue delay or cost in filing the request.  The committee recommends revising item 3 as suggested by the commentator.

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>DV-400-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Superior Court of Los Angeles County	<p>Re: form DV-400-INFO Should the form instruct a party to attach a copy of the current court ordered Restraining Order After Hearing (DV-130) if seeking to modify, terminate, or respond to a request about that order? No for the reason indicated in #3 above.</p> <p>Form DV-400-INFO page 3-regarding “Pay filing fees”- Is it up to each Court to determine if a filing fee will be charged to file a request to terminate a restraining order or to modify custody, visitation or support orders if the restraining order is expired?</p>	<p>After considering all the comments on this issue, the committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130. The court has access to the filed order and requiring a party to attach the order may cause undue delay or cost in filing the request.</p> <p>The committee recommends revising the form to state that there is no fee to file the request. It should be noted, however, that when restraining order is no longer in effect, the court may charge a filing to fee to modify orders made in DV-130 relating to child custody and visitation (parenting time), child support, and spousal and domestic partner support under rule 5.381 of the California Rules of Court.</p>
Superior Court of Sacramento County	<p>* Item 2 at second check box - “Names of Protected People” - this implies the form can be used to request a name change, i.e., changing from married name to maiden name.</p> <p>Item 2 at fourth check box and in Item 3 - The phrase “child visitation” was changed by JC to “parenting time.”</p> <p>Item 4 - This sounds like notice is the only requirement.</p> <p>Item 5 - Revise title to: “How do I ask to change or end the Restraining Order”</p>	<p>The committee recommends rewording item 2 to state that the list of protected persons can be changed.</p> <p>The committee recommends revising the form to state “child visitation (parenting time).”</p> <p>The committee recommends several changes to item 4 to address the issue raised by the commentator.</p> <p>The committee recommends that the form be titled to clarify that a the procedure applies only to a restraining order after hearing (and not to a temporary order).</p>

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<b>DV-400-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Throughout Item 5 - There is an overuse of the word “also.” It is not necessary.	The committee recommends the changes suggested by the commentator.
	Item 5(d) at first check box - The word “form” should be in lower case	The committee recommends the changes suggested by the commentator.
	Item 5(d) at second check box - Insert word “form”. There should be consistency in the referencing of forms, i.e., “form FL-150” or “FL-150.” This document is not consistent. We recommend using the word from “form”.	Due to space constraints the committee has decided to list the forms in item 5 starting with “FL.”
	Items 5(c)-(d) at first check box - Delete the reference “A current.” The likelihood that there is a recently filed form FL-150 is very low - no need to say current.	The committee prefers that the word “current” remain in the description of form FL-150 or FL-155.
	Item 5(e) and 5(F) for all check boxes - Insert word “form”. There should be consistency in the referencing of forms, i.e., “form FL-150” or “FL-150.” This document is not consistent. We recommend using the word from “form”.	The committee recommends adding “form” as suggested by the commentator.
	Item 7 - Email address should be added. As electronic filing expands, it is important to ensure courts collect email addresses.	The committee recommends this change to the form.
	Item 7 at bullet 1 - Replace the word “write” with “print”. Replace “parties” with “party”	The committee does not recommend this global change to the forms.
	Item 7 at bullet 2 - Replace “visitation” with “parenting time”	The committee recommends revising the form to state

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<b>DV-400-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Item 7 at Item 1 - Replace “write” with “print”</p> <p>Item 7 at Item 3 - Use singular reference to persons. Replace “parties” with “party”</p> <p>Item 8 at paragraph 3 - Replace “write” with “print”</p> <p>Item 13 - the word “Form” should be in lower case.</p>	<p>“visitation (parenting time).”</p> <p>The committee does not recommend this global change to the forms.</p> <p>The committee does not recommend this change. The term “parties” is proper in the context of the sentence, since there may be one or more other parties in the case.</p> <p>To remain consistent with other forms, the committee does not recommend this change.</p> <p>The committee recommends this change.</p>
<p>Superior Court of Santa Clara County by Hon. Christine Copeland Commissioner</p>	<p>DV-400 and DV-400 INFO I am confused after reading the proposal and forms a few times: is "change" the same as "renew" the RO? If the renewal process and forms remain intact as of 1/1/16, then maybe we should make clear on the INFO sheet that if you want to renew an existing order, do not use the RFO form set...</p> <p>Otherwise, I know my SRLs and they are going to equate a request for "change" with a renewal request (and who could blame them- that would be a change) and use the RFO form set.</p>	<p>The committee recommends adding a note in item 2 that a party must use <i>Request to Renew Restraining Order</i> (form DV-700) to renew a restraining order. Also, to avoid confusion, the committee recommends deleting the box in item 2 that infers that a party must file a request to change or end a restraining order if he or she wants to change the end date of the restraining orders.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>California Judges Association by Joan P. Weber California Judges Association President</p>	<p><i>Form FL - 300, Request for Order, Page 2</i></p> <p>The primary purpose of this form is to give notice of the orders that are being requested. Unfortunately this form, like the existing version, fails to leave enough space to indicate even a summary of what custody/visitation/parenting plan orders are being requested, requiring the applicant to provide that information on a separate form. Unfortunately, in practice many applicants, with or without attorneys, fail to do so or simply state that it is contained in a declaration, requiring the reader to search through other pages to find out what is being re-quested. A description of the order being requested should have much higher priority than a description of the existing orders (which is on the existing and proposed form) as that information could be obtained from other sources in the court file.</p> <p>The form is also unnecessarily complicated by having separate option sections for “Child Custody” and for “Child Visitation/Parenting Time”, requiring the applicant to determine if his or her request falls under one or the other or both categories. Some applicants might consider a request for a holiday as a visitation request, however, the holiday schedule is listed as an attachment to the “Child Custody” request and is not mentioned in the section for the visitation request . Both of these sections have an option for attaching the three page form FL-311, “child custody and visitation application attachment”. Since both paragraphs refer to that same</p>	<p>To address the concerns raised by the commentator, the committee recommends making a global change to form FL-300 to create more space under each item for a party to specify the orders they are requesting. The recommendation includes revising the form to create additional space for a party to explain the child custody, visitation (parenting time), or parenting plan orders that the moving party is requesting.</p> <p>To address the concerns raised by the commentator, the committee recommends combining the items for child custody and visitation (parenting time), so that they will share the same information about the children and the same references to Judicial Council forms relating to these subjects.</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>attachment it would simplify the form to have these two sections (paragraphs 1 and 2 on page 2) combined into one section entitled “Child Custody and/or Child Visitation/Parenting Time”. This would then leave additional space for use by the applicant in stating what orders are actually being requested on the “Request for Order” form. Many applications to obtain or modify existing orders have requests that can be described in a few sentences or less, such as “I would like to change the Tuesday visitation to Wednesday” making it unnecessary to have to attach another 3 page form.</p> <p>Additional space on the FL-300 “Request for Order” form could also be provided by moving paragraph 3, “Child Support”, to the following page so all of that section would be on the same page (page 4) of the FL-300 form.</p>	<p>To address the concerns raised by the commentator, the committee recommends making a global change to form FL-300 to create more space under each item for a party to specify the orders they are requesting. The recommendation includes revising the form to create additional space for a party to explain the child custody, visitation (parenting time), and child support orders that the moving party is requesting.</p> <p>See above response.</p>
<p>California Partnership to End Domestic Violence by Krista Niemczyk Sacramento</p>	<p><b>Re: form FL-300</b> (1) <u>Should the language at item 4 on page 1 be deleted as proposed?</u> The Partnership agrees with the proposed deletion.</p> <p>(3) <u>Should item 8 include an instruction requiring a moving party to attach a copy of the current court ordered Restraining Order After Hearing (DV-130) if seeking to modify or terminate that order?</u> We believe that the instruction should ask the party to attach the DV-130 <i>only if it is available</i>. While we agree that attaching the DV-130 does allow the court to be more efficient, in many</p>	<p>The committee recommends deleting the Order to Show Cause language in item 4.</p> <p>After considering all the comments on this issue, the committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130. The court has access to the filed order and requiring a party to attach the order may cause undue delay or cost to the litigant in filing the request.</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>instances survivors have lost their DV-130 or their existing DV-130 has been damaged and is difficult to read clearly. These survivors should not be penalized. It is also worth noting that form FL-300 does not require parties who are seeking to modify other orders, such as child custody or support orders, to attach their existing order. We believe it would be unfair to impose this requirement only in DVRO cases.</p> <p>(4) <u>Should a separate check box be added to items 1 through 4 (as shown on pages 2 and 3 of form FL-300) for a party to indicate that he or she seeks modification of orders for child custody, visitation (parenting time), and support that are found in the Restraining Order After Hearing (form DV-130)?</u> The Partnership does not object to the addition of a separate check box.</p>	<p>After considering all the comments on this issue, the committee does not recommend that the form include a separate check box.</p>
<p>John Chemeleski Trial Court Commissioner Long Beach</p>	<p>Page 2, par. 1 &amp; 2, Custody, Visitation: The primary purpose of this form is to give notice of the orders that are being requested. Unfortunately this form, like the existing version, fails to leave enough space to indicate even a summary of what custody/visitation/parenting plan orders are being requested, requiring the applicant to provide that information on a separate form. Unfortunately, in practice many applicants, with or without attorneys, fail to do so or simply state that it is contained in a declaration, requiring the reader to search through other pages to find out what is being requested. A description of the order being requested should</p>	<p>To address the concerns raised by the commentator, the committee recommends making a global change to form FL-300 to create more space under each item for a party to specify the orders they are requesting. The recommendation includes revising the form to create additional space for a party to explain the child custody, visitation (parenting time), or parenting plan orders that the moving party is requesting.</p>



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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>have much higher priority than other portions such as a description of the existing orders (which is on the existing and proposed form) as that information could be obtained from other sources in the court file.</p> <p>The form is also unnecessarily complicated by having separate option sections for “Child Custody” and for “Child Visitation/Parenting Time”, requiring the applicant to determine if his or her request falls under one or the other or both categories. For example some applicants might consider a request for a holiday as a visitation request, however, the holiday schedule is listed as an attachment to the “Child Custody” request and is not mentioned in the section for the visitation request.</p> <p>Both of these sections have an option for attaching the three page form FL-311, “child custody and visitation application attachment”. Since both paragraphs refer to that same attachment it would simplify the form to have these two sections (paragraphs 1 and 2 on page 2) combined into one section entitled “Child Custody and/or Child Visitation/Parenting Time”. This would then leave additional space for use by the applicant in stating what orders are actually being requested on the “Request for Order” form. Many applications to obtain or modify existing orders have requests that can be described in a few sentences or less, such as "I would like to change the Tuesday visitation to Wednesday" making it unnecessary to have to attach another 3</p>	<p>To address the concerns raised by the commentator, the committee recommends combining the items for child custody and visitation (parenting time) . They will continue to be separate check boxes in case a party only wants to change visitation (parenting time), but they will share the same information about the children and the same references to Judicial Council forms relating to these subjects.</p> <p>Same as above response.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>page form.</p> <p>The heading on page one should then combine the “Child Custody” option box with the “Visitation (Parenting Time)” option box to have one box entitled “Child Custody, Visitation, Parenting Time” to simplify the form and avoid confusion as to which category a request falls into.</p> <p>Additional space on the FL-300 “Request for Order” form could also be provided by moving paragraph 3, “Child Support”, to the following page so all of that section would be on the same page (page 4) of the FL-300 form. Paragraph 7 “Property Control” at the bottom of page 3 could then be moved to page 4 so all of the “Property Control” section would be on the same page (page 4).</p> <p>Corresponding changes should then be made to the Responsive Declaration form (FL-320)</p> <p>Page 3, par. 5 Attorney’s fees and Costs: This section fails to provide space for the amount of attorney fees and costs that are being requested forcing the reader to thumb through numerous other pages to hopefully find this information. It would take very little space to accommodate this as in the existing form.</p> <p>Par 10 on page 4 “Order Shortening Time” may be confusing</p>	<p>The committee prefers to maintain the child custody and visitation (parenting time) items in the caption on page one as separate check boxes. This will cover situations in which a party only seeks to modify an order for visitation (parenting time).</p> <p>The committee recommends revising the form to maintain all items intact instead of straddling them between pages.</p> <p>The committee recommends revising form FL-320 as suggested by the commentator.</p> <p>The committee recommends adding a blank space to allow a party to indicate the total amount of attorney’s fees and costs being requested.</p> <p>The committee does not recommend revising the form as</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>as the Court will not see that request until the after the case has already been set for hearing unless there has been a request for emergency orders (REO). RFOs without the REO would be set on calendar for hearing by the clerk’s office without knowledge of the REO as no one would be reading the RFO unless presented to the Court as an REO. Such a request should be on the first page near the hearing date space so the clerk could spot it and refer it to the appropriate judicial officer. This section also fails to advise the applicant of the requirements of proposed Rule of Court 5.92.</p>	<p>suggested by the commentator. Rules 5.151-5.169 requires a party to request an order shortening time as a temporary emergency order. This means that a party must submit a declaration showing that the notice requirements of the rules have been satisfied. Thus, the court will have notice of the temporary emergency orders a party is requesting by reviewing the separate declaration that a party must file to demonstrate that notice of the ex parte request was given to the other party. The clerk could also spot all the ex parte requests from reviewing the declaration instead of reviewing each item on form FL-300.</p>
<p>Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<p>Page one, the <i>Request for Order</i> box has the <i>modify</i> and <i>temporary restraining order</i> selections bolded, which gives the appearance that one of those boxes needs to be selected in addition to one of the boxes below. We recommend adding a “New/Initial” selection, keeping the “Modify” selection, and moving the Temporary Emergency Order below and remove bold.</p> <p>Page one, item #3 should have a period of the end of the paragraph, not a comma. Also, last sentence: (<i>Forms FL-300-INFO and DV-400-INFO provide information about completing form FL-300</i>) suggest removing “form FL-300” and replace with “this form”.</p> <p>Page 2, item 1 (e) and 2(b), page 3 items 3(d) and 4(2), suggest removing “<i>ordering (specify):</i>” these could lead to voluminous</p>	<p>The committee does not recommend adding a check box for “New/Initial” to avoid confusion and the implication that a party may use form FL-300 to request a new or initial domestic violence restraining order. The committee recommends maintaining temporary emergency orders in the caption as a bolded item to highlight the matter for the litigants and the court.</p> <p>The committee recommends correcting the form as suggested by the commentator.</p> <p>The committee recommends simplifying the language throughout the form with respect to identifying current</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>statements regarding extensive visitation orders that could be verified by the court through court documents that are easier to read. Best evidence of the current orders are the actual orders. This seems like an unnecessary burden to the party.</p> <p>Page 3, item #7, allows for use and possession of property that is “owned or are buying” suggest adding temporary use of property leased or rented.</p> <p>Page 4, item #8 should also reflect Temporary Restraining Order (DV-110). Also, there are double parenthesis at the end of the sentence.</p> <p>Page 4, item #11 is confusing. It appears there are too many parenthesis.</p>	<p>orders.</p> <p>The committee recommends revising the property control item on the form as suggested by the commentator.</p> <p>The committee prefers to recommend most language providing instruction about completing form FL-300 be moved to form FL-300-INFO.</p> <p>The committee recommends correcting Supporting Facts item on the form as suggested by the commentator.</p>
Legal Aid Foundation of Los Angeles	<p><b>Re Form FL-300 Question 3</b> The Restraining Order After Hearing should be required to be attached. This is required for renewals of restraining orders and can serve as a reminder to the court of the orders that were previously made.</p> <p><b>Re Form FL-300 Question 4</b> Yes, separate check boxes should be required to indicate someone is seeking a modification of a DV-130. The court</p>	<p>After considering all the comments on this issue, the committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130. The court has access to the filed order and requiring a party to attach the order may cause undue delay or cost in filing the request.</p> <p>After considering all the comments on this issue, the committee does not recommend that the form include a</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	needs to be clear that the previous orders were made in a restraining order and that there are then extra inquiries into service and identity of the parties. This will also help facilitate our suggestion that the court send notice of the hearing as the clerks will also clearly know when they are to give notice to the non-moving party. (Cf. above section 3: Previous Requests)	separate check box.
Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney	<p>a. Comment: page 1 Captions- Request for Order <u>  </u>MODIFY. We think that a subsection should be included to incorporate the date the original order was filed.  Recommendation: add a subsection "order filed on (date)_" below the word MODIFY.</p> <p>b. Comment: page 2- number 1 Child Custody- "Applicant requests temporary orders". We think that subsection should be included to remind the applicant to attach or include FL-303 and FL-305, we do not want the litigant's documents to be rejected for failing to include all necessary f forms to her/his Request for Orders.  Recommendation: add a subsection "Attach FL-303 and FL-305" beneath "Applicant requests temporary orders".</p> <p>c. Comment: page 2- number 1(e)- "Modify existing order filed on (date): ordering (specify)" and "in Restraining</p>	<p>Due to space constraints in the caption, the committee prefers that the filing date of the order should remain under the appropriate item within the form.</p> <p>The committee recommends adding Temporary Emergency Order (form FL-305) to the list of attachments in the child custody and visitation (parenting time) item. However, because there are additional forms needed to request temporary emergency orders, the committee prefers using the information sheet to list all the forms, instead of trying to fit them into form FL-300. The information sheet, for example, has enough space to let a party know that form FL-303 is an optional form, and that local courts may require other forms.</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Order After Hearing (form DV-130). We think this section should be deleted. See comment II (A) above.</p> <p style="padding-left: 40px;">Recommendation: DELETE # 1(e). See comment II (A) above.</p> <p>d. Comment: page 2- number 2 Child Visitation (Parenting Time)- currently there is no section below to add the children's name and age, like the Child Custody section above it. Sometimes parties will ONLY want to modify the parenting plan, and NOT custody. However, since there is NO place to put in the children's name and age in this section, parties tend to add it to the Child Custody section above it (but do NOT check the box- because they do NOT care to modify that section) and it becomes confusing for all parties and the courts. Sometime the court will assume that custody is also at issue and think that the party forgot to check the Custody box since they see the child's name and age in that section.</p> <p style="padding-left: 40px;">Recommendation: Number 2 _Child Visitation (parenting plan) should read "a. Child's name and age." If this change is made, pages 2-4 will have be renumbered.</p> <p>e. (a)- "As requested in: (1)...(2)...(3)". This section needs to be changed to reflect the same options as the new proposal (same page) number 1(d) – which expands the</p>	<p>The committee recommends revising this item instead of deleting it.</p> <p>To address the concerns raised by the commentator, the committee recommends combining the items for child custody and visitation (parenting time). They will continue to be separate check boxes in case a party only wants to change visitation (parenting time), but they will share the same information about the children and the same references to Judicial Council forms relating to these subjects.</p> <p>To address the concerns raised by the commentator, the committee recommends combining the items for child custody and visitation (parenting time). They will</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>number of choices one can choose from. We also propose this be changed from section (a) to section 2 (b). See comment D above for explanation.</p> <p style="padding-left: 40px;">Recommendation: renumber this section to "(b) – AS requested in: (1) – (7)". It is import to have uniformity and adding the same boxes as in the custody section -above it- from which to choose from will make it clear for litigants.</p> <p>f. Comment: page 2 number "2 c_One or more domestic violence restraining/protective orders are now in effect..." This subsection should have its own number. Instead of being part of the Custody Visitation section, it should be its own section.</p> <p style="padding-left: 40px;">Recommendation: Change from 2 c to number "3. ___ One or more domestic violence ..." Again, if the section is changed, pages 2-4 will have to be renumbered.</p> <p>g. Comment: page 4 number 8, "Domestic Violence Restraining Orders (personal conduct, stay away, ...." This heading should change to reflect the new proposed changes on page one below reOrders Requested.</p> <p style="padding-left: 40px;">Recommendation: "8. _Change or End Domestic Violence Restraining Orders or Order After Hearing</p>	<p>continue to be separate check boxes in case a party only wants to change visitation (parenting time), but they will share the same information about the children and the same references to Judicial Council forms relating to these subjects.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the heading to state “Domestic Violence Order” instead of “Change or End Domestic Violence Restraining Order After Hearing.” This section will include a notice that this form is not used to request a new domestic violence restraining order.</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	(personal conduct ..." This will mirror the new proposal.	
Orange County Bar Association by Ashleigh Aitken President	<p>(1) Should the language in item 4 on page 1 be deleted? Yes.</p> <p>(2) Would removing the OSC language from form FL-300 have any adverse impacts on courts or the parties in a family law case? Keep reference to OSC.</p> <p>(3) Should the moving party be required to attach a copy of the orders in form DV-130? Yes, the moving party will always (in all likelihood) have a copy of the most-recent restraining order</p> <p>(4) Should a separate check box be added to items 1 through 4 for a party to indicate that he or she seeks modification of orders for child custody, visitation (parenting time), and support that are found in form DV-130? No, keep the DV forms separate from the FL forms</p>	<p>The committee recommends this revision</p> <p>The committee recommends deleting the OSC language.</p> <p>After considering all the comments on this issue, the committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130. The court has access to the filed order and requiring a party to attach the order may cause undue delay or cost in filing the request.</p> <p>After considering the comments, the committee does not recommend including the check box.</p>
Fariba R. Soroosh Supervising Attorney Self Help Center/Family Law Facilitator's Office	<p><b><u>Request for Specific Comments</u></b> Deleting the OSC language from page 1 of FL-300: I think there is a split among courts as to whether a bench warrant can be issued for non-appearance of a responding party after</p>	<p>The committee recommends revising form FL-300 to provide simplified language to help the responding party understand that a court can make orders without his or</p>



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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Superior Court of Santa Clara County</p>	<p>personal service without this statement on the form. This language helps responding party understand that appearance in mandatory and there are consequences.</p> <p>Attaching copies of current orders to the RFO should not be mandated or even encouraged. The original is in the court file and this would only increase the size of the file and require more storage space (even when all courts have e-files).</p> <p>I am not clear why a separate box is needed to indicate that the orders seeking to be modified were issued as part of a restraining order.</p> <p>Two months is not enough for court to implement use of the new forms that are created herein. Some counties may require local rule changes as well. I suggest delaying effective date at least to July 2016.</p> <p>-Item 1: Somehow clarify what this means as most SRL's do not know what to put here. For example, provide pre printed boxes for "Petitioner", "Respondent", "Other Party", "DCSS", "Attorneys, if any".</p>	<p>her input if a <i>Responsive Declaration to Request for Order</i> (form FL-320) is not filed and served and he or she does not appear at the hearing.</p> <p>After considering all the comments on this issue, the committee recommends that a party not be required to attach a copy of the current order made on form DV-130.</p> <p>After considering all the comments on this issue, the committee does not recommend that the form include a separate check box.</p> <p>The committee recommends that the Judicial Council adopt the rules and forms in the report and delay their effective date until July 1, 2016.</p> <p>The committee recommends revising the form to maintain a space for a party the write the name(s) of the other party in the case. In addition, the committee recommends providing for certain pre-printed boxes beneath the space for the other party's name to help clarify how item 1 should be completed.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Item 8: -Item 8: I suggest that “CHANGE/END” be inserted at the start of this item to be consistent with the corresponding item in the caption on the first page of this form and item 8 of proposed form FL-320 (responsive declaration to RFO).</p> <p>-Item 9: Provide more space here.</p> <p>-Item 10: Provide no space here and require an attached declaration. The space provided is not sufficient and we do not want to suggest that it is. The Court will require more facts and in larger font than can fit here for the average RFO and the SRL’s will be confused.</p>	<p>The committee recommends an alternative heading (Domestic Violence Order) in the caption and on page four because the domestic violence order is the topic at issue.</p> <p>The committee recommends that the “Other orders requested” item include more space, if possible, considering all other changes recommended to the form.</p> <p>The committee recommends maintaining some space in the Supporting Facts item, so that this item is not overlooked by the moving party. Because additional space is recommended following each item, the party may need only a little more space in the supporting facts area to conclude his or her points.</p>
<p>The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco</p>	<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) is concerned about the court’s ability to issue a bench warrant for non-appearance of responding party should the OSC language be omitted from FL-300.</p> <p>-Item 1: Clarify this item to be more understandable to self-represented litigants. For example, provide pre-printed boxes for “Petitioner”, “Respondent”, “Other Party”, “DCSS”, “Attorneys, if any”.</p>	<p>The committee believes that the proposed revision would not prevent the court from making an order for the other party to appear at the hearing and issue a bench warrant if the party fails to appear in violation of the order.</p> <p>The committee recommends revising the form to provide for certain pre-printed boxes to help clarify how item 1 should be completed. The committee also recommends revising the information sheet to provide</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>-Item 8: “CHANGE/END” be inserted at the start of this item to be consistent with the corresponding item in the caption on the first page of this form and item 8 of proposed form FL-320 (responsive declaration to RFO).</p> <p>-Item 9: Provide more space here.</p> <p>-Item 11: Provide no space here and require an attached declaration. The space provided is not sufficient and the form should not imply that it is.</p> <p>Including a copy of the DV-130 when a moving party is asking for modification or termination is unnecessary as the original should be in the court file, and including it will increase the size of the file.</p>	<p>more details about completing item 1.</p> <p>The committee recommends an alternative heading (Domestic Violence Order).</p> <p>The committee recommends additional space for the “Other orders requested item, if the additional space is available after all other changes are mad to this form.</p> <p>The committee recommends maintaining some space in the Supporting Facts item, so that this item is not overlooked by the moving party. Because additional space is recommended following each item, the party may need only a little more space in the supporting facts area to conclude his or her points.</p> <p>The committee agrees and does not recommend requiring a party to attach a filed copy of form DV-130.</p>
The State Bar of California Standing Committee on the Delivery of Legal Services	<p>(1) Should the language at item 4 on page 1 be deleted as proposed? Maybe. The OSC language is impactful. However, the checkbox has left a question as to whom should be checking the box to indicate that penalties will occur for failure to</p>	The committee recommends revising form FL-300 to provide simplified language to help the responding party understand that a court can make orders without his or her input if a <i>Responsive Declaration to Request for Order</i> (form FL-320) is not filed and served and he or

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>appear. Strongly worded language that lets litigants know they can be penalized for failing to appear at hearings has merit.</p> <p>(2) Would removing the OSC language from form FL-300 have any adverse impact on courts or the parties in a family law case (please specify)?</p> <p>As stated in item (1), it is hard to determine whether there will be an “adverse” impact on courts or families if the language is removed. However, providing language that indicates a person shall appear at a hearing implies that there may be penalties for failing to appear. When litigants show up for court hearings, it prevents continuances, dismissals, and makes better use of the court’s time. On the other hand, the penalty language is one-sided, and does not anticipate that a moving party might fail to appear. There may be value in stating that unless the RFO has been dismissed by the moving party, penalties may apply to the moving party as well as the responding party.</p> <p>(3) Should item 8 include an instruction requiring a moving party to attach a copy of the current court ordered <i>Restraining Order After Hearing</i> (DV-130) if seeking to modify or terminate that order?</p> <p>Yes. Although these documents are in the court file, it is possible that the Responding party may not have the document; and, it may make reference to the document easier for the bench.</p>	<p>she does not appear at the hearing.</p> <p>Same as above response.</p> <p>After considering all the comments on this issue, the committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130. The court has access to the filed order and requiring a party to attach the order may cause undue delay or cost in filing the request.</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>(4) Should a separate check box be added to items 1 through 4 (as shown on pages 2 and 3 of form FL-300) for a party to indicate that he or she seeks modification of orders for child custody, visitation (parenting time), and support that are found in the <i>Restraining Order After Hearing</i> (form DV-130)?</p> <p>There is no need for a “separate check box” for modifying orders made requesting modification of orders contained in a DVRO. The proposed amended form is clear.</p> <p><b>Comments on FL-300 not addressed by Judicial Council "specific questions"</b></p> <ol style="list-style-type: none"> <li>1. FL-300 – Requested Relief/Page 1 - Instead of stating “Property Issues” which opens up calendars to issues better set for Trial, consider titling this checkbox as “Property Restraint/Control.”</li> <li>2. FL-300: The box for Shortening Time on Page 4, should state “Temporary Emergency Order Requesting to Shorten Time” for the clerk’s reference that they will need to specially set the RFO.</li> <li>3. FL-300: The proposed modification to the Request for Order includes a box on Page 1 and Page 4, that specifically states “Change or end Domestic Violence Restraining Order after Hearing.” SCDLS is concerned</li> </ol>	<p>After considering the various comments in response to the specific question, the committee does not recommend revising the form to include a check box to indicate if a party is seeking to change orders found in DV-130.</p> <p>The committee recommends maintaining property control in the caption and removing the check box (and specific item) for property restraint.</p> <p>The committee recommends that a party use the “Other” check box in the caption to request an order shortening time.</p> <p>The committee believes that the caption should specifically identify the Request for Order as the proper form to file when seeking to change or end a <i>Restraining Order After Hearing</i> (form DV-130). However, to address the commentator’s concerns, the committee recommends revising the title of the check box to</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>that this gives the appearance of “encouraging” litigants to file an RFO to modify/terminate a Restraining Order almost like an appeal process if they are not satisfied with the results of the restraining order hearing. As an unintended consequence, this could increase the number of these types of filings in court, encumber the judicial system, and possibly increase the number of times the victim of abuse has to confront the aggressor again in court. This Request for Modification/Termination can be handled by the “Other” box and have the information on how to Modify or End a Domestic Violence specifically detailed on the DV-400 INFO sheet.</p>	<p>“Domestic Violence Order.”</p>
<p>Superior Court of Los Angeles County</p>	<p><b>Re: form FL-300</b>  <b>(3) Should the language at item 4 on page 1 be deleted as proposed (see write-up on page 11)?</b>                      Yes, the “OSC” language should be deleted. The language that the court can make the requested orders if the party doesn’t appear is sufficient, and clearer for litigants. Removing the language should not interfere with the Court’s ability to order a party to appear or issue a bench warrant.</p> <p><b>(4) Would removing the OSC language from form FL-300 have any adverse impact on courts or the parties in a family law case (please specify)?</b>                      No. Removing the OSC language would cause less confusion for court staff.</p>	<p>The committee recommends revising the form by deleting the “OSC” language.</p> <p>Same as above response.</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><b>(5) Should item 8 include an instruction requiring a moving party to attach a copy of the current court ordered Restraining Order After Hearing (DV-130) if seeking to modify or terminate that order?</b>            No. The Restraining Order After Hearing should be in the court file and it is therefore not necessary to attach it. Attaching it would make it convenient to all parties, but they should already have a copy. As courts are moving toward going paperless, it doesn't make sense to require litigants to attach and file additional pages that would then take staff resources to scan and shred.</p> <p><b>(6) Should a separate check box be added to items 1 through 4 (as shown on pages 2 and 3 of form FL-300) for a party to indicate that he or she seeks modification of orders for child custody, visitation (parenting time), and support that are found in the Restraining Order After Hearing (form DV-130)?</b>            No. The check boxes on the header suffice.</p> <ul style="list-style-type: none"> <li>• We are very appreciative and supportive of the proposal to remove the “OSC” language from the FL-300.</li> <li>• We are also very appreciative and supportive of the proposal to change the language in FL-300, item 7 from mandatory custody services (most people have no what it means) to child custody mediation.</li> </ul>	<p>After considering all the comments on this issue, the committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130. The court has access to the filed order and requiring a party to attach the order may cause undue delay or cost in filing the request.</p> <p>After considering the various comments in response to the specific question, the committee does not recommend revising the form to include a check box to indicate if a party is seeking to change orders found in DV-130.</p> <p>No response required.</p> <p>No response required.</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<ul style="list-style-type: none"> <li>We are supportive of changing the language in FL-300, items 1,2, 6 &amp; 7 from “To Be ordered pending hearing” which was confusing and often misleading to litigants, to “requests temporary emergency orders”.</li> </ul> <p>FL-300, page 1, Item # 6 – there needs to be more space for litigants to write in the date, time and address of the custody mediation appointment. There is plenty of space at the bottom of the page in Item 8, that could instead be used for Item 6.</p> <p>FL-300, Page 2: The primary purpose of this form is to give notice of the orders that are being requested. The form fails to leave enough space to indicate even a summary of what custody/visitation/parenting plan orders are being requested, requiring the applicant to provide that information on a separate form and the reader to hope that the forms will be attached. A description of the order being requested should be required.</p> <p>The form is complicated by having separate sections for "Child Custody" and "Child Visitation/Parenting Time", requiring the applicant to determine if his or her request falls under one or the other or both categories. For example, some applicants might consider a request for a holiday as a visitation request, however, the holiday schedule is listed as an attachment to the "Child Custody" request and is not mentioned in the section for the visitation request.</p>	<p>No response required.</p> <p>The committee recommends revising the form to provide more space to write in the information required at item 6.</p> <p>To address the concerns raised by the commentator, the committee recommends making a global change to form FL-300 to create more space under each item for a party to specify the orders they are requesting. The recommendation includes revising the form to create additional space for a party to explain the child custody, visitation (parenting time), or parenting plan orders that the moving party is requesting.</p> <p>To address the concerns raised by the commentator, the committee recommends combining the items for child custody and visitation (parenting time). They will continue to be separate check boxes in case a party only wants to change visitation (parenting time), but they will share the same information about the children and the same references to Judicial Council forms relating to</p>



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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Both of these sections have an option for attaching the three page form FL- 311, "Child Custody and Visitation Application Attachment". Since both paragraphs refer to that same attachment it would simplify the form to have these two sections (paragraphs 1 and 2 on page 2) combined into one section entitled "Child Custody and/or Child Visitation/Parenting Time". This would then leave additional space for use by the applicant in stating what orders are requested on the "Request for Order" form.</p> <p>Paragraph 6(a)(Property restraint) also needs clarification. The language may mislead a party into believing that there is no consequence to using community funds to retain an attorney. The paragraph states that the "parties may use community property, quasi-community property, or separate property to pay for the help of an attorney or to pay court costs." This language is apparently a paraphrase of FC 2040(a)(2). However, the code also provides that the use of such funds must be for "reasonable" attorney's fees. The word "reasonable" is lacking from the form. Also, when using such funds, the party "shall account to the community for the use of the property." This code language suggests two things: 1) there must be an accounting and 2) there could be a charging of the funds used against a party's share of the community property. By comparison, the language in the form may mislead a person into believing that they are entitled to use the funds without accounting for them and without being charged for</p>	<p>these subjects.</p> <p>Same as above response.</p> <p>The committee recommends deleting the “Property Restraint” item from form FL-300. These orders are covered by the language in the family law Summons and a party seeking to modify the orders can use the “Other Orders Requested” item of the form.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>such use and that the applicant consents to same.</p> <p>FL-300, page 3 Item # 6(b)and(c) – this language is already included on the Summons that the party has either filed or been served with. It seems unnecessary here. In addition, it would not be applicable in parentage cases – but may give litigants that false sense that it could be applicable to them. Or in the alternative – add language after the Property Restraint checkbox (Does not apply in Parentage cases)</p>	<p>The committee recommends deleting the “Property Restraint” item from form FL-300. These orders are covered by the language in the family law Summons and a party seeking to modify the orders can use the “Other Orders Requested” item of the form.</p>
<p>Superior Court of Sacramento County</p>	<p>* Comments on ITC, page 5, paragraph 3 - “As to this item, the committee seeks comment on whether the form should instruct a party to attach a copy of the restraining order FL-300 being filed with the clerk and served on the other party.” - Commentator’s response to this question is “Yes”</p> <p>Comments on ITC, page 10, bullet 1 under “<i>Changes to page 1</i>” at reference to “Temporary Emergency Orders” - Insert (Ex Parte) before the word “order.”</p> <p>Comments on ITC, page 12, last paragraph - Insert (Ex Parte) after “emergency.”</p> <p>Comments on ITC, page 13, bullet 2 under “<i>Form FL-300 changes to pages 2-4</i>” - Insert (Ex Parte) before the word “order.” - Adding this language to the form will increase non-</p>	<p>After considering all the comments on this issue, the committee recommends that the forms not require a party to attach a copy of the current order made on form DV-130. The court has access to the filed order and requiring a party to attach the order may cause undue delay or cost in filing the request.</p> <p>The committee recommends this global change to the forms in the report.</p> <p>Same as above response.</p> <p>The committee recommends this revision to clarify that the checked box does not mean that the court has made orders pending the hearing. The committee believes that</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>emergency ex-parte requests.</p> <p>Comments on ITC, page 21, last paragraph of bullet 1 under “Alternatives Considered” - Good. Sacramento agrees with the committee’s decision to use FL-300 to modify or terminate orders instead of creating a stand-alone DVPA packet.</p> <p>The second check box in the “Request for Order” box reads “TEMPORARY EMERGENCY ORDER” - Insert (Ex Parte) before the word “order”</p> <p>“Request for Order” box at “Visitation (Parenting Time)” check box - suggest reversing description to - Parenting Time (Visitation)</p> <p>Item 5 on page 1 - Consistency - the word “form” should be added.</p> <p>Item 6 on page 1 - Use singular person reference. Replace “parties” with “party.”</p> <p>Item 7 on page 1 - This is confusing if multiple form FL-305 have been filed.</p> <p>Item 7 on page 1 - Insert (Ex Parte) before the word “order.”</p>	<p>providing more information about requirements for seeking temporary emergency orders will help parties understand when it is appropriate to ask for these orders.</p> <p>No response required.</p> <p>The committee recommends this global change to the forms in the report.</p> <p>As previously noted, the committee does not recommend making this change in this cycle.</p> <p>The committee recommends revising item 5 as suggested by the commentator.</p> <p>The committee believes that the term “parties” is correct within the context of the sentence.</p> <p>The committee recommends maintaining this item as a check box for the court to check, if appropriate under the circumstances of the case.</p> <p>The committee recommends revising item 7 as</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Item 1(d) on page 2 - Should include a box for form FL-305.</p> <p>Item 2 on page 2 - The title/subtitle should be reversed. Should be Parenting Time (Child Visitation).</p> <p>Notice box at bottom of page 2 - add the word “form” before FL-150 and FL-155.</p> <p>Items 3(e), 4(c) and 5(a) on page 3 - Delete reference “Current”. It is unnecessary.</p> <p>Items 6(a) and 6 (b) - Use singular person reference. Replace “parties” with “party.”</p> <p>Item 7 on page 4 - Why is this repeated here? Either keep all on previous page or bring both here.</p> <p>Item 10(b) on page 4 - This is unclear - makes it sound like the</p>	<p>suggested by the commentator.</p> <p>The committee recommends adding a check box for form FL-305 under the Child Custody item.</p> <p>The committee does not recommend making this change in this cycle.</p> <p>The committee recommends moving the notice about child support to the information sheet for Responsive Declaration to Request for Order (form FL-320-INFO) since this information is directed to the responding party.</p> <p>The committee recommends maintaining the reference to “current” to encourage parties and their attorneys to comply with the requirements of rule 5.260 of the California Rules of Court.</p> <p>The committee recommends deleting item 6 Property Restraint from form FL-300. This change will cover the commentator’s suggestion.</p> <p>The committee recommends revising the form so that no item continues to the next page on form FL-300.</p> <p>The committee recommends revising “Order Shortening</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	hearing itself should be shorter, not the time until the hearing.	Time” to state “Time for Service/Time Until Hearing”
Superior Court of San Diego County by Mike Roddy Executive Officer	While there are changes and additions being made to the FL-300 form, we would propose that a box for “move-away” be added. Generally, when a request for move-away is made, it is written in “other.” Our judicial officers have had many times, however, that only “custody/visitation” is checked, and no request for a move-away is stated in the top box. The mediator is then not on notice if there is a move-away pending. Or, if the parties went to FCS within the last year, they are not given a date, even though in the body they are requesting to move. The parties then have to be sent back to have this addressed. It would be better to have it added as a stand-alone request since that section is currently being amended.	The committee considered adding a check box for a “move-away” case in the caption. The committee also considered adding it as a sub-item in the Child Custody area of the form on page 2. Instead of these changes, the committee believes that adding more space under each item on the form will likely provide more notice to the court that it is dealing with a relocation request.
Hon. Rebecca Wightman Commissioner Superior Court of San Francisco County	<ul style="list-style-type: none"> <li>• The new draft FL-300, with the added WARNING that the litigant must file a Responsive Declaration “at least nine days before the hearing” etc.) creates an even GREATER CONFUSION for litigants where the use of the RFO is for Ex Parte Emergencies!!!!</li> <li>• Finally, in asking our FL research attorney what, if any, problems were generated by the revision of CRC 5.151 to require the use of FL-300 in emergency situations, the following comment was previously submitted – and does</li> </ul>	Form FL-300 allows for a different date for providing a responsive declaration if an Order Shortening Time is issued in the “Court Order” section of the form. To address the commentator’s concerns, the committee recommends revising the instructions for form FL-320-INFO to let the responding party know that the court might order a shorter time to file and serve his or her <i>Responsive Declaration to Request for Order</i> (form FL-320).

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>not appear to have been addressed by this new round of proposed form changes:</p> <p>The requirement that FL-300 be used to submit an application for ex parte (emergency) orders is very confusing. We have found that attorneys and self represented litigants (SRLs) are confused about how to use the FL-300 when it comes to , among other things, indicating the date, time and place of the ex parte hearing/ submission.</p> <p>There is no place to indicate the date, time and place of the ex parte hearing/ submission on the FL-300. The place to indicate date, time and place on the FL-300 is intended to used for the law and motion hearing date not the ex parte date.</p> <p>While the forms may work for many courts, they are very confusing for courts that give the parties a “date” for the submission / hearing of the ex parte request.</p> <p>SRLs are instructed to serve of copy of the application for emergency orders (FL-300) on the opposing party. The problem is that when the opposing party gets the FL-300 it does not state a date time and place of the ex parte hearing. The only “notice” they receive is a phone call stating the date time and place of the ex parte submission / hearing ...nothing on paper to refer back to. The forms may work for cases with two attorneys but it is extremely confusing for SRLs.</p> <p>I suggest / request that the Judicial Counsel develop a stand</p>	<p>It appears that the practice that was commonly used in San Francisco may have been considered an Order Shortening Time in courts and can be expressed in that way on the form.</p> <p>The notice of the ex parte request is optional and a local court may want to include a provision for the time for the ex parte hearing.</p> <p>It appears that the practice that was commonly used in San Francisco may have been considered an Order Shortening Time in courts and can be expressed in that way on the form.</p>

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<b>FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>alone optional form to request ex parte/emergency orders that will enable the court to write in the date time and place of the ex parte hearing.</p> <p>This optional form can also be used in cases where there is no need to set the matter on the Family Law law and motion calendar because the emergency orders are for a single event ....for example “mother may remove the child from the Bay Area counties for the weekend of 2/1/14 to attend a family reunion in San Diego”.</p> <p>A FL-300 would not be needed in the above example as no further hearing is necessary.</p> <p>Suggestion: Please consider – in conjunction with revising FL-300, a CHANGE in the CRC 5.151 to allow an alternative EX PARTE Emergency Application (NOT just a “notice” declaration). By creating this alternative, you can avoid the ethics and other issues raised.</p>	<p>The committee considered this and is concerned that having two separate pleadings is difficult for parties as well as many courts.</p> <p>If this matter is heard on the basis of an order shortening time an order can be issued and no further hearing need be set if that is appropriate</p>

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<b>FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<ul style="list-style-type: none"> <li>• Page 1, item 2, states that the FL-300 may not be used if the Petition is not yet filed; the form can be filed at the same time as the Petition. Recommend adding wording to clarify.</li> <li>• It also states that FL-300 may not be used for domestic violence restraining orders, there are other orders that can't be requested using the FL-300: FL-410, FL-450 and FL-470 are examples of MANDATORY forms used to request specific court orders.</li> <li>• Page one, item 3 should include information about modifying a restraining order.</li> <li>• Page three, item 9, second bullet should clarify this applies to non-domestic violence matters.</li> </ul>	<p>The committee recommends rewording the sentence to indicate that form FL-300 may be filed with the Petition.</p> <p>The committee recommends revising the item to state that form FL-300 must not be used when specific Judicial Council forms must be used to ask the court for orders. This statement can then be followed by a list of those proceedings that require specific forms.</p> <p>The committee prefers to have item 1 refer parties to form DV-400-INFO for information about modifying a restraining order.</p> <p>The committee recommends revising the form to state that as suggested by the commentator.</p>
<p>Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney</p>	<p>a. Comment: add section to these instructions regarding a person's right to request a fee waiver, if they cannot pay the RFO filing fee.</p> <p style="padding-left: 40px;">Recommendation: Add section "i. If you cannot afford to pay the filing fee associated with the Request for Orders, your fees may be waived if you request a fee waiver, but you must fill out FW-001."</p>	<p>The language suggested by the commentator is already include in the information sheet.</p>
<p>Fariba R. Soroosh</p>	<p>-Item 2, 3<sup>rd</sup> bullet: Clarify that an agreement must be filed in a</p>	<p>The committee recommends revising the form to</p>



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<b>FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Supervising Attorney Self Help Center/Family Law Facilitator's Office Superior Court of Santa Clara County</p>	<p>case to be effective and enforceable. I suggest that the last sentence be changed as follows: <i>For information about how to write up your agreement, get it approved by the court and filed in your court case, see . . . .</i></p> <p>-Item 3(c): Why is there a referral to a DV form here? This may be confusing. There are also instructions on the second page of form FL-155 regarding who does not qualify to use that form.</p> <p>-Item 3(g): I find it confusing that form FL-321 is a Witness List but FL-321-INFO is an information sheet about minors' council.</p> <p>-Item 4: Instruction for item 1 of the RFO should include other possibilities such as DCSS if they are involved and must be noticed. They are technically not a party to the case. Also, include "attorneys of record" just in case any party is represented (no need for specific names of attorneys).</p> <p>-Item 15(now item 16), 3<sup>rd</sup> bullet: Is personal service on respondent required if he/she has not filed a Response or otherwise made a general appearance in the case regardless of whether the Summons and Petition have been served.</p> <p>-Item 17: Why use bullet points in other sections but check boxes here? Just a formatting question and not substantive.</p>	<p>incorporate the commentator's suggestions.</p> <p>To avoid confusion and redundancy, the committee recommends deleting the reference to form DV-570 in item 3c and replacing it with instructions to look at page 2 on form FL-155 for the list of eligibility requirements.</p> <p>To avoid confusion about the forms, the committee recommends renumbering form FL-321-INFO in future cycle.</p> <p>The committee recommends revising the instructions for to reflect that the party may need to serve other persons or agencies, such as the other party's attorney or a local child support agency.</p> <p>The committee recommends revising the form to respond to the commentator's question.</p> <p>Check boxes and bullet points are used to help guide the reader's eye through the form and break up blocks of</p>

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<b>FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	-Item 19: Change instruction re e-filing to “(or e-file them if available in your county)” unless it is expected that all counties will have e-filing before this form as to be revised again.	text to help make the information easier to read. The committee recommends revising the form as suggested by the commentator.
The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco	-Item 2, 3 <sup>rd</sup> bullet: Clarify that an agreement must be filed in a case to be effective and enforceable. It is suggested the last sentence be revised as follows:  <i>For information about how to write up your agreement, get it approved by the court and filed in your court case, see . . . .</i>  -Item 3(c): A referral to a domestic violence court form in this space on FL-300 is confusing and the reference should be eliminated.  -Item 3(g): It may be confusing that form FL-321 is a Witness List but FL-321-INFO is an information sheet about minor’s counsel. Perhaps a renumbering of the forms would be appropriate.  -Item 4: Instruction for item 1 of the RFO should include other potential issues such as noticing DCSS if necessary. Also, include “attorneys of record” in the event any party is represented (no need for specific names of attorneys).	The committee recommends incorporating language to indicate that the agreement has to be filed in a case to be effective.  Because form FL-155 already includes information to help a party identify if he or she is eligible to use the form, the committee recommends deleting the reference to form DV-570.  To avoid confusion about the forms, the committee recommends reviewing form FL-321-INFO in future cycle to consider a new number for the information sheet.  The committee recommends revising the instructions for item 4 to reflect that the party may need to serve other persons or agencies, such as the other party’s attorney or a local child support agency.

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<b>FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>-Item 15 bullet: The form should indicate whether personal service on respondent is required.</p> <p>-Item 17: There is an inconsistency between using bullet points in certain areas of the form but check boxes in this section. One method should be selected and used consistently throughout the form.</p> <p>-Item 19: Change instruction re e-filing to “(or e-file them if available in your county)” unless it is expected that all counties will have e-filing before this form as to be revised again.</p>	<p>The committee recommends substantive changes to the section to better clarify when to use personal service of service by mail.</p> <p>Using check boxes and bullet points help guide the reader’s eye through the form and break up blocks of text to help make the information easier to read.</p> <p>The committee recommends revising the form as suggested by the commentator.</p>
Superior Court of Los Angeles County	We are supportive of adding language in the FL-300 INFO page telling litigants when personal service v. service by mail should be used.	No response required.
Superior Court of Sacramento County	<p>* Comments</p> <p>Items 3(c)-(e) - The phrase “A current...” is not necessary.</p> <p>Items 3(c)-(h) - There needs consistency - change language in phrase “you need” to “you need forms” or add the word “form” to each JC form listed.</p> <p>Item 3(f) at first check box - Insert (Ex Parte) after the word “emergency.”</p>	<p>The committee prefers to keep the term “current” so that the form is consistent with rules 5.92 and 5.260 of the California Rules of Court.</p> <p>The committee recommends this change where appropriate.</p> <p>The committee recommends this revision.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Item 4 - Replace the word “enter” with the word “print.”	The committee prefers “write” to be consistent with other forms.
	Item 4 at second paragraph - Insert (Ex Parte) after the word “Emergency.”	The committee recommends this revision.
	Item 4 at Item 1 - Replace “Write” with “Print.”	The committee prefers “write” to be consistent with other forms.
	Item 7 - Delete “...with the court clerk.” This added language is not necessary.	The committee recommends this revision.
	Item 8 - Replace “is” with “may be.”	The committee does not recommend this revision. A fee is actually due at the time of filing. There is an exception for fees that are waived for a party.
	Item 10 - Delete last phrase “...and law enforcement...” If no orders are made, there is nothing to enforce.	The committee recommends this revision.
	Item 12 - Use of plural vs. singular. Replace “parties” with “party.”	The committee recommends that the forms reflect that there may be more than one party in the case.
	Item 12 at second paragraph - Do not indicate type of service. Delete “...need to be served by mail” and replace with “...will be served.”	The committee recommends substantive changes to the form to respond to the commentator’s suggestion.
	Item 13 - #13 - Title does not match description below.	The committee recommends changing the title to <i>Who</i>

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<b>FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Suggest changing title to “Selecting a Server.”	<i>can be a “server.”</i>
	Item 13 - Delete first two sentences of the instructions.	The committee recommends this revision.
	Item 16 - Typo in second sentence “ofage.”	The committee recommends correcting this error.
	Item 17 - at first check box, bullet 3 - Replace the word “strike” with the more plain language word “dismiss.”	The committee prefers to use the word “strike” to as it reflects the language of Code of Civil Procedure section 435. However, the committee does recommend revising the language to state “Request to strike all or part of the <i>Petition.</i> ” This will make it easier to understand.
	Item 17 at last paragraph - The reference to the department should be capitalized. “Family Law Facilitator or Self-Help Center.”	The committee recommends this revision.
	Item 20 - Capitalize “Family Law Facilitator and Self-Help Center.”	The committee recommends this revision.
	Item 20 - Remove the reference to providing forms as many courts advise litigants to go online for forms.	The committee recommends this revision.
	Item 20 - Add “assistance,” after “information.”	The committee recommends this revision.
Superior Court of Santa Clara County by Hon. Christine Copeland Commissioner	In item 2 in the first bullet, it says you can't use the RFO unless you have already filed a Petition; I think this confuses a litigant who has no marital action case and wants to file an RFO to vacate or change the RO. Also, a restrained party can file the	The committee recommends form DV-400-INFO for use by parties who want to change or end a restraining order. Thus, the committee does not recommend revising the form as suggested by the commentator.

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<b>FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	RFO to vacate or mod, so we shouldn't make that restrained person think that they have to first file a Petition in a marital action case.	

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County	<ul style="list-style-type: none"> <li>• Recommend changing form title to reflect “Service” versus “Delivery” to avoid confusion.</li> <li>•</li> <li>• Page two, item #3 we recommend substituting “Delivery” with “Service” for clarity.</li> <li>• This is a declaration of service, therefore we recommend removing items 5, 6, and 7.</li> </ul>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends the changes suggested by the commentator to be consistent with the requirements of rule 5.151.</p>
Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney	<p>a. Comment: page 1, number 2 Notice. We think two subsections could be added to include notice via TEXT or E-MAIL</p> <p style="padding-left: 40px;">Recommendations: add two new subsections to "2. Notice a. (2) I gave notice by this method...(e) e-mail and (f) text..."</p>	<p>The committee prefers that the form be consistent with rule 5.151, which does not include notice via text or email.</p>
Fariba R. Soroosh Supervising Attorney Self Help Center/Family Law Facilitator's Office Superior Court of Santa Clara County	<p>-I suggest that Judicial Council not issue this form at all. While there are California Rules of Court that govern the basic process for handling ex parte requests, some discretion is left to the counties to come up with their own individual processes such as not having ex parte hearings. Accordingly, some counties, like Santa Clara and San Diego, have put a lot of work into coming up with local forms and need the flexibility to make changes as necessitated by rule changes and change of relevant circumstances (budget and staffing, etc.). Once an optional JC form is available, local courts must accept it for filing even if a local alternative is available (CRC 1.35) and</p>	<p>Effective January 1, 2013, the Judicial Council adopted specific rules relating to requests for temporary emergency (ex parte) orders: rules 5.151 through 5.169. Rule 5.151 (Request for emergency orders; application; required documents) requires, among other items, that a party’s request for temporary emergency orders include a written declaration regarding notice of application for emergency orders based on personal knowledge.</p> <p>There is no current Judicial Council form to help a party comply with the requirement for such a written</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	that may cause confusion (we are currently experiencing this with the publication forms). I am not sure if CRC's allow for local courts to mandate use of an optional JC form, here proposed FL-303, and eliminate their local form, if any.	<p>declaration. Historically, the reason has been because courts throughout the state had adopted a variety of rules and forms regarding notice of ex parte hearings in family law matters. Local rules and forms often differed from county to county about the time frame for providing notice, which presented particular challenges to proposing a statewide form that could serve the needs of self-represented litigants or attorneys who practice in more than one jurisdiction.</p> <p>With the adoption of rule 5.165 (Requirements for notice), effective January 1, 2013, the Judicial Council implemented a uniform rule in family court addressing the time frame for providing notice to the other party about the request for temporary emergency orders. The rule requires, absent the court's approval for shortened notice or a waiver of notice, that, "[a] party seeking emergency orders under this chapter must give notice to all parties or their attorneys so that it is received no later than 10:00 a.m. on the court day before the matter is to be considered by the court."</p> <p>While some local courts offer a form for parties to complete and demonstrate their compliance with the notice requirements of rule 5.165, the committee recognizes that other courts do not. The <i>Declaration Regarding Notice and Delivery of Request for Temporary Emergency (Ex Parte) Orders</i> (form FL-</p>



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<b>FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>-If this form is created, please consider the following comments:</p> <p>-Item 2(a): Indicate that this notice must be given before filing the request.</p> <p>-Item 2(a)(1): Include a box for minor’s counsel to be noticed as well.</p> <p>-Items 2(a)(2) &amp; (3): These will be confusing to attorneys and SRL’s alike as not all those manners of notice and hearing are allowed in every county.</p>	<p>303) would help fill a need for a standard form that can be accepted for filing in family courts across the state. Understanding that local courts may still require a party seeking temporary emergency orders to follow local rules and encourage parties to use local forms, the proposed FL-303 would include a notice box under the caption to advise parties that local procedures for this type of hearing may vary in each county and that parties should consult their county court’s local rules. In addition, the notice box would include a link to <a href="http://www.courts.ca.gov/3027.htm">http://www.courts.ca.gov/3027.htm</a>, which lists the local court rules from the California Court’s Online Self-Help Center.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form to cover use in courts that do not schedule an ex parte hearing.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>-Item 3(a): Clarify if a file or unfiled copy was delivered.</p> <p>-Item 5: Ask that the moving party specify county, state, and, if applicable, country where other court cases exist.</p> <p>-Item 6: Indicate if other party has or has not requested these orders in the past. Cross orders are issued in error all time.</p> <p>-Item 7: It is less confusing to add an attachment box under each item that needs explanation.</p>	<p>The committee does not recommend this change.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>Because the committee recommends removing this item from the form (about past requests for orders) the committee does not recommend the commentator’s suggested revisions.</p> <p>The committee recommends deleting item 7 and adding check boxes throughout the form for a party to indicate if the answer is made on an attachment.</p>
<p>The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco</p>	<p>-FLEXCOM supports the creation of this new form and is concerned about confusion that may be created due to existence of varying local rules as allowed by the applicable CRC sections for processing ex parte requests. Therefore, FLEXCOM proposes that the sentence on this form with regard to local rules varying as to procedure should appear in bold-type and italic font.</p> <p>-Item 2(a): Indicate that this notice must be given before filing the request.</p> <p>-Item 2(a)(1): Include a box for minor’s counsel to be noticed as well.</p> <p>-Items 2(a)(3): This will be confusing to attorneys and self-</p>	<p>No response required.</p> <p>The committee prefers to limit the use of bolded text in the form.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form to cover</p>

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<b>FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>represented litigants as CRC 5.169 allows for courts to make emergency orders based on documents submitted without requiring an ex parte hearing. It will be helpful to clarify that the deadline for this notice is before hearing or submission depending on what is required in that county.</p> <p>-Item 3(a): Clarify that an unfiled copy was delivered.</p> <p>-Item 5: Ask that the moving party specify county, state, and, if applicable, country where other court cases exist.</p> <p>-Item 6: Indicate if other party has or has not requested these orders in the past. It is not uncommon for cross orders to be issued in error.</p> <p>-Item 7: It is less confusing to add an attachment box under each item that needs explanation.</p>	<p>use in courts that do not schedule an ex parte hearing.</p> <p>The committee recommends this change.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>Because the committee recommends removing the inquiry on the forma about past requests for orders, the committee does not recommend the commentator’s suggested revisions.</p> <p>The committee recommends deleting item 7 and adding check boxes throughout the form for a party to indicate if the answer is made on an attachment.</p>
Superior Court of Los Angeles County	FL 303: Is this form to be used when notice is not given on a DVRO request? If not, should there be a specific form in the "DV" series? Currently LASC uses a local form that is in need of amendment as it uses the word "violence" rather than "abuse" and thus is not strictly applicable when the applicant seeks a DVRO under FC 6320.	This form is not for use for requests for domestic violence temporary restraining orders. The committee recommends adding such a notice in the form.
Superior Court of Sacramento	* Comments	

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<b>FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
County	<p>Item 2(a)(1) - The “date, time, and place” for hearing should contain blanks so litigant can indicate what information was given to the other party.</p> <p>Item 3(a) - Insert (Ex Parte) after the word “Emergency.”</p> <p>Item 5 - Use singular person reference. Replace “parties” with “party.”</p> <p>Item 6 - #6 only speaks of (a) no previous orders of (b) previously denied orders. A third check box should be added to previously granted orders.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The reference to “parties” is appropriate in the sentence “The parties in this case are involved in another family, probate, juvenile, or criminal court case.” Therefore, the committee does not recommend the change suggested by the commentator.</p> <p>Because the committee recommends removing the inquiry on the form (about past requests for orders), the committee does not recommend the commentator’s suggested revisions.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>California Judges Association by Joan P. Weber California Judges Association President</p>	<p>I suggest that paragraph 2a of this form contain a preliminary statement to establish the basis for granting such emergency orders. Such as: “The court finds that the application for temporary emergency orders meets the requirements of California Rules of Court, Rule 5.151 and that the declarations in support of such request meets the requirements of CRC Rule 5.111 and Family Code section 3064, and that the applicant has made an affirmative factual showing of irreparable harm, immediate danger, or other statutory basis for granting relief.”</p> <p>Such a statement would help clarify the legal requirements for such an order for both the applicant and the judicial officer granting such orders especially for those judicial officers not familiar with family law who may be called upon on short notice to address such emergency requests.</p>	<p>To address the commentator’s concerns, the committee recommends revising the form to include a new item 2 to succinctly set out the requirements for making temporary emergency (ex parte) orders.</p>
<p>Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<ul style="list-style-type: none"> <li>• Is this form for non-DV matters? If so, recommend revising title of form to <i>Temporary Emergency Orders (Non-Domestic Violence)</i>.</li> <li>• Page 1, item #2 (a)(now item 3), suggest placing child’s age in a separate column for quick reference; this also follows the format in other forms.</li> <li>• Page 1, item #2 (a)(3) (now item 3 (b)), suggest adding the form numbers of appropriate forms to guide parties.</li> </ul>	<p>The form is not for use in DV matters. The committee does not recommend the revision to the title. Current information sheets for domestic violence orders and family law orders clarify the appropriate forms needed to record court orders.</p> <p>The committee recommends revising the form to include a column for a child’s date of birth.</p> <p>The committee prefers to not repeat on this order the list of forms already identified on <i>Request for Order</i> (form</p>

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<b>FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
		FL-300).
Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney	<p>a. Comment: Below the Captions page 1 "Temporary Emergency Orders" There is a joint box that one can check if the litigant is requesting a change in "Child Custody/Parenting Plan". We think that there should be a separate box asking for a change in Visitation (Parenting Plan).</p> <p style="padding-left: 40px;">Recommendation: Add a box _Visitation (Parenting Plan) and delete "Parenting Time" from the box _Child Custody/Parenting Plan below the captions, under orders requested.</p> <p>b. Comment: page 1, number "2. a. Child Custody (3) Visitation (Parenting time)(now 3(b)) The temporary orders..." this subsection should be renumbered to make it uniform to the underlying FL-300 Request for Orders.</p> <p style="padding-left: 40px;">Recommendation: "b._Visitation (Parenting time) The temporary orders..." renumbering the subsection will make it conform to FL-300. To clarify deleting (3) and adding b to number 2 on page 2.</p> <p>c. Comment: page 1 If the above change is changed or NOT, the council should include the child's name and age to the section re "(3) _Visitation (Parenting time)".</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends renumbering the form so that visitation (parenting time) is a subsection of the item for child custody. This will reflect that law requires temporary orders for physical custody, care, and control of a minor child are subject to the other party's rights of visitation (parenting time).</p> <p>Because the visitation (parenting time) item is a subsection of child custody, there is no need to repeat</p>

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<b>FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>This will allow for uniformity throughout the FL-300 and additional attachments or orders.</p> <p>Recommendation: "(3)._Visitation (Parenting time) The temporary orders..." adding subsection "(1) Child's name and age". This change will make it conform to FL-300.</p>	<p>the child's name and age.</p>
<p>Fariba R. Soroosh Supervising Attorney Self Help Center/Family Law Facilitator's Office Superior Court of Santa Clara County</p>	<p>-Item 1: The dot is missing next to item number. Blank space may not be big enough to list the parties and attorneys.</p> <p>-Item 2(a)(1) (<i>now 3(a)</i>): Provide a box to attach list of additional children as there are families with more than five minor children.</p> <p>-Item 2(a)(3) (<i>now 3(b)</i>): Currently, many applicants, specially SRL's, and even judicial officers leave this item blank. Perhaps it would be helpful to provide three choices under this item:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> None pending hearing.</li> <li><input type="checkbox"/> See attached.</li> <li><input type="checkbox"/> Pursuant to existing orders filed on (date) _____, in this case or another case (filed copy attached).</li> </ul>	<p>The committee recommends correcting the typographical error in item and providing more space to list the parties and attorneys.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>Rather than suggest possible orders in this section, the committee prefers to provide additional space for the court to make visitation (parenting time) orders and then provide a check box in case the court needs to continue orders on an attachment.</p>
<p>The State Bar of California The Executive Committee of the</p>	<p>FLEXCOM supports the creation of this form. A few suggested modifications are below.</p>	

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco</p>	<p>-Item 1: The dot is missing next to the item number. The blank space provided may not be large enough to list the parties and attorneys.</p> <p>-Item 2: At the end of the sentence delete the words “in item 1.” Revise the words “on the hearing date” to “on the date of the hearing”.</p> <p>-Item 2(a)(1): Provide a box to attach a list of additional children as there are litigants with more than five minor children.</p> <p>-Item 2(a)(3): Currently, many applicants leave this item blank. Perhaps it would be helpful to provide three choices under this item:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> None pending hearing.</li> <li><input type="checkbox"/> See attached.</li> <li><input type="checkbox"/> Pursuant to existing orders filed on (date) _____, in this case or another case (filed copy attached).</li> </ul>	<p>The committee recommends correcting the typographical error in item and providing more space to list the parties and attorneys.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>Rather than suggest possible orders in this section, the committee prefers to provide additional space for the court to make visitation (parenting time) orders and then provide a check box in case the court needs to continue orders on an attachment.</p>
<p>Superior Court of Sacramento County</p>	<p>* Comments</p> <p>“Temporary Emergency Orders” box - Insert the word (Ex Parte) after the word “Emergency.”</p>	<p>The committee recommends revising the form as suggested by the commentator.</p>



**SPR15-16**

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<b>FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>“Temporary Emergency Orders” box at first check box - The forms have been very inconsistent with interchangeably using child visitation, visitation, parenting time or a combination of the three.</p> <p>Item 2(a)(2) (<i>now 3 (c)(1)</i>)- Delete “or parties.”</p> <p>Item 2(a)(3)(<i>now 3(b)</i>) - Reverse title/sub-title, should be Parenting Time (child visitation).</p> <p>Item 2(a)(4) (<i>now 3(c)</i>) at third check box - Delete “of the parties.”</p> <p>Bottom of page 1 (title) - Insert (Ex Parte) after the word “Emergency.”</p> <p>Item 2(a)(6)(b) (<i>now 3(e)(2)</i>)- This would not be true if this was an ex parte with no notice. Suggest adding language “or notice has been waived upon a showing of good cause.”</p> <p>Bottom of page 2 (title) - Insert (Ex Parte) after the word “Emergency.”</p>	<p>The committee recommends revising the forms to create consistency with these terms.</p> <p>This item is drafted to reflect that a child in California may have more than 2 parents, and that the orders may so reflect. Therefore, the committee prefers to use the phrase “party or parties” in this part of the form.</p> <p>The committee prefers to consider global change to child visitation (parenting time) in a future cycle.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee believes that an ex parte without notice is covered by the phrase “as provided by the laws of the State of California.” Therefore, the committee does not recommend revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Superior Court of Los Angeles County</p>	<p>FL-305: Capitalize "code" at page 2 second line of 6(a) (<i>now 3(e)(1)</i>).</p> <p>Paragraph 2a of this form should contain a preliminary statement to establish the basis for granting emergency orders such as "The court finds that the application for temporary emergency orders meets the requirements of California Rules of Court, Rule S .151 and that the declarations in support of such request meets the requirements of Rule 5.111 and Family Code Section 3064, and that the applicant has made an affirmative factual showing of irreparable harm, immediate danger, or other statutory basis for granting relief."</p> <p>Such a statement would help clarify the legal requirements for such an order for both the parties and the judicial officer granting such orders, especially for those judicial officers not familiar with family law who may be called upon on short notice to address such emergency requests.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>To address the commentator’s concerns, the committee recommends revising the form to include a new item 2 to succinctly set out the requirements for making temporary emergency (ex parte) orders.</p>

<b>FL-306</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<ul style="list-style-type: none"> <li>• Top of the forms is missing a line, right above the court information.</li> <li>• Recommend swapping items #2 and #3. It’s helpful to have information about prior orders at the top, so they could be referenced quickly.</li> <li>• Add line to separate application and order sections (similar to the FL-300 form).</li> </ul>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends amending the rule as suggested by the commentator.</p> <p>The committee does not recommend this change</p>

**SPR15-16****Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-306</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<ul style="list-style-type: none"> <li>Judicial officer signature line is very tight.</li> </ul>	The committee recommends revising the form as suggested by the commentator.
Fariba R. Soroosh Supervising Attorney Self Help Center/Family Law Facilitator's Office Superior Court of Santa Clara County	Will pending legislation, AB1081, have an effect on this form? This bill seems to eliminate the term reissuance and make other changes that will have to be reflected on this form or result in omitting this form and creating a new one accordingly. Therefore, I will not make any comments as to content at this time.	Assembly Bill 1081 does affect this form. The committee recommends revising the form to reflect the amendments to Family Code section 245 made by AB 1081.
The State Bar of California Standing Committee on the Delivery of Legal Services	FL-305 Ex Parte Orders should also include the date of birth of child, in lieu of, or in addition to age.  This form simplifies the former Ex Parte orders attached to the RFO. This standalone form should make it easier for enforcement purposes	The committee recommends revising the form as suggested by the commentator.  No response required.
Superior Court of Sacramento County	* Item 2(c) - Insert (Ex Parte) after the word "Emergency."  Item 8 - What about form FL-305 if Temp orders were issued?	The committee recommends revising the form as suggested by the commentator.

<b>FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo	Item #2(d) needs a period at the end of the sentence.	The committee recommends revising the form as suggested by the commentator.

**SPR15-16**

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<b>FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Principal Administrative Analyst Superior Court of Orange County		
Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney	<p>Comment: There should be boxes added to add specific times, and, an area to indicate what happened when school is not in session. Parents do not always have a holiday schedule for summer, winter, or spring breaks so visitations may occur when no school is in session. In addition, at times there are non-holidays when school is not in session such as teacher days.</p> <p>Recommendation: the check boxes be before the blanks for exact times. Include an option to make it say something to the effect of pick up after school unless no school in session, then at __ time. Also, include an option for drop off.</p>	<p>The committee recommends that parties use Children’s Holiday Schedule Attachment (form FL-341(C)) instead of revising this form to indicate the schedule when school is not in session.</p> <p>Due to space constraints, the committee prefers that parties use item 10. Other to include the information described in the comment.</p>
Fariba R. Soroosh Supervising Attorney Self Help Center/Family Law Facilitator's Office Superior Court of Santa Clara County	<p><b><u>FL-311</u></b> -Item 2(e)(4): There is not enough space here to write in anything. So the box to allow for use of an attachment should be moved up and indented.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p>
The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch	<p>-Item 2(e)(4): There is not enough space here to write in anything. The box to allow for use of an attachment should be moved up and indented.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p>

**SPR15-16**

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<b>FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Legislative Counsel San Francisco</p>		
<p>Superior Court of Imperial County, Access Center by Rheeah Yoo Access Center Supervisor and Family Law Facilitator</p>	<p>* There are parents whom only request access for a couple of hours on one particular day. Recommend adding the option to mark “same day only” for items 2e(1-3).</p> <p>* Item #4b regarding transportation <b>to</b> the visits is confusing to parties. Recommendation: change language to “Transportation at the BEGINNING of the visit...”</p> <p>* Item #4c regarding transportation <b>from</b> the visits is confusing to parties. Recommendation: change language to “Transportation at the END of the visit...”</p> <p>* Item #4d regarding drop-off is confusing to parties. Recommendation: change language to “Drop-off of the children at the beginning of the visit...”</p> <p>* Item #4e regarding pick-up is confusing to parties. Recommendation: change language to “Pick-up of the children at the end of the visit...”</p>	<p>The committee believes the form already permits a party to respond to the situation described in the comment.</p> <p>The committee recommends revising the form to state, “Transportation <b>to</b> begin the visits will be provided by (<i>name</i>):”</p> <p>The committee believes that changing the form at 4.b., as stated above, will clarify the meaning of 4c. Therefore, the committee does not recommend the change suggested by the commentator. Maintaining the current language will also keep it consistent with the similar provisions in form FL-341.</p> <p>The committee recommends revising the form at item 4d. so that the language is consistent with form FL-341 (at item 10.d.), which states: “The exchange point at the beginning of the visit will be at (<i>address</i>):”</p> <p>The committee recommends revising the form at item 4d. so that the language is consistent with form FL-341 (at item 10.e.), which states: “The exchange point at the</p>

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<b>FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
		end of the visit will be at <i>(address)</i> .”
Superior Court of Los Angeles County	<p>FL-311: Page 2, item 3: If professional supervised visitation is requested the party must file an Income and Expense Declaration (FL-150).</p> <p>FL-311, Item #2.c. “The parties will go to child custody mediation....” Is this language necessary, since there is already a place for it to go on the 1st page of the FL-300? In addition, it leads litigants to check this box and not specify any other request. If no agreement is reached in mediation and the responding party doesn’t appear at the RFO hearing – what orders would result? Neither the other party or the court has not been put on notice of what the moving party is requesting for visitation orders.</p>	<p>The committee does not recommend revising the form as suggested. Neither the Family Code nor the California Rules of Court require the filing of form FL-150 for this purpose.</p> <p>The committee recommends that the language remain in the form because form FL-311 also serves as an attachment to a Petition (form FL-100) and a Response (form FL-120), which do not already include language about child custody mediation or child custody recommending counseling.</p>
Superior Court of Sacramento County	<p>* Comments</p> <p>Form title at top of page 1 - Suggest changing title to: Child Custody and Parenting Time (Visitation)</p> <p>Item 1 - Replace “parties” with “party.”</p>	<p>The committee does not recommend the change suggested by the commentator. The committee may consider a global, technical change to the rules and forms in a future cycle.</p> <p>The use of the word “parties” is appropriate in the context of the sentence in item 1 (“Custody of the minor children of the parties is requested as follows:”) Therefore, the committee does not recommend this revision.</p>

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<b>FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Item 2 “Note:” - Reword last part of sentence to “...priority over...regular parenting time.”	The committee recommends revising the form as suggested by the commentator.

<b>FL-312</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County	Item #4(d) has a missing colon at the end of the sentence.	The committee recommends correcting the typographical error as suggested by the commentator.
Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney	Comment: 4d: states "explain" after the last option so people might only explain if they checked the last box Recommendation: If explanations are required for all of d, either put "explain" somewhere more clear or repeat the request to explain for each section.	The committee recommends revising item d to state “ <i>Explain your answers to item d.</i> ”
The State Bar of California Standing Committee on the Delivery of Legal Services	FL-312—Request Abduction Orders – Suggest that a check box be added allowing the litigant to request law enforcement assistance if needed.	This change would require additional public comment before the committee can recommend including it in the form, effective January 1, 2016.
Superior Court of Los Angeles County	FL-312 Request for Child Abduction Prevention Orders, item #9 – Notify other State of Travel Restrictions. This provision requests that the court order the other party to register the order in another state before the children can travel to that state – but includes no language regarding the ability to request a mechanism for that party to provide proof of registering the order.	The committee recommends revising the form as suggested by the commentator.

**SPR15-16**

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<b>FL-320</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>California Department of Child Support Services by Alisha A. Griffin Director</p>	<p>As proposed, the Responsive Declaration To Request For Order (FL-320) generally meets the needs of DCSS with two limited exceptions. First, while the local child support agencies (LCSAs) routinely use this form, they do not file Income and Expense Declarations. As such, DCSS proposes that Items 3.a and 4.a. be amended to reflect they do not apply to FL-320s filed by the LCSAs.</p> <p>Second, DCSS would also recommend additional formatting changes be made to maximize the amount of white space available at Item 10.</p>	<p>The committee prefers that the form remain directed to parties in the family law case and not be revised to indicate that DCSS is not required to file form FL-150. There are a number of procedures that are different with respect to DCSS. The committee does not want to highlight this particular matter either on this form for or on form FL-320-INFO.</p> <p>The committee recommends revising the form as suggested by the commentator.</p>
<p>Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<p>Page 2, information box at bottom, suggest this be moved to top of 1<sup>st</sup> page where it would be seen before completion of form.</p>	<p>The committee prefers to move the notice about domestic violence restraining orders to the information sheet associated with this form (form FL-320-INFO) to maximize the space available to respond.</p>
<p>Fariba R. Soroosh Supervising Attorney Self Help Center/Family Law Facilitator's Office Superior Court of Santa Clara County</p> <p>The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch</p>	<p>Item 4(a): Last word should be “request” and not “declaration”.</p> <p>Item 5(a): Last word should be “request” and not “declaration”.</p>	<p>“Declaration” is meant to refer to the responsive declaration itself. The committee recommends revising the form to clarify the meaning.</p> <p>Same as above response.</p>



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<b>FL-320</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Legislative Counsel San Francisco		
The State Bar of California Standing Committee on the Delivery of Legal Services	<p>FL-320 Responsive Declaration/Agree with changes.</p> <p>The repeated indications that an Income &amp; Expense Declaration form is attached under each “support” request (paragraphs 3, 4, and 5) is questionable. Some Self-Represented Litigants may think they need to file three FL-150s. On the other hand, it could lead to self-represented litigants filing three Income &amp; Expense Declarations. Consider making the attachment of an Income &amp; Expense Declaration a separate checkbox section on the form.</p>	<p>No response required.</p> <p>The committee prefers to revise form FL-320-INFO to clarify that one form FL-150 may be filed to satisfy the requirements for child support, spousal or domestic partner support, attorney’s fees and costs, and other issues relating to property or finances.</p>
Superior Court of Sacramento County	<p>Item 2 - The title/sub-title should be reversed - Parenting Time (Child Visitation)</p> <p>Item 3(a), 4(a) and 5 (a) - Delete “current.”</p>	<p>The committee does not recommend revising the form as suggested. The change would affect many more rules and forms than those included in this cycle. The committee would prefer reviewing the rules and forms to consider technical changes in a future cycle.</p> <p>The word “current” make the language in the form consistent with rules 5.92 and 5.260. Therefore, the committee does not recommend changing the form as suggested.</p>

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<b>FL-320-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney</p>	<p>Comment: Item 7. The instruction says that "File your original paperwork....The clerk will keep the original and give you back copies with a court stamp on them." However, it does not state to bring copies of the forms to be stamped by the clerk.</p> <p>Recommendation: Indicate that the person filing the forms should bring the original and 2 copies to the clerk.</p> <p>Comment: Item 10. The instruction states that personal service should be completed at least 9 "days" before the hearing or 14 "days" before the hearing if by mail. The instruction does not indicate whether it is court or calendar days.</p> <p>Recommendation: State whether the number of days are "court" or "calendar" days. Otherwise, if the persons use calendar days, service may be untimely.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>Same as above response.</p> <p>The committee recommends revising the form to state "court" days.</p>
<p>Fariba R. Soroosh Supervising Attorney Self Help Center/Family Law Facilitator's Office Superior Court of Santa Clara County</p>	<p>-Item 2: Please make clear that a written response should not be filed if the responding party seeks a continuance for reasons such as needing more time to prepare or to consult an attorney. Often a responding party is not ready to proceed at the first hearing and can easily get a continuance at that hearing. But if she/he files a written response, the Court has to find good cause to grant a continuance, and could deny the request.</p> <p>-Item 7: SRL's are often confused about what the purpose of</p>	<p>Note: the committee recommends consolidating the information from item 2 and 3 into under item 2 to avoid redundancy in the information. The committee recommends revising item 1 to include the information suggested by the commentator.</p> <p>The committee recommends incorporating the</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-320-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>these boxes are (1-9) and the declaration in support (10). I usually explain that your answers to items 1-9, are about what you want and your answer or explanation to item 10 is why you want those things.</p> <p>-There are two number 7’s and then two number 9’s. So every item after the first number 7 is numbered incorrectly as a result.</p> <p>-Item 10 (should be 12)(<i>now item 10</i>): Please explain what happens if there is an order shortening time for service of responsive pleadings?</p>	<p>commentator suggestions in item 1.</p> <p>The committee recommends correcting the numbering error in the form.</p> <p>The committee recommends that the form to state that “If the court has ordered a shorter time to serve your responsive papers, sure to have them served by the date specified in the court order.”</p>
<p>The State Bar of California The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco</p>	<p>-Item 2: The form should specify that a written response should not be filed if the responding party seeks a continuance for reasons such as needing more time to prepare or to consult an attorney.</p> <p>-Item 7(<i>now item 6</i>): Self-represented litigants are often confused about the purpose of these boxes (1-9) as compared to the declaration in support (10). For example, explain that the purpose of items 1-9 is to tell the court what orders responding party would like the court to make, either agreeing with moving party or other orders, and the declaration under Item 10 is for telling the court why responding party is asking for those orders.</p> <p>-There are two numbers “7” and then two numbers “9”. Every</p>	<p>The committee recommends incorporating the commentator’s suggestions in item 1 of the form.</p> <p>The committee recommends incorporating similar language in this form.</p> <p>The committee recommends correcting the numbering</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-320-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	item numbered after the first item “7” is numbered incorrectly and should be renumbered.	error in the form.
The State Bar of California Standing Committee on the Delivery of Legal Services	<p>FL-320 INFO sheet Section 9: Serve your papers on the other party, should include language to serve the Responsive Declaration to the party’s attorney if the other party is represented by counsel.</p> <p>FL-320 INFO sheet Section 10: Should state the party must be served nine COURT days before the court hearing. Currently the form just says nine days.</p>	<p>The committee recommends incorporating the suggestions of the commentator into the form.</p> <p>The committee recommends revising the form as suggested by the commentator.</p>
Superior Court of Los Angeles County	We are supportive of the proposed new form FL-320 INFO and agree that it promotes the court’s goals of access and fairness as well as neutrality.	No response required.
Superior Court of Sacramento County	<p>* Item 2 - Replace “will with “may.”</p> <p>Items 5(c), 5(d), and 5(e) - Delete reference to “A current.” The likelihood that there is a recently filed form FL-150 is very low, no need to say current.</p> <p>Items 5(c), 5(d), 5(e), 5(f), and 5(g) - To maintain consistency either the word form should be added to the statement “you need forms” or the word “form” should be added to each JC form referenced.</p> <p>Item 6 - Replace “write” with “print.”</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee prefers to use the word “current” to be consistent with the language rules 5.92 and 5.260.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee prefers to use “write” to be consistent</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-320-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Item 7 at Item 3 - Include the word “form.”</p> <p>Item 14 - Use uppercase when referencing “Family Law Facilitator and Self-Help Center.” Remove reference to providing “court forms.”</p>	<p>with other forms.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-336</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<p>Top of page one, remove the filing party/attorney box, as courts complete this form.</p> <p>Page two has a notice to the persons ordered to pay waived court fees and costs. Unsure why this section was added to the form, it appears this section may not be needed, hence we recommend removing it.</p>	<p>The caption is the standard caption for Judicial Council forms. Therefore, the committee does not recommend revising the form as suggested.</p> <p>The notice conforms with the language and requirements of Government Code section 68637(d). Therefore, the committee recommends that it remain on the form.</p>
<p>Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney</p>	<p>Comment: page two, section 2 (in the box) "You have the opportunity for a hearing to request that the court set aside the order to pay waived court fees and costs." This section is confusing because it states that a litigant must complete FL-300 and FL-337, in order to get the set aside. If there is a fee attached to this filing, this will dissuade litigants from setting aside the order to pay court fees and costs. We think this filing should be free specifically stating that in this box.</p> <p>Recommendation: add the following language to the last sentence in the box on page 2, "You can obtain these forms from the clerk of the court, your county library, or online at <a href="http://www.courts.ca.gov">www.courts.ca.gov</a> forms. There is no fee to request a hearing."</p>	<p>The suggested language would require a legislative change since it relates to filing fees.</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-337</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
		The committee received no comments about this form.

<b>FL-341</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County	Page 1, item #7 c, asks for specific information regarding location of mediation/counseling, suggest adding date and time options.  Add “This is a court order” to the bottom of FL-341, FL-341(B), FL-341(C), and FL-341(D) to be consistent with other Judicial Council forms.	The committee recommends revising the form as suggested by the commentator.  The committee recommends that form FL-341 continue to maintain “This is a court order” at the bottom of the page since it is a child custody and visitation (parenting time) order attachment.
Fariba R. Soroosh Supervising Attorney Self Help Center/Family Law Facilitator's Office Superior Court of Santa Clara County	<b><u>FL-341</u></b> Item 7(e)(4): Move the attachment box up and indent to provide more space to write other orders in this space.  -Reduce space provided under items 12-14, as most people, in my experience, use the attachments or do not have this much to list on the form. Instead devote the space to item 15 as, in my experience, that box is most convenient and least confusing to use to list additional orders on the form as opposed to an attachment.	The committee recommends revising the form as suggested by the commentator.  The committee recommends revising the form as suggested by the commentator.
Los Angeles Center for Law and Justice by Diane Trunk	Comment: page one section below the captions "Child Custody and Visitation (parenting time) order attachment To" should include a box for paternity judgments- IE-	The committee recommends revising the form as suggested by the commentator.

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Managing Attorney	<p>Judgment (form FL-250). As practitioners, we often find ourselves checking the "other " box and type in "Judgment (FL-250)". There should be a box for this because half the family law clients we assist are non-married persons, resulting paternity cases/judgments.</p> <p>Recommendation: add the following box "_Judgment (FL-250) next to "Other (specify)".</p> <p>Comment: page two section 7.e. (2) "Alternate weekends starting (date):" Alternate weekend orders are difficult to enforce because if you have an order from 6 months ago, you would have to go through the entire calendar to see whose weekend it is with the minor child. We think have an order that reflects 1st/2nd/3rd/4th/5th is sufficient and likelier to be enforced by police, if necessary.</p> <p>Recommendation: delete section 7.e. (2) "Alternate weekends starting (date):"</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends maintaining item 7.e.(2) on the form.</p>
The State Bar of California Standing Committee on the Delivery of Legal Services	FL-341 – Custody/Visitation – FL-250 (Paternity Judgment) should be included on the form.	The committee recommends revising the form as suggested by the commentator.



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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(B)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<p>Page 1, item #8, the court makes an order to turn in passports however does not give direction as to where/who to turn them in to; suggest adding this information.</p> <p>Add “This is a court order” to the bottom of FL-341, FL-341(B), FL341(C), and FL-341(D) to be consistent with other Judicial Council forms.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising form FL-341(B) as suggested by the commentator because it is an order attachment.</p>
<p>Superior Court of Sacramento County</p>	<p>*Comments on ITC, page 21, first sentence under “<i>Adapting family law forms for use as juvenile court child custody orders</i>”- “In addition to the above-mentioned changes, forms FL-341(B)-(E) would be revised to include a check box in the caption to make clear that each form may serve as attachments to either <i>Custody–Juvenile Court–Final Judgment</i> (form JV-200) or <i>Visitation Order–Juvenile</i> (form JV-205). - This is a good revision.</p>	<p>No response required.</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(C)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<ul style="list-style-type: none"> <li>• Add “This is a court order” to the bottom of FL-341, FL-341(B), FL341(C), and FL-341(D) to be consistent with other Judicial Council forms.</li> </ul>	<p>Form FL-341(C) is a multipurpose form that may be used as an attachment to an application as well as an order. Therefore, the committee does not recommend adding “This is a court order” to the bottom of form FL-341(C).</p>
<p>Superior Court of Sacramento County</p>	<p>* Comments on ITC, page 20, bullet 1 - Why not just blank spaces since this varies so much? The day of the week and dates change from year to year.</p> <p>Comments on ITC, page 20, bullet 6 – New items at 2 (b)(1) and (2)(A)-(D).This will be problematic. Parties are in court because they don’t want to follow the suggestion of the other....</p> <p>Comments on ITC, page 21, first sentence under “<i>Adapting family law forms for use as juvenile court child custody orders</i>”- “In addition to the above-mentioned changes, forms FL-341(B)-(E) would be revised to include a check box in the caption to make clear that each form may serve as attachments to either <i>Custody–Juvenile Court–Final Judgment</i> (form JV-200) or <i>Visitation Order–Juvenile</i> (form JV-205). - This is a good revision.</p> <p>Title of form - Suggestion to changing title to “Child’s Exception to Parenting Time Schedule Attachment.”</p>	<p>The committee recommends no change to the form based on the comment. As it circulated for comment, the form was expanded to provide blank spaces in another table for “Other Holidays” (on page 2) to allow parents to tailor a parenting plan that is in the best interest of their child.</p> <p>The committee recommends maintaining these new items on the form to allow the parties to consider examples of how they can resolve disagreements about holidays.</p> <p>No response required.</p> <p>The committee does not recommend changing the title of the form as suggested by the commentator.</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(C)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Item 1 on page 1 - Replace word “write” with “print.”	The committee prefers the word “write” to be consistent with other FL and DV forms.
	Item 1, page 2 - Replace word “Holidays” with “Exceptions” (in first column) and “holiday parenting” to “exception parenting time.”	The committee does not recommend the suggested revision as it could cause confusion to litigants.

<b>FL-341(D)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
California Partnership to End Domestic Violence by Krista Niemczyk Sacramento	<u>FL-341(D) Additional Provisions-Physical Custody Attachment</u> In the proposed amendments to FL-341(D) (Additional Provisions-Physical Custody Attachment), under Item 1 (Notification of parties’ current address), the proposed language includes:  “The parties may not use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other’s privacy. If a party has an address with the State of California’s Safe at Home confidential address program, no residence or work address is needed.”  We appreciate this language and recommend that it is broadened to also state that a party does not have to disclose their residence, work or other contact info if they have a DVRO against the other party that includes a No Contact order or if the person is residing in a confidential location.	The committee is not able to recommend the changes suggested by the commentator in this cycle. The changes are substantive in nature and would require additional public comment.

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(D)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>John Chemeleski Trial Court Commissioner Long Beach</p>	<p>Form FL - 341(D), Additional Provisions - Physical Custody provisions: Many of the optional orders contained on this form, such as paragraphs 7 - 16, are orders that are not authorized by the Family Code and may be unconstitutionally broad as an intrusion on parental decision making.</p> <p>There is a presumption that fit parents act in their children's best interests, Parham v. J. R., 442 U. S. 584, 602, and there is normally no reason for the State to inject itself into the private realm of the family to further question fit parents' ability to make the best decisions regarding their children, see, e. g., Reno v. Flores, 507 U. S. 292, 304. The fact that the parties have a custody dispute before the court should not in itself be a reason for the court to impose restrictions on parents that are not imposed by law on parents who are not before the court in absence of evidence that a parent is not fit to make such decisions. The "best interest of the child" standard refers to the basis for the resolution of the custody dispute and does not give the court authority to impose restrictions that might be considered best for the children in absence of parental unfitness.</p> <p>Having these orders in a court order form, however, suggests that such orders are otherwise appropriate. Although parties</p>	<p>Effective January 1, 2004, the Judicial Council approved form FL-341(D) for optional use to address common issues in custody and visitation orders such as safety, child care, and phone contact. It is meant to allow (1) litigants to set out a parenting schedule and (2) judicial officers to specify the scope of, and incorporate common provisions regarding, physical custody.</p> <p>The form does not impose any restrictions on a parent's right to act in the best interests the child.</p> <p>The form allows the parents to address common issues that recurred regularly in a statewide review of custody</p>

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<b>FL-341(D)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>often agree to such orders, or may be coerced into agreeing to such orders, they can lead to time wasting contempt or other proceedings.</p> <p>Such provisions, if to be included in court forms, should only be in an agreement form, not an order form, with a provision that such agreements are not subject to law enforcement or contempt proceedings but could be the basis for a request for further orders if violation of such agreement was found to be evidence of parental unfitness.</p>	<p>agreements.</p> <p>The committee does not recommend changing the form as suggested by the commentator.</p>
<p>Family Law and Juvenile Court Operations Managers by Blanca Ecsobedo Principal Administrative Analyst Superior Court of Orange County</p>	<p>Add “This is a court order” to the bottom of FL-341, FL-341(B), FL-341(C), and FL-341(D) to be consistent with other Judicial Council forms.</p>	<p>Form FL-341(D) is multipurpose forms that may be used as an attachment to an application as well as an order. Therefore, the committee does not recommend adding “This is a court order” to the bottom of form FL-341(D).</p>
<p>Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney</p>	<p>Comment: page one section 6 Phone contact between the parents- We would like to add language stating that the custodial parent must make the child available during the schedule times and that neither party shall interfere with the phone calls.</p> <p>Recommendation: add to section 6 c, "No party or any other third party may listen to or monitor the calls. Neither party shall interfere with the phone calls." AND add a new section "6 d. The custodial parent shall make the child available during the following times (specify):"</p>	<p>The committee recommends revising the form to incorporate a statement that the custodial parent must make the child available for the scheduled telephone contact.</p> <p>The committee recommends a slight revision to an existing item 6b to include that the parties will make the child available. The committee also recommends a slight change to existing item 6c to include a prohibition against interfering with the call. Item 6c would be revised to state: No party or any third party may listen</p>

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<b>FL-341(D)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
		to, monitor, or interfere with the calls.
Superior Court of Imperial County, Access Center by Rheeah Yoo Access Center Supervisor and Family Law Facilitator	* The options for telephone are either home, work, or child’s school. Recommendation: Add option for cell phone under 1b.	The committee recommends revising the form as suggested by the commentator.
Superior Court of Sacramento County	* Comments  Comments on ITC, page 21, first sentence under “ <i>Adapting family law forms for use as juvenile court child custody orders</i> ”- “In addition to the above-mentioned changes, forms FL-341(B)-(E) would be revised to include a check box in the caption to make clear that each form may serve as attachments to either <i>Custody–Juvenile Court–Final Judgment</i> (form JV-200) or <i>Visitation Order–Juvenile</i> (form JV-205). - This is a good revision.	No response required.

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>California Judges Association by Joan P. Weber California Judges Association President</p>	<p><b><i>Form FL – 341 (E): Joint legal custody attachment</i></b></p> <p>This proposal contains a significant change in the language concerning joint legal custody. The existing form provides in paragraph 2 for an order that provides “the parents must confer in making decisions on the following matters”.</p> <p>The proposed revision to this form changes this language dramatically by stating “the parties must discuss and consent in making decisions on the following matters”. The “following matters” include enrollment in school, participation in religious activities, mental health counseling, extracurricular activities, and out-of-state travel. The change from “confer” to “consent” would effectively prohibit either parent from any of the above activities without the consent of the other parent. The form provides that a parent who does not obtain the consent of the other for these actions is subject to civil and criminal penalties. Therefore a parent, even one who has minimal physical custody, could prevent the other parent from taking any of these actions by doing nothing and that non-consenting parent would not be exposed to any penalties no matter how unreasonable that parents position would be. The parent who is seeking to take such actions is left in a position of either violating the court order or filing a request to change the order and waiting many weeks until a court hearing. Regardless of the necessity therefore, a parent could not lawfully take the child to child care, school, an extracurricular activity, a church service, a doctor (except in an emergency) or a therapist unless</p>	<p>The proposed change described by the commentator is not a major change to the form. The revisions are meant to better reflect the form’s original purpose and the language of Family Code section 3083.</p> <p>The Judicial Council approved form FL-341E, <i>Joint Legal Custody Attachment</i>, effective January 1, 2004, to allow the court to specify the circumstances under which the <i>consent</i> of both parents is required to be obtained in order for them to exercise legal control of the child and the consequences of the failure to obtain mutual consent as required by Family Code section 3083.</p> <p>Family Code section 3083 requires that:</p> <p>In making an order of joint legal custody, the court shall specify the circumstances under which the consent of both parents is required to be obtained in order to exercise legal control of the child and the consequences of the failure to obtain mutual consent. In all other circumstances, either parent acting alone may exercise legal control of the child.</p> <p>An order of joint legal custody shall not be construed to permit an action that is inconsistent</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>the other parent has consented.</p> <p>Although family code section 3083 provides that the court in making an order for joint legal custody shall specify the circumstances under which the consent of both parents is required, nothing in the code suggest that such draconian restrictions are necessary or in a child’s best interest. The existing form language provides for a conference before making such decisions which gives notice of such proposed changes and an opportunity to object or propose alternatives or seek court assistance.</p> <p>The proposed requirement of consent to the above actions would also appear to tread on parents constitutional rights under the 14th amendment that the Supreme Court has ruled on in a number of cases. There is a pre-sumption that fit parents act in their children’s best interests, Parham v. J. R., 442 U. S. 584, 602, and there is normally no reason for the State to inject itself into the private realm of the family to further question fit parents’ ability to make the best decisions regarding their children, see, e. g., Reno v. Flores, 507 U. S. 292, 304. The fact that the parties have a custody dispute before the court should</p>	<p>with the physical custody order unless the action is expressly authorized by the court.</p> <p>To correct a misunderstanding in the legal community about the meaning of “joint legal custody”—that it means neither party can act alone in making major decisions about a child—the committee added a notice under the caption to specify that, in exercising joint legal custody, the parties may act alone, as long as the action does not conflict with any orders about physical custody of the children. In addition, the notice explains the proper use of this optional form. It is used only if a party wants the court to specify when the consent of both parties is required to exercise legal control of the children. The form also conforms to the code by noting that an order under Section 3083 must include the consequences for failing to obtain mutual consent.</p> <p>The form reflects the requirements of Family Code section 3083.</p>



**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>not in itself be a reason for the court to impose restrictions on parents that are not imposed by law on parents who are not before the court in absence of evidence that a parent is not fit to make such decisions.</p> <p>Additionally in my experience an attorney in family law for 18 years and as a family law bench officer for the past 21 years I have found that having such draconian provisions in court forms encourages a party seeking to control the other parent to insist in having such provisions included in a court order creating an additional obstacle to settlement.</p> <p><b><i>Form FL – 341 (E), Paragraph 4b</i></b>                      This provision about each parent having access to children’s records etc. (which is also included in the existing form) is required by family code section 3025 and therefore should not be preceded by a checkbox as it is not an optional provision. Additionally, as this provision applies to all custody orders, not just joint custody, it should be included on form FL 341 and not on this form. Having this provision listed as optional on this form is likely to mislead parties to believe that it does not apply otherwise. I also suggest that this provision quote family code section 3025 verbatim to avoid any misunderstanding by schools or medical facilities.</p>	<p>The optional form reflects the requirements of Family Code section 3083.</p> <p>The committee recommends revising 4b by removing the check box as suggested by the commentator.</p> <p>The committee recommends revising item 4b to state:                      Both the custodial and non-custodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.</p>
Hon. John Chemeleski Trial Court Commissioner Long Beach	<p>Form FL – 341 (E), Joint legal Custody Attachment.                      Paragraph 2:                      This proposal contains a significant change in the language</p>	<p>The proposed change described by the commentator is</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>concerning joint legal custody. The existing form provides in paragraph 2 for an order that provides "the parents must confer in making decisions on the following matters".</p> <p>The proposed revision to this form changes this language dramatically by stating "the parties must discuss and consent in making decisions on the following matters". The "following matters" include enrollment in school, participation in religious activities, mental health counseling, extracurricular activities, and out-of-state travel. This change from "confer" to "consent" would effectively prohibit either parent from any of the above activities without the consent of the other parent. The form provides that a parent who does not obtain the consent of the other for these actions is subject to civil and criminal penalties. Therefore a parent, even one who has minimal physical custody, could prevent the other parent from taking any of these actions by doing nothing and that non-consenting parent would not be exposed to any penalties no matter how unreasonable that parents position would be. The parent who is seeking to take such actions is left in a position of either violating the court order or filing a request to change the order and waiting many weeks until a court hearing. Regardless of the necessity therefore, a parent could not lawfully take the child to child care, school, an extracurricular activity, a church service, a doctor (except in an emergency) or a therapist unless the other parent has consented.</p>	<p>not a major change to the form. The revisions are meant to better reflect the form's original purpose and the language of Family Code section 3083.</p> <p>The Judicial Council approved form FL-341E, <i>Joint Legal Custody Attachment</i>, effective January 1, 2004, to allow the court to specify the circumstances under which the <i>consent</i> of both parents is required to be obtained in order for them to exercise legal control of the child and the consequences of the failure to obtain mutual consent as required by Family Code section 3083.</p> <p>Family Code section 3083 requires that:</p> <p>In making an order of joint legal custody, the court shall specify the circumstances under which the consent of both parents is required to be obtained in order to exercise legal control of the child and the consequences of the failure to obtain mutual consent. In all other circumstances, either parent acting alone may exercise legal control of the child.</p> <p>An order of joint legal custody shall not be construed to permit an action that is inconsistent with the physical custody order unless the action is expressly authorized by the court.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Although Family Code section 3083 provides that the court in making an order for joint legal custody shall specify the circumstances under which the consent of both parents is required, nothing in the code suggest that such draconian restrictions are necessary or in a child's best interest. The existing form language provides for a conference before making such decisions which gives notice of such proposed changes and an opportunity to object or propose alternatives or seek court assistance.</p> <p>The proposed requirement of consent to the above actions would also appear to tread on parents constitutional rights under the 14th amendment that the Supreme Court has ruled on in a number of cases. There is a presumption that fit parents act in their children's best interests, <i>Parham v. J. R.</i>, 442 U. S. 584, 602, and there is normally no reason for the State to inject itself into the private realm of the family to further question fit parents' ability to make the best decisions regarding their children, see, e. g., <i>Reno v. Flores</i>, 507 U. S. 292, 304. The fact that the parties have a custody dispute before the court should not in itself be a reason for the court to impose restrictions on</p>	<p>To try to correct a misunderstanding in the legal community about the meaning of “joint legal custody”—that it means neither party can act alone in making major decisions about a child—the committee added a notice under the caption to specify that, in exercising joint legal custody, the parties may act alone, as long as the action does not conflict with any orders about physical custody of the children. In addition, the notice explains the proper use of this optional form. It is used only if a party wants the court to specify when the consent of both parties is required to exercise legal control of the children. The form also conforms to the code by noting that an order under Section 3083 must include the consequences for failing to obtain mutual consent.</p> <p>The form reflects the requirements of Family Code section 3083.</p>

**SPR15-16**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>parents that are not imposed by law on parents who are not before the court in absence of evidence that a parent is not fit to make such decisions.</p> <p>Additionally in my experience an attorney in family law for 18 years and as a family law bench officer for the past 21 years I have found that having such draconian provisions in court forms encourages a party seeking to control the other parent to insist in having such provisions included in a court order creating an additional obstacle to settlement.</p> <p>Form FL – 341 (E), Joint legal Custody Attachment Paragraph 4b: This provision about each parent having access to children's records etc. (which is also included in the existing form) is required by family code section 3025 and therefore should not be preceded by a checkbox as it is not an optional provision. Additionally, as this provision applies to all custody orders, not just joint custody, it should be included on form FL 341 and not on this form. Having this provision listed as optional on this form is likely to mislead parties to believe that it does not apply otherwise. I also suggest that this provision quote Family Code section 3025 verbatim to avoid any misunderstanding by school or medical facilities.</p>	<p>The optional form reflects the requirements of Family Code section 3083.</p> <p>The committee recommends revising 4b by removing the check box as suggested by the commentator.</p> <p>The committee recommends revising item 4b to state: Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.</p>
<p>Los Angeles Center for Law and Justice by Diane Trunk Managing Attorney</p>	<p>Comment: page one section 4 -Special decision making designation and Access to children's records- two things there is a typographical error in the heading and we would like to add a subsection "c" to designate tie-breaker</p>	<p>The committee recommends the changes suggested by the commentator regarding the word "access."</p> <p>The committee does not recommend adding a new</p>

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<b>FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>authority to one of the parties in case of a conflict.</p> <p>Recommendation: Change the "Access" to "access" the upper case is not required AND add a subsection "4 c. Tie-breaking authority ___ Petitioner _____ Respondent."</p> <p>Comment: We agree with the criticism on the joint legal custody attachment, additional problems will arise if parties need to "consent" rather than just "discuss."</p>	<p>section relating to tie-breaking , as it would require resubmitting the form for comment and would require expanding it to two pages.</p> <p>The word “consent” is used to reflect the language of Family Code section 3083.</p>
Superior Court of Los Angeles County	<p>FL 341 (E): This proposal contains a significant change in the language concerning joint legal custody which has the potential for confusion. The large "Notice" box says that the parties may act alone "as long as the action does not conflict with any orders about the physical custody of the children."</p> <p>Paragraph 2, if used by the court, then states "the parties must discuss and consent in making decisions on the following matters". The "following matters" include enrollment in school, participation in religious activities, mental health counseling, extracurricular activities, and out-of-state travel. Use of this box effectively prohibits either parent from any of the above activities without the consent of the other parent.</p> <p>If a court checks portions of Paragraph 2, does this mean that the parent can act alone except as to the checked boxes?</p>	<p>Please see the response to the same comment from California Judges Association and Hon. John Chemeleski.</p>

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**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, FL-320-INFO; revise forms DV-115, DV-115-INFO, DV-116, DV-130, DV-200, DV-200-INFO, DV-505-INFO, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Paragraph 4b: This provision about each parent having access to children's records etc. is required by FC 3025 and therefore should not be preceded by a checkbox as it is not an optional provision. Additionally, as this provision applies to all custody orders, not just joint custody, it should be included on Form FL 341. This provision should quote FC 3025 verbatim to avoid any misunderstanding by schools or medical facilities.	Please see the response to the same question from California Judges Association and Hon. John Chemeleski.
Superior Court of Sacramento County	* Comments  Comments on ITC, page 21, first sentence under “ <i>Adapting family law forms for use as juvenile court child custody orders</i> ”- “In addition to the above-mentioned changes, forms FL-341(B)-(E) would be revised to include a check box in the caption to make clear that each form may serve as attachments to either <i>Custody–Juvenile Court–Final Judgment</i> (form JV-200) or <i>Visitation Order–Juvenile</i> (form JV-205). - This is a good revision.	No response required.

**Comments from proposal SPR13-22 (circulated in 2013)  
Family Law: Improvements to Request for Order Rules and Forms**

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Judges Association Lexi Howard Legislative Director	N/I	See comments on specific provisions below.	See response to specific provisions below.
2.	Hon. John Chemeleski Commissioner Superior Court of Los Angeles County	N	See comments on specific provisions below.	See response to specific provisions below.
3.	Hon. Christine Copeland Commissioner Superior Court of Santa Clara County	AM	See comments on specific provisions below.	See response to specific provisions below.
4.	Christine N. Donovan, CFLS Sr. Staff Attorney Superior Court of Solano County	N/I	<p><b>(1) Does the proposal reasonably achieve the stated purpose?</b> Generally, yes, it does. However, I have concerns regarding specific portions of the proposal, which I discuss in more detail below.</p> <p><b>(2) Would this proposal have an impact on public’s access to the courts? If a positive impact, please describe. If a negative impact, what changes might lessen the impact?</b> I think it might. Although the revised FL-300 allows a person to <i>request</i> the issuance of an OSC, the only form that includes an <i>order</i> mandating an appearance is the Temporary Emergency Orders form</p>	<p>The committee believes that the rules and forms recommended for approval or adoption, effective July 1, 2016 address the commentator’s concerns. The recommendations are informed by comments from courts, court professionals, attorneys, legal organizations, and litigants in response to rules and forms in the proposals circulated in spring 2013, winter 2014, and spring 2015.</p> <p>In response to this comment, the committee changed its recommendations relating to rule 5.92 and forms FL-300, FL-300-INFO, and FL-305. The committee does not intend that persons</p>

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Family Law: Improvements to Request for Order Rules and Forms**

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>(FL-305). This suggests that the intent is to require that all parties who need an OSC go through the temporary emergency order process. The process is delineated in CRC 5.151 et seq., and includes within its scope temporary emergency orders of a procedural nature. (See, e.g., CRC 5.151(b)(3).) The issuance of an OSC is undoubtedly procedural.</p> <p>The temporary emergency order process requires additional time and expense. Instead of being issued immediately, the RFO would instead have to be routed to a judicial officer for review and signature. This adds a day to the process, especially in cases where a RFO is filed after a local court's emergency order submittal deadline. In cases where the only reason for the issuance of the OSC is because of the respondent's non-appearance in the case, the additional delay is unwarranted for the litigant and is an waste of already scarce judicial resources.</p> <p>As for expense, I fear that courts could interpret the new process to mean that regardless of the grounds for the requested OSC issuance, the request would be subject to the same fee as any other ex parte request because of the means through which it is being sought. Thus, the issuance of an OSC due to the respondent's lack of appearance could end up costing the</p>	<p>seeking the personal appearance of a party at the hearing seek a temporary emergency order from the court.</p> <p>Same as above response.</p> <p>In response to this comment, the committee changed its recommendations relating to rule 5.92 and forms FL-300, FL-300-INFO, and FL-305. The committee does not intend that persons seeking the personal appearance of a party at the hearing seek a temporary emergency order from the court.</p>



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Family Law: Improvements to Request for Order Rules and Forms**

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>petitioner an additional \$60, when such a charge is in no way warranted.</p> <p>Instead, I believe that two separate processes are warranted. One would be a streamlined process enabling a court clerk to ministerially issue an OSC if the respondent has not yet appeared in the case. This is an appropriate delegation of authority because the issuance of an OSC under these circumstances does not require the use of judicial discretion. The other process would be for cases where judicial discretion <u>is</u> warranted in the OSC's issuance, such as whether to order parties to appear at a hearing for testimony or to make temporary emergency orders pending the hearing. This should be done through the emergency order process as originally proposed.</p> <p><b>The advisory committee and task force also seek comments from courts on the following cost and implementation matters:</b>  <b>(1) Would the proposal provide costs savings? If so, please quantify. If not, what changes might be made that would provide savings, or greater savings?</b>            Although I am not responding on behalf of a court, I am a court employee.</p> <p>In my opinion, if the process remains unchanged from what is proposed, the court</p>	<p>The committee recommends that rule 5.92 be amended to permit the court clerk to issue a Request for Order (form FL-300) as a ministerial act. The committee recommends limiting their authority to issuing those orders or notices:</p> <ol style="list-style-type: none"> <li>(1) For the parties to attend orientation and confidential mediation or child custody recommending counseling; and</li> <li>(2) That may be delegated by a judicial officer and do not require the use of judicial discretion.</li> </ol> <p>The committee believes that the rules and forms recommended for approval or adoption, effective</p>

**Comments from proposal SPR13-22 (circulated in 2013)  
Family Law: Improvements to Request for Order Rules and Forms**

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>will be forced to absorb increased use of the emergency order process to obtain ministerial OSCs. This negatively impacts already scarce resources. I suggest the changes discussed above, namely removing “not-yet-appeared” OSCs from the emergency order process and permitting court clerks to ministerially issue those OSCs.</p> <p><b>(2) What are the implementation requirements 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.</b></p> <p>Although I am not responding on behalf of a court, I am a court employee.</p> <p>In my opinion, I do not anticipate changes to most docket codes, although the new stand-alone <i>Temporary Emergency Order</i> form will require the creation of a new docket code. New codes are not difficult to create or implement.</p> <p>Few changes, if any, will be needed to our court’s case management system. Staff training is always needed whenever forms</p>	<p>July 1, 2016 address the commentator’s concerns. The recommendations include the suggestions made by this commentator, as well as other comments from courts, court professionals, attorneys, legal organizations, and litigants made in response to rules and forms in the proposal circulated in spring 2013 and then re-circulated in winter 2014, and spring 2015.</p> <p>No response required.</p> <p>No response required.</p>

**Comments from proposal SPR13-22 (circulated in 2013)  
Family Law: Improvements to Request for Order Rules and Forms**

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	Commentator	Position	Comment	Committee Response
			<p>change. The amount of training needed would depend on the procedure ultimately adopted.</p> <p><b>(3) Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> Although I am not responding on behalf of a court, I am a court employee. In my opinion, yes, two months is adequate.</p> <p><b>(4) If this proposal would be cumbersome or difficult to implement in a court of your size, what changes would allow the proposal to be implemented more easily or simply in a court of your size?</b> Although I am not responding on behalf of a court, I am a court employee. In my opinion, I believe the changes I describe above should simplify the process and ensure easier implementation.</p> <p>See comments on specific provisions below.</p>	<p>No response required.</p> <p>The committee believes that the rules and forms recommended for approval or adoption, effective July 1, 2016 address the commentator's concerns. The recommendations include the suggestions made by this commentator, as well as other comments from courts, court professionals, attorneys, legal organizations, and litigants made in response to rules and forms in the proposal circulated in spring 2013 and then re-circulated in winter 2014, and spring 2015.</p>
5.	Family Law Executive Committee Lynette Berg Robe Los Angeles County Bar Association	N/I	See comments on specific provisions below.	See response to specific provisions below.
6.	Debbie Kruse	N	See comments on specific provisions below.	See response to specific provisions below.

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Family Law: Improvements to Request for Order Rules and Forms**

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
	Deputy Manager, Family Law Superior Court of Orange County			
7.	Legal Aid Foundation of Los Angeles Jimena Vasquez Staff Attorney	A, N	<p>We agree with proposed Rule 5.94 but do not agree with the proposed changes to 5.92 and to the forms. Our primary concern is with the order to appear and the concomitant changes in FL-300, FL-305, and FL-320.</p> <p>Many changes on the FL-300, FL-305, and FL-320 will create further confusion. It appears that the proposed changes to FL-300 and the related forms are designed to help litigants understand the forms and to help court clerks to process them. While the proposal may make it easier for court clerks to process forms, it will create much more confusion for the litigants, especially those who are self represented and who make up the bulk of family law litigants. We are concerned that the request for an order to appear will confuse both the moving and the responding parties. The proposal would confuse moving parties who would believe that when any substantive issue is involved a notice to appear is necessary, making almost any request for order a request for a notice to appear. Responding parties will also be confused as to whether they are required to appear. The proposal therefore will cause more confusion and will not help litigants to understand their rights and responsibilities.</p>	The committee believes that the rules and forms recommended for approval or adoption, effective July 1, 2016 address the commentator's concerns about rule 5.92 and forms FL-300, FL-305, and FL-320. The recommendation are also informed by similar comments and suggestions from courts, court professionals, attorneys, legal organizations, and litigants in response to rules and forms in the proposal circulated in spring 2013 and then re-circulated in winter 2014, and spring 2015.

**Comments from proposal SPR13-22 (circulated in 2013)  
Family Law: Improvements to Request for Order Rules and Forms**

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p><b>We are concerned that the proposed changes to the forms would negatively impact the public’s access to the courts.</b></p> <p>The proposed changes regarding requesting an order for appearance may have the unintended impact of limiting the public’s access to the courts. First, moving parties will not know when it would be appropriate to request an order mandating an appearance of the responding party. Furthermore, moving parties will never get an order to appear unless it is granted on an emergency basis. This will needlessly cause litigants to spend more time filling out paperwork when the relief is almost meaningless. Second, allowing a space for responding litigants to write why they will or will not appear may create a disincentive for people to appear in court and deprive judges of the opportunity to receive the evidence and argument necessary to decide important family law matters. Judges may then be left in the difficult circumstance of granting unnecessary continuances for good cause, that lead to unnecessary delays and cause further strain on our overburdened family law courts.</p> <p>See comments on specific provisions below.</p>	<p>The committee believes that the rules and forms recommended for approval or adoption, effective July 1, 2016 address the commentator’s concerns. No rules or forms recommended for adoption require a party to request an order mandating the appearance of the responding party.</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
8.	State Bar of California, Standing Comm. on the Delivery of Legal Services S. Lynn Martinez Chair	AM	See comments on specific provisions below.	See response to specific provisions below.
9.	Superior Court of Calaveras County Hugh Swift Court Executive Officer	N	See comments on specific provisions below.	See response to specific provisions below.
10.	Superior Court of Los Angeles County	AM	See comments on specific provisions below.	See response to specific provisions below.
11.	Superior Court of Riverside County Carrie Snuggs Family Law & Juvenile Director	AM	We feel the overall changes to the RFO and instruction sheets will be helpful to customers. See comments on specific provisions below.	See response to specific provisions below.
12.	Superior Court of San Bernardino County Monica Mitchell Supervising Attorney	N/I	See comments on specific provisions below.	See response to specific provisions below.
13.	Superior Court of San Diego County Michael M. Roddy Executive Officer	AM	See comments on specific provisions below.	See response to specific provisions below.
14.	Superior Court of Shasta County Stacy Larson Family Law Facilitator	AM	See comments on specific provisions below.	See response to specific provisions below.
15.	TCPJAC/CEAC Joint Rules Committee TCPJAC/CEAC	A, AM, N	Agree with proposal as submitted for forms FL 306, FL-311, FL 312, FL-337, FL-341(C), FL-341(D), FL-341(E).	No response required.

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>Agree with proposal if modified for Rule of Court 5.92 and 5.94 and forms FL-320 and FL-326. Do not agree with proposal as submitted for forms FL-300, FL-300 INFO, and FL:-305. See comments on specific provisions below.</p> <p><b>1. Potential Fiscal Impact</b>            There will be a fiscal impact on court staff training and workload resources.</p> <p><b>2. Impact on Existing Automated Systems</b>            If a court has the forms configured for printing, the forms would need to be updated. New codes may need to be added if they do not currently exist.</p> <p><b>3. Create the Need for Additional Training, Which Requires the Commitment of Staff Time and Court Resources</b>            Changes to some courts' case management systems may be required, and court users would need to be trained on the changes.</p>	<p>The committee believes that the rules and forms recommended for approval or adoption, effective July 1, 2016 address the commentator's concerns about rules 5.92 and 5.94, as well as forms FL-300, FL-305, and FL-320. The recommendations are also informed by similar comments and suggestions from courts, court professionals, attorneys, legal organizations, and litigants in response to rules and forms in the proposal circulated in spring 2013 and then re-circulated in winter 2014, and spring 2015.</p> <p>The committee understands that there will be costs incurred to implement the recommended changes to the rules and forms. The committee also believes that the changes will save resources by better educating litigants on completing and filing form FL-300 and other associated forms and allowing the court clerks to ministerially issue a request for order under certain circumstances under rule 5.92.</p> <p>The committee agrees that changes to some courts' case management system may be required to implement the committee's recommendations.</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>The proposed changes to reduce court personnel’s confusion may not have the desired effect and fails to resolve the underlying variations in local practice among court personnel.</p> <p>The proposed changes will make the forms more difficult for litigants as they are unfamiliar with the meaning and significance of “orders pending hearing”, “no appearance by the other party”, or “substantive matters at issue”.</p> <p><b>4. Increase Court Staff Workload</b> FL-300, Page 2, Item 1.c. authorizes a party to request an order to appear if certain substantive matters are at issue. This section could potentially require an order to appear (additional form FL-305) every time a Request for Order is filed. Virtually every hearing in family law will involve at least one of the issues listed, i.e. child support, custody, visitation, property control, etc. Therefore, even if the responding party has appeared and the applicant seeks no temporary orders, the Request for Order would have to be processed as an order requiring a judge’s signature, which requires substantially more work on judicial officers and clerks than processing the Request, which does not require a pre-hearing order to appear..</p>	<p>The committee’s recommendations for spring 2015 do not include revising form FL-300 to include the item titled “Attendance at Hearing.”</p> <p>The committee’s current recommendations for changes to rules and forms, effective July 1, 2016, do not include revising forms FL-300 and FL-305 to require a moving party to request an order for the other party to appear at the hearing on the <i>Request for Order</i>. Therefore, the committee believes that the recommendations address the commentator’s concerns.</p>



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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p><b>5. Implementation</b> Most recommendations could be handled on the 2-month implementation time. Courts that have the forms in their case management systems may likely need more time, but changes on most of the forms recommended to move forward are minor.</p> <p>The changes to FL-300 were more complex and JRWG is recommending that this form <b>not</b> be approved (see “<i>Specific Comments</i>” below). At this point, the proposed rule and form changes do not adequately address the underlying problem and potentially create additional problems.</p> <p><b>6. Request for Specific Comments</b> The project sponsor asked whether the suggested changes to FL-300, FL-300-INFO, FL-305, and FL-306 address the issues raised by court personnel as described in this proposal.</p> <p>Although some of the cosmetic and clarification points to the form would improve the current FL-300, there are modifications as presented that do not solve the main current issues with the form and would likely create additional problems. Courts have created workarounds for using the current FL-300 so instead of adopting some of the changes now and re-tooling the form for approval at a later date, it is</p>	<p>No response required.</p> <p>The committee believes that the recommendations for rules and forms changes, effective July 1, 2016, more adequately address the underlying issues relating to the request for order process than the spring 2013 proposal.</p> <p>No response required.</p> <p>As suggested by the commentator, the committee deferred action on the spring 2013 proposal. Revised proposals circulated in the winter 2014 and spring 2015 cycle. The committee’s current recommendations are informed by all comments submitted from courts, court professionals, attorneys, legal organizations, and litigants in response to comments from these prior cycles. The committee believes that the</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>recommended that these forms be re-tooled and resubmitted for approval and adoption at a later date.</p> <p>The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force (the “Committees”) should have the opportunity to review and consider all comments and recommendations for suggested revisions received in response to the Invitation to Comment. The JRWG anticipates the feedback of court subject matter experts, self-help center staff and family law attorneys will assist the Committees in meeting its objective of developing rules and forms which make the Request for Order process easier to complete and understand.</p> <p>If the Committees decide to proceed to seek approval and adoption of the proposed forms during this comment cycle, the JRWG identified several specific issues of concern with the forms.</p>	<p>recommendations made in the spring 2015 cycle address the commentator’s concerns.</p> <p>Same as above response.</p> <p>The committee believes that the recommendations made in the spring 2015 cycle address the specific issues of concerns that the commentator identified in this comment chart.</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
California Judges Association Lexi Howard Legislative Director	*Rule 5.92, like form FL-300, should only require an Order to Show Cause (not an order to appear) where there has not been an appearance by the other party in the proceeding by a response, stipulation, or otherwise. It is not necessary to make the Request for Order into an “Order”(OSC or otherwise) for the other reasons listed on the FL-300 (Par. 1 on pg. 2) or in rule 5.92.	As further described in the response to comments about form FL-300, the committee recommends removing the standard order to show cause language from the rule and form.
Hon. John Chemeleski Commissioner Superior Court of Los Angeles County	Same comments as the California Judges Association.	Same as above response.
Christine N. Donovan, CFLS Sr. Staff Attorney Superior Court of Solano County	<p>Modify CRC 5.92 (or another appropriate rule of court) to allow ministerial issuance of an OSC by a clerk when the only reason for the OSC is the respondent’s non-appearance.</p> <p>Remove from the emergency order process the “not-yet-appeared” OSC. If, however, the “not-yet-appeared” OSC is kept within the emergency order process, amend Rule 5.170 to add “(8) An order to show cause for a respondent who has not yet appeared in the case as defined by Rule 5.92.” This should clarify that such a request is a procedural matter that does not require notice, which in turn should not trigger the additional ex parte fee otherwise required by Government Code section 70617(a).</p> <p><b>Regarding rule 5.92, the task force and committee seek comment about the proposed change to the language of 5.92(a)(6)(A)(ii), and whether the use of the term</b></p>	<p>The committee prefers to amend rule 5.92 to include a new subdivision that would allow a court clerk to issue form FL-300 as a ministerial act under certain circumstances which do not require use of judicial discretion.</p> <p>The committee recommends alternative language in the rule to clarify procedures for requesting temporary emergency (ex parte) orders.</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><b>“appearance” helps clarify when personal service of the request for order is required. If it does not, how might this part of the rule be reworded to avoid confusion?</b></p> <p>The term appearance helps clarify it somewhat, but not entirely. The CRCs use the term “appearance” in different ways. Rule 5.62 says that a respondent makes an appearance in the case by filing one of four described pleadings in the case. Rule 5.9 refers to an “appearance” by telephone, which is simply someone participating at a hearing or trial over the telephone. Thus, the same word is used interchangeably to mean different things.</p> <p>I could see confusion as to whether personal service of a RFO is required on someone who has previously appeared at hearings but has not “appeared” in the sense of Rule 5.62.</p> <p>I suggest that the rule be reworded to clarify that the appearance referred to is the type of appearance described in Rule 5.62.</p> <p><b><u>Rule 5.92</u></b> I suggest the following additional modification:</p> <p>(a) *** <u>(7) If the respondent or other party has not yet made an appearance in the case as defined by Rule 5.92, the Request for Order shall include an Order to Show Cause requiring the respondent or other party to appear at the hearing and show cause why the relief sought should not be granted.</u></p> <p>(8)(7) The documents served must include a blank copy of the</p>	<p>The committee recommends amending rule 5.92 to include that personal service on a party is required if the party has not yet appeared in the case as described in rule 5.62.</p> <p>Same as above response.</p> <p>Same as above response.</p> <p>Because the committee recommends revising form FL-300 to remove the order to show cause language, the committee does not recommend the changes to rule 5.92 suggested by the commentator.</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>following: 5 (A) Responsive Declaration to Request for Order (form FL-320); (B) Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155) when completed declarations are among the papers required to be served.</p>	<p>The committee recommends that the rule be amended to clarify when form FL-150 or form FL-155 must be completed.</p>
<p>Family Law Section Los Angeles County Bar Association Lynette Berg Robe, Chair</p>	<p>Same comments as the California Judges Association.</p>	<p>See above response to California Judges Association.</p>
<p>Legal Aid Foundation of Los Angeles Jimena Vasquez Staff Attorney</p>	<p><b>The term “appearance” alone does not clarify when personal service of the request for order is required</b> We believe the term “appearance” is still ambiguous because a litigant can appear in a number of ways, some of which could necessitate personal service and some that would not. For example, even if the moving party obtains temporary orders, it would be preferable to personally serve the temporary order but it should not require personal service in all instances. Personal service should only be required when the other party has not made an appearance or when a statute mandates, or the court orders, such service.</p> <p>To improve clarity we suggest adding:</p> <p>(ii) The request for order includes a request for the responding party to attend the hearing and <i>that party has not made a formal</i></p>	<p>To improve clarity, the committee recommends amending rule 5.92 to provide a new, separate subdivision to address service requirements of the <i>Request for Order</i> (form FL-300). Personal service would be required when: the court grants temporary emergency orders pending the hearing; the responding party has not yet appeared in the case as described in rule 5.62; or the court ordered personal service on the other party.</p> <p>The committee prefers to refer to rule 5.62 to describe the term “appearance” instead of the language suggested</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<i>appearance by filing a petition, response, request for order, or stipulation.</i>	by the commentator.
Superior Court of Calaveras County Hugh Swift Court Executive Officer	<p><b>Rule 5.92</b> The rule refers to service pursuant to CCP 413.10 et seq. A more useful and direct reference may be to CCP Sections 415.10 – 415.95, which describe the various ways in which a summons and complaint may be served.</p> <p>The following language change to Rule 5.92 (a) (6) (A) is also recommended:</p> <p>Rule 5.92(a)(6)(A) The Request for Order (form FL-300) and appropriate attachments must be served in the manner specified for the service of a summons in Code of Civil Procedure section 413.10 et seq. if:</p> <p>(i) The Court granted the request for temporary emergency orders pending the hearing;</p> <p>(ii) The responding party has not made an appearance in the action; or</p> <p>(iii) The court orders such service.</p> <p>The recommended changes are requested because:</p> <p>1. The proposed language is confusing (The request for order includes orders); and,</p>	<p>The committee recommends amending rule 5.92 as suggested by the commentator.</p> <p>The committee recommends amending rule 5.92 to incorporate the change suggested by the commentator.</p> <p>See above response.</p> <p>The committee believes that the above-recommended amendments will avoid confusion to parties.</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	2. Personal service of the request for order on a party who has not made an appearance in the action is required regardless of whether the Court orders the responding party to attend the hearing.	The committee agrees with the commentator’s statement and recommends changes to the rule consistent with the comment.
Superior Court of Los Angeles County	<p><b>Rule 5.92:</b> One of the stated goals of the revisions is to clarify in which cases a party is or should be ordered to appear at a Request for Order (RFO) hearing. A related goal is to clarify when the responding party can be served by mail and when they must be personally served with the RFO. Per the proposed rule, the responding party must be personally served if 1) the RFO includes temporary emergency orders, 2) the responding party is ordered to attend the hearing, and he or she has not appeared in the action, and 3) the court so orders.</p> <p>Items 1 and 3 are self-explanatory. However, the revised rule does not clarify what is meant in item 2 by “if the responding party is ordered to attend the hearing,” because it does not explain when a responding party should or will be ordered to attend the hearing. Will the responding party be ordered to attend the RFO hearing in any RFO where custody and visitation is requested and mandatory mediation is scheduled? Or is it any RFO where any substantive relief is requested, e.g. child support, spousal support, etc. Or is it any RFO where the moving party checks the box asking for an order that the other party attend the hearing. What if the RFO seeks substantive relief but the moving party does not check the box that the responding party be ordered to attend the hearing? Will they be ordered to attend the hearing regardless?</p>	<p>No response required to this statement.</p> <p>To avoid confusion, the committee recommends deleting the provision that personal service on the other party is required if that party is ordered to attend the hearing.</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>The proposed rule also does not seem to match up with the “Appearance at Hearing” box on the new FL-300. The FL-300 lists the reasons why the responding party should be ordered to attend the hearing as follows: a) applicant has requested temporary emergency orders pending the hearing, b) The other party has not yet made an appearance in the case, c) Substantive matters are at issue, such as child custody, visitation, parentage, etc. and d) Other.</p> <p>Item a lines up with proposed rule 5.92(a)(6)(A)(i). Items b-c, however, don’t seem to line up with the proposed rule. The rule could be revised to line up with the form such that (i) remains the same, but (ii) is changed to “The responding party has not yet appeared in the case and the request for order includes requests for substantive issues such as child custody visitation, parentage, child support, spousal or partner support, or the characterization or control of property or debts that may require the person’s testimony.” This seems the best match between what the rule and the form are stating.</p> <p>Reading both the rule and the form, we are still uncertain about when a party can obtain a court order for the responding party to attend the hearing, thus requiring personal service. It is clear that when an ex parte RFO is filed, personal service is required. But this has long been the rule. The question is whether every RFO that includes a request for custody and visitation, and is therefore scheduled for a mandatory child custody mediation appointment is considered to “include a court order for the responding party to attend the hearing” Or, is the other party only ordered to attend the hearing when the moving party requests it. And if the moving party requests this order, who</p>	<p>To avoid confusion, the committee no longer recommends including the “Appearance at Hearing” item on page 2 of form FL-300.</p> <p>To avoid confusion, the committee no longer recommends including the “Attendance at Hearing” item on page 2 of form FL-300. Further, the committee recommends deleting the subdivision of rule 5.92 which states that personal service on the other party is required if the other party is ordered to attend the hearing.</p> <p>To avoid confusion, the committee no longer recommends including the “Attendance at Hearing” item on page 2 of form FL-300. Further, the committee recommends deleting the subdivision of rule 5.92 which states that personal service on the other party is required if the other party is ordered to attend the hearing.</p> <p>In addition, the committee recommends that form FL-300-INFO be revised to include information about how a moving party may obtain the attendance and testimony or the responding party at the hearing.</p>



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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>decides whether it is granted or not? The clerk? Clarification would be very helpful here.</p> <p><b>Rule 5.94:</b> One of the most confusing parts of the newly created RFO was the inclusion of the term request for “Temporary Emergency Order” in the center box of the RFO form. There really is no provision in the rules or law for “Temporary Emergency Orders.” There are ex parte rules and procedures, but this form creates a new category of relief with no rules or structure for its application.</p> <p>The term “Temporary Emergency Orders” should be removed from the RFO form. Short of that, the procedures proposed in the modification of Rule 5.94 assist in the use of the new forms.</p>	<p>The Temporary Emergency Orders section of form FL-300 corresponds to rules 5.151 through 5.169 of the California Rules of Court, which were adopted effective July 1, 2013. For clarification, the committee recommends using the term “temporary emergency (ex parte) order.”</p> <p>For the reason stated above, the committee does not recommend the changes suggested by the commentator.</p>
<p>Superior Court of San Bernardino County Monica Mitchell Supervising Attorney</p>	<p><b>Rule 5.92:</b> The change in the Rule of Court to clarify when a Request for Order needs to be served personally is a helpful revision. With the proposed change to FL-300 that the 1<sup>st</sup> page no longer includes a signed court order for the other party to appear upon request, does that revision impact the language in Section (a)(6)(A)(ii): <i>“The request for order includes a court order for the responding party to attend the hearing and the responding party has not made an appearance in the action”</i>?</p>	<p>The committee recommends revising the rule to remove the language: “The request for order includes a court order for the responding party to attend the hearing.”</p>
<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p>Agree that the proposed revisions to rule 5.92 and 5.94 and to the forms reasonably achieve the stated purpose. The changes to the forms are helpful.</p> <p>Our Family Law Facilitators have the following comments on the proposed revisions to CRC, Rules 5.92 and 5.94 as follows:</p>	<p>No response required.</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>(their comments are in [italics])</p> <p>1) <b><u>Proposed Revisions to Rule 5.92 – Request for court order; response:</u></b></p> <p>A. (a)(6)(A) – states service must be in the manner specified for service of a summons if includes a temporary emergency order, requests the responding party to attend the hearing and the responding party has not made an appearance in the action, or the court orders such service. <i>There is nothing in this section that states if a mandatory custody services appointment is scheduled, service must be in the manner specified for service of a summons. If the only thing checked in the "Court Order" section of the RFO is the child custody appointment, and nothing else, the rule should clearly state that service by mail according to FC 215 is sufficient.</i></p> <p>2) <b><u>Proposed Revisions to Rule 5.94 – Reissuance of orders; order shortening time; other filing requirements:</u></b></p> <p>A. (c)(1)(A) – This section states that if an RFO is not timely served on the other party and includes temporary emergency orders, to appear at a hearing, or other orders specified by the court, and <i>an order to attend mandatory child custody services</i> (appointment) to use FL-306 to reissue the RFO.</p>	<p>An order for mandatory mediation or child custody recommending counseling does not always require personal service. For example, if the party has already made a personal appearance in the case, then service may be by mail, unless the court orders personal service. The committee does not recommend revising the rule to state that service of the order to attend mediation may be accomplished by mail under Family Code section if such an order is the only item checked in the court order section because Family Code section 215 only applies to post-judgment modification cases.</p> <p>The committee no longer recommends amending the rule to include the language in (c)(1)(A). Therefore, the committee does not recommend the additional language (in italics) suggested by the commentator.</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><i>This rule does not speak to service of the reissuance. Is it to be made in the same manner specified for service of a summons? What if the only thing checked in the “Court Order” section is the child custody services appointment – that may not necessarily have to be served in the same manner specified for service of a summons, especially in a post judgment modification situation.</i></p> <p>B. (c)(2) – Continuance of Request for Order</p> <p><i>There is currently no Judicial Council form for this. Does the Judicial Council anticipate creating such a form in the future?</i></p>	<p>The committee recommends amending rule 5.94 to include language about the method of service.</p> <p>The committee does not recommend a statewide form for continuances at this time.</p>
<p>Superior Court of Shasta County Stacy Larson Family Law Facilitator</p>	<p><b>CRC 5.92</b> Subsection (5) has not been revised. However, it states that an FL-150 Income &amp; Expense Declaration must be filed with a Request for Orders (RFO) if relevant to the relief requested. It does not specify the consequences for failure to do so. Clarification would be helpful to achieve some degree of uniformity in how this issue is handled—some bench officers drop the motion as lacking sufficient grounds absent a valid FL-150; others continue the hearing to allow for an FL-150 to be filed, which preserves the retroactivity of a family-support order but may prejudice one of the parties from obtaining a timely order; etc.</p> <p>Subsection (6) requires that the RFO be filed prior to service. If the RFO is the equivalent of a noticed motion rather than an OSC, why does it have to be filed prior to service? As a</p>	<p>To permit judicial discretion on the matter, the committee prefers not to recommend amending rule 5.92 to specify the consequences for failure to file an <i>Income &amp; Expense Declaration</i> (form FL-150) with the <i>Request for Order</i> (form FL-300).</p> <p>Under rule 5.92, the Judicial Council adopted new procedures relating to the filing of form FL-300, effective July 1, 2012. Requiring the original form to be</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>practical matter, this means that litigants must file their motion, then go have the motion served, then come back to file a proof of service. In the traditional noticed-motion context, which is not signed/issued by the judge prior to filing/serving, the litigants could have the noticed motion served, then have it timely filed with the court along with a valid proof of service.</p> <p>Subsection (a)(6)(A): We should add one more provision that explains that service must be consistent with CCP §413.10 et seq.; such service is required if the other party has not yet made an appearance in the case even if the other party is not ordered to appear at the actual noticed-motion hearing.</p> <p><b>CRC 5.94</b> Subsection (1)(A): The typographical error on line 1 should be corrected—"other" rather than "othe"</p> <p>Subsection (1)(B): Our court allows reissuances to be submitted after the scheduled court date as well. This provision would seem to prevent that, and it's unclear why we would prevent parties from filing a request for reissuance after the hearing has passed. The sad reality is that many of our family-law litigants are unfamiliar with the law and are unlikely to read this provision or seek help prior to the hearing. If they are unrepresented and do not seek help prior to the hearing, they will not know that they are required to submit the reissuance five days before the hearing or show up at the hearing. Some litigants come from distant locations or have</p>	<p>filed first allows the moving party to obtain copies for service that are file-stamped by the court clerk before service. This would avoid any uncertainty on the part of the responding about the form's authenticity as a court document.</p> <p>The committee recommends that the rule provide that personal service is required if the other party has not yet made an appearance as described in rule 5.62. Since the committee prefers not to include language in the rule about an order for a party to attend the hearing, the committee does not recommend the additional language suggested by the commentator.</p> <p>The committee recommends the suggested typographical correction.</p> <p>The rule provides that the party <i>should</i> file form FL-306 no later than 5 court days before the scheduled hearing or presented at the court. This language is permissive and does not prevent the court from processing the request after the date of the hearing. Further, rule 5.94(d) (<i>now proposed as (c)</i>) provides that "No moving or responding papers relating to a request for order may be rejected on the ground that it was untimely submitted for filing."</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>emergencies that prevent them from appearing at the hearing, but they would be severely prejudiced if they could not file a reissuance to reactivate their temporary orders and obtain a new court date. If this provision is meant to preclude them from submitting a reissuance after the hearing, they would have to file a brand new Request for Orders.</p> <p>Subsection (1)(D): It would be helpful to add a phrase that emphasizes that these documents must be served upon the other party within the timelines provided by law or as ordered by the Court.</p> <p>Subsection (1)(F): It would be helpful to add a phrase that explains the fees that will be charged for the fourth or subsequent reissuance (or at least references the code section controlling this fee).</p> <p>Subsection (2): The reference to “other orders as described in (1)” would be more clear if we specify “other orders as described in (1)(A)”</p> <p>Subsection (2): It would be helpful to explain the procedure the parties may use to request a continuance when they choose not to use the FL-306 or reference controlling codes.</p>	<p>The committee recommends the amendments suggested by the commentator, with minor changes.</p> <p>To be consistent with Family Code section 245 (amended by Assembly Bill 1081, effective July 1, 2016), the committee does not recommend the suggested changes.</p> <p>The committee recommends amending the rule to better clarify items that must be served with form FL-306</p> <p>To be consistent with Family Code section 245 (amended by Assembly Bill 1081, effective July 1, 2016), the committee does not recommend the suggested changes.</p>
<p>TCPJAC/CEAC Joint Rules Committee TCPJAC/CEAC</p>	<p><b><u>JRWG recommends that the following rules and forms be approved with modifications:</u></b></p> <p><b><u>Rule 5.92</u></b> JRWG recommends the following language change to Rule</p>	<p>The committee recommends amending rule 5.92 as</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>5.92 (a) (6) (A):</p> <p>The <i>Request for Order</i> (form FL-300) and appropriate attachments must be served in the manner specified for the service of a summons in Code of Civil Procedure section 413.10 et seq. if:</p> <p>(i) <del>The request for order includes</del> <u>Court granted the request for temporary emergency orders pending the hearing;</u></p> <p>(ii) <del>The request for order includes a court order for</del> responding party has not made an appearance in the action; or</p> <p>(iii) The court orders such service.</p> <p><b><u>Rule 5.94</u></b></p> <p>Recommend deleting sentence in (1) (B) “Otherwise, the moving party may also appear in court on the hearing date to request the reissuance.” This is confusing language and appears to be redundant to the sentence preceding.</p> <p>Recommend deleting the word ‘original’ from (1) (D) so it will read: <i>A filed copy of form FL-306 must be attached as the cover page of the Request for Order documents and orders and served on the party to whom the orders are directed.</i> The use of the word ‘original’ is unclear. The Court typically has the original documents.</p> <p>Recommend modifying (1) (E) by deleting the words ‘may use’ and replacing them with ‘must repeat’ so it will read: <i>The moving party must repeat the reissuance procedure in this rule if he or she fails to timely serve the filed FL-306, FL-300, and</i></p>	<p>suggested by the commentator, with minor alterations.</p> <p>The committee recommends amending rule 5.92 as suggested by the commentator, with minor alterations.</p> <p>Same as above response.</p> <p>Same as above response.</p> <p>To be consistent with Family Code section 245 (amended by Assembly Bill 1081, effective July 1, 2016), the committee does not recommend the suggested changes.</p> <p>The committee recommends the amending the rule as suggested by the commentator, with minor alterations.</p> <p>The committee recommends the amendments suggested by the commentator, with minor changes.</p>

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<b>Rule 5.92 and 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<i>supporting orders and documents.</i>	

<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>California Judges Association Lexi Howard Legislative Director</p>	<p>This proposed form is still confusing in the use of the terms “appear” and “appearance” and as to when or if the court should order an “appearance” and what the effect is of such an order. Historically a party may make an “appearance” in a proceeding by filing a response or other documents. A party may “appear” (but not testify) at a hearing through an attorney and in some circumstances by telephone. A party can testify and “appear” at a motion hearing by declaration. Under civil law (including family law) an Order to Show Cause (OSC) is necessary when a motion (which includes most requests for orders other than at trial) is made prior to the appearance of the other party.</p> <p>Lay persons may consider this form to require them to be present at the hearing causing hardship to those who may live hundreds of miles away and not having counsel (not an unusual circumstance). Parties should be advised that they are not required to be present and of the other alternatives. A party should only be required to be personally present at a hearing by subpoena or notice in lieu or subpoena under existing law.</p> <p>This form should only require an Order to Show Cause (not an order to appear) where there has not been an appearance by the other party in the proceeding by a response, stipulation, or otherwise. It is not necessary to make the Request for Order</p>	<p>Based on the number of comments received during this cycle opposing certain changes to form FL-300, the committee no longer recommends including a specific item on page 2 of form FL-300 for a party to request the personal appearance of the responding party at the hearing.</p> <p>The committee recommends changes to form FL-300 consistent with the commentator’s suggestions.</p> <p>To avoid confusion, the committee recommends deleting the Order to Show Cause language on page 1 of form FL-300.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>into an Order to Show Cause for the other reasons listed on the FL-300 (Par. 1 on pg. 2) or in Rule 5.92. Whether or not the court makes temporary orders pending to the hearing does not affect what the court can or cannot do at the hearing or what form of notice of that hearing is required. Personal service of the temporary order pending hearing may be necessary or preferable for enforceability but should not be a factor in determining what notice is required for the hearing and thereby placing persons who obtain such temporary orders in a more difficult position than persons who do not obtain such temporary orders. Whether or not the so-called substantive issues are involved also does not require an Order to Show Cause. That reason alone would make almost every request an OSC except for discovery and some enforcement motions (both of which are probably less than 5% of the total requests). If the objective is to make all such requests an OSC then it would be easier to have every request be an OSC instead of having it as a confusing option.</p> <p>The “Court Order” portion on page 1 should have an option box stating: “The court finds that the person(s) in paragraph 1 above have not formally appeared in this action (case) by way of a petition, response, request for order, stipulation or otherwise and therefor the court is required to sign this request to authorize the setting of the hearing on this request.”</p> <p>Another problem with this form, as on the current version, is</p>	<p>To avoid additional workload for court clerks and judicial officers at the filing of every FL-300, the committee does not recommend including changing the form to require that the court make a finding about the general appearance of the other party.</p> <p>The committee recommends including additional fillable space in the form for a party to describe the child</p>





**Comments from proposal SPR13-22 (circulated in 2013)  
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**ATTACHMENT A**

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Hon. John Chemeleski Commissioner Superior Court of Los Angeles County	Same comments as the California Judges Association.	See response to California Judges Association.
Hon. Christine Copeland Commissioner Superior Court of Santa Clara County	<p>1. FL-300 page 1, item 2 below the caption: I really don't like the term "child custody services" sounds like CPS and it sounds like they've done something bad just because they might not agree on how to share parenting time. How about calling it mandatory dispute resolution, or parenting time dispute resolution? If it's changed, then you will need to make phrasing in item 5 conform.</p> <p>2. FL-300 page 3, item 4- doesn't seem to be enough room to enter more than 2 or 3 kids. Also under item 4 (child support), you should add a prompt that an FL-150 or FL-155 is a must.</p>	<p>Family Code section 3170(a) provides: If it appears on the face of a petition, application, or other pleading to obtain or modify a temporary or permanent custody or visitation order that custody, visitation, or both are contested, the court shall set the contested issues for mediation. Based on this language, the committee recommends that the references on the form include the phrase "mandatory child custody mediation." In addition, the committee recommends that "child custody recommending counseling" be included to be consistent with the language in Family Code section 3183(a), which provides in pertinent part: " If the mediator is authorized to submit a recommendation to the court pursuant to this subdivision, the mediation and recommendation process shall be referred to as "child custody recommending counseling" and the mediator shall be referred to as a "child custody recommending counselor."</p> <p>The committee recommends that the form be made fillable to accommodate information about four children in the child support section of the form. The committee also recommends revising the form to include an item requiring that the moving party include a form FL-150 or FL-155 with all requests for orders about child support.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	3. FL-300 page 4 item 10- I would specify after number of days to be filled in that it's calendar days, not court days.	The committee recommends revising the order shortening time section of the form to specify the number of days as “court days” as specified in Code of Civil Procedure section 1005(b).
Christine N. Donovan, CFLS Sr. Staff Attorney Superior Court of Solano County	<p>Add language to page 1 of the FL-300 in the “Court Order” section along the following lines: “a. Respondent Other party a party who has not yet appeared in this case, is ordered to appear at the hearing in this court to give any legal reason why the relief sought in the attached <i>Request for Order</i> should not be granted. Personal service of this <i>Request for Order</i> and all accompanying documents is required.”</p> <p>Define “appearance” in Item 1(b) on page 2 of the FL-300. Thus, a modified Item 1(b) could read as follows: “The person has not yet made an appearance in the case because the person has not filed a <i>Response</i>, written notice of appearance, a motion to strike, or a motion to transfer the proceedings.”</p> <p>With these modifications, the process ideally would go as follows:</p> <p>(a) A litigant would check the appropriate boxes in item 1 on page 2 of the FL-300 and submit the RFO for filing. (b) Upon reviewing the RFO, the clerk would note the reasons given for the OSC issuance.</p>	<p>The committee prefers to recommend striking the OSC language from the first page of form FL-300.</p> <p>The committee recommends not including the proposed revisions to this form at item 1, which circulated for public comment in spring 2013. The committee agrees with the majority of commentators that the proposed item does not help streamline the process of filing the Request for Order and would cause confusion to litigants.</p> <p>Same as above response.</p> <p>Based on the number of comments received during this cycle opposing certain changes to form FL-300, the committee no longer recommends including a specific item on page 2 of form FL-300 for a party to request the personal appearance of the responding party at the hearing.</p>



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<b>Form FL-300</b>		
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	<p>I suggest that the checkbox before the words “Court Order” be eliminated. If the other boxes in that section are checked, it seems unnecessary to require that this box also be checked.</p> <p>I suggest that current Item 4 (shortening of time for service or hearing) be eliminated and placed only on the FL- 305. Ideally it could be part of Item 1 on the FL- 305. Since the FL- 305 has to be included anyway and because the FL- 305 gives the date/time of the hearing, it makes sense to include the order shortening time for service or hearing on the FL- 305 itself.</p> <p><b>Page 2:</b> I suggest that in Item 3(c), the language be modified to read, “One or more domestic violence restraining/protective orders are now in effect between <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other Parent/Party.” This would clarify who is subject to the restraining order listed or disclosed in Item 3(c).</p> <p><b>Page 3:</b> Item 4(d): The word “file” should be “filed.” Item 5(a)(2): The word “file” should be “filed.” Item 5(a)(3): The word “file” should be “filed.”</p> <p><b>Page 4:</b> All items need to be renumbered because of the numbering on page 3. Thus, 8 should be 9, 9 should be 10, and so forth.</p> <p>Current number 10 permits a person only to ask for an order shortening time for service. However, the person should have</p>	<p>The committee recommends eliminating the check box before words “Court Order” as suggested by the commentator.</p> <p>Because parties may file form FL-300 for the sole purpose of requesting an order shortening time, the committee recommends maintaining the order on the face page of form FL-300. This will eliminate the need to complete and file a separate order form for the court to sign if the order is granted.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends that the form be corrected as suggested by the commentator</p> <p>The committee agrees to renumber the items on the form as needed to reflect the changes recommended to the</p>

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**ATTACHMENT A**

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>the ability to ask for an order shortening time for hearing as well. I suggest the following change:</p> <p><b><u>11.10. a.</u></b> <input type="checkbox"/> <b>I request</b> that time for service of the <i>Request for Order</i> and accompanying papers be shortened so that these documents may be served no less than (<i>specify number</i>): _____ days before the time set for the hearing. I need to have this order shortening time because of the facts specified in item <del>1244</del> or the attached declaration.</p> <p><b><u>b.</u></b> <input type="checkbox"/> <b>I request</b> that time for hearing on the <u>Request for Order and accompanying papers</u> be shortened. I need to have this order shortening time because of the facts specified in item 12 or the attached declaration.</p>	<p>Judicial Council.</p> <p>The committee agrees to revise the form as suggested by the commentator.</p> <p>Same as above response.</p> <p>The committee agrees to revise the item as suggested by the commentator.</p>
<p>Family Law Section Los Angeles County Bar Association Lynette Berg Robe, Chair</p>	<p>Same comments as the California Judges Association.</p>	<p>See above response to the California Judges Association.</p>
<p>Debbie Kruse Deputy Manager, Family Law Superior Court of Orange County</p>	<p>Although our FL Clerk’s Office staff and the public have expressed a desire for form revision, I feel this current revision does not resolve the most difficult problem: in what instances should the responding party be ordered to appear. Currently that decision is left to the moving party, who is most often self-represented. This is insufficient. Even attorneys inquire at Clerk’s Office windows regarding this issue.</p> <p>Section 1, on page 2, attempts to answer the question of appearance, however it remains vague (“Substantive matters</p>	<p>The committee recommends not including the proposed revisions to this form at item 1, which circulated for public comment in spring 2013. The committee agrees with the majority of commentators that the proposed item does not help streamline the process of filing the Request for Order and would cause confusion to litigants.</p> <p>Same as above response.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>are at issue”) and actually creates additional workload in that a separate order (included on form FL-305) is now proposed to order the appearance (the order to appear was previously included within the content of the FL-300.)</p> <p>Suggested Modifications: Header – Include a box titled “Motion”. This may assist courts when calendaring and could assist in determining when the responding party is ordered to appear.</p> <p>3. Attachments and other documents to be served with this Request for Order. – add “and other documents” to clarify. The documents listed are not Attachments; they may be separately filed depending on how they are presented to the clerk and Court preference.</p> <p>Add Witness List, form FL-321, to the list of documents. This form is mentioned in FL-300-Info, however is not included.</p> <p>COURT ORDER section- Include wording instructing the moving party to leave this section blank; this is included in the FL-300-Info, however should be stated on the form for ease.</p> <p>5. The parties are ordered to attend mandatory child custody mediation services as follows: Add “mediation” to the</p>	<p>Because the Judicial Council has revoked the <i>Notice of Motion</i> (form FL-301), the committee does not recommend revising form FL-300 to include the term “motion.”</p> <p>The committee recommends revising form FL-300 to delete the item on the face page which lists other documents to be served with form FL-300. Instead, the committee recommends including a reference to form FL-300-INFO, which would include a more complete list of possible documents a moving party could have served on the other party.</p> <p>The committee recommends including <i>Witness List</i> (form FL-321) on form FL-300-INFO instead of on form FL-300.</p> <p>The committee recommends adding a note on the form that the court order section is for court use only. The committee also recommends revising form FL-300 to specifically refer to the instruction sheet (form FL-300-INFO).</p> <p>The committee recommends adding “mediation and child custody recommending counseling to this section</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>statement as this is the language used in the FC.</p> <p>6.a.- You are ordered to comply with the orders made in Temporary Emergency Orders (form FL-305) attached. Suggest the word “attached” be eliminated; form FL-305 is not an “attachment” it is a separately filed document. Courts handle “attachments” differently; in our court documents receiving a filed stamp are not attached to other documents; they are recorded into the Register of Actions as separate documents.</p> <p>REQUEST FOR ORDER AND SUPPORTING DECLARATION section</p> <p>1. - See comments in 1st paragraph. The issue of appearance needs to be addressed legislatively or by court rule; asking the moving party to determine this issue is insufficient, is not addressed consistently by the courts, and is the cause of great confusion for court staff and the public (including attorneys.)</p> <p>2. d.-As requested in attached form. The listed forms are attachments; suggest “attached” be added to the statement.</p> <p>2. e. and throughout the remainder of the form – Suggest eliminating all sections, “ordering (specify):” from the form. Asking the party to restate the court orders will not assist the Court and adds a burden to the filer. Judicial officers will not rely on the statement of a party, particularly a self-represented party, as to the current court order; they will look into the official court file for that information. Including that info on</p>	<p>to be consistent with the language used in Family Code sections 3170 and 3183.</p> <p>The committee recommends that form FL-300 be revised to state: “The orders in <i>Temporary Emergency (Ex Parte) Orders</i> (form FL-305) apply to this proceeding and must be personally served with all the documents filed with this Request for Order.</p> <p>The committee no longer recommends the proposed changes to item 1 on page 2, which were circulated for comment in the spring 2013 cycle.</p> <p>The committee recommends revising form FL-300 as suggested by the commentator.</p> <p>The committee recommends revising the form to provide additional fillable space to complete information about the orders requested.</p>



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<b>Form FL-300</b>		
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	<p>the form will not serve the intended purpose. In several sections there may not be enough space allowed to fully answer. For instance, visitation; is the filer to repeat a full holiday/vacation schedule?</p> <p>4. 5. and 6. – Under 5.c. the party is instructed to attach an Income and Expense Declaration, however this requirement is not stated under the Child Support (4) or Attorney Fees and Costs (6) sections. It should be listed under each of these sections or as a separate item that refers to these sections.</p>	<p>The committee recommends revising the section for child support to require the party to complete and file an <i>Income and Expense Declaration</i> (form FL-150) or, if eligible, a <i>Financial Statement (Simplified)</i> (form FL-155). The committee also recommends reformatting the attorney fees and costs section so the requirement to file a form FL-150 is more obvious.</p>
	<p><b>Item 4 on FL-300 should remain on page 1</b> Due to our concern about the adverse impact on self-represented litigants, we believe that the language ordering the responding party to appear should remain on Page 1 of the FL-300. Furthermore, moving the request for appearance makes the relief almost fictional. Only in the rare circumstance that temporary court orders are granted would the court grant the relief of ordering the responding party to appear. Otherwise, an order will likely be illusory, as the court will only grant it on the day of the hearing when the litigant will know if the responding party has appeared or not. We suggest leaving item 4 on the FL-300 or removing it entirely. If a party desires to have an order requiring the other party appear, than the moving party can file a notice to appear</p> <p>Furthermore, despite the confusion among the clerks and the court, the self-represented litigants have not noticed much difference in the new FL-300 forms and continue to appear</p>	<p>The committee recommends striking the requirement that the court must issue an order for a party to appear at the hearing of the <i>Request for Order</i> because the party has not yet made an appearance in the case. In addition, the committee recommends revising the rules and forms necessary to inform the parties that personal service of the <i>Request for Order</i> is required if the responding party has not yet made an appearance in the action. The committee further recommends providing information to the parties on form FL-300-INFO and on the California Courts Online Self-Help Center about use of Notices in Lieu of Subpoenas and Civil Subpoenas to compel parties and other witnesses to testify at the hearing.</p> <p>The committee recommends revising the notice on form FL-300 to the person served with the Request for Order. The new language will inform him or her of the</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	without being ordered to by the court. We are concerned however, that with the proposed changes, litigants will not appear.	consequences of not filing a response and appearing at the hearing.
State Bar of California, Standing Comm. on the Delivery of Legal Services S. Lynn Martinez Chair	<p>Re Form FL-300, which requires that the party check a box if s/he wants the other party to be ordered to appear creates confusion for self-represented litigants and court clerks. Litigants assume that by setting a hearing and having the other party served, that the other party is ordered to appear so that the matter may be legally resolved. The form should start with that premise and allow the party to check a box if the party should not be ordered to appear.</p> <p>Also, to reduce confusion it would be helpful to add a check box for motions for those courts that calendar motions separately and any/all additional and appropriate changes on the form that would follow from this addition. The box should appear in the section below the names of the parties after "Attorneys Fees and Costs."</p> <p>There are some formatting issues on pages 2-4 of the revised form such that some of the boxes appear to be in bold font and others do not. This does not appear to be intentional.</p>	<p>The committee does not recommend the changes to the form at item 1 (page 2) that were proposed in the invitation to comment, which circulated in the spring 2013 cycle.</p> <p>Because the Judicial Council revoked the <i>Notice of Motion</i> (form FL-301), effective July 1, 2012, the committee does not recommend revising form FL-300 to include the term "motion."</p> <p>The committee recommends correcting formatting errors before submitting the report to the Judicial Council.</p>
Superior Court of Calaveras County Hugh Swift Court Executive Officer	Form FL-300 continues to include both a request for order(s) and court order(s) in a single document. This use of a dual purpose form may be a source of the frustration litigants and court staff experience when completing and processing the form. In almost all other case types the order form is a separate document from the pleading in which the relief sought is requested. Specifically, it is recommended:	The committee believes that maintaining some court orders at the bottom of form FL-300 can help streamline the filing of certain cases. For example, parties may file form FL-300 for the sole purpose of requesting an order shortening time. Maintaining the order on the face page of form FL-300, will eliminate the need to complete and file a separate order for the court to sign.

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Family Law: Improvements to Request for Order Rules and Forms**

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>All pre-hearing orders should be removed from FL-300. Form FL-305 should be modified to include orders pending hearing, as well as temporary emergency orders. The modified form should include orders shortening time for service and hearing. (FL-300, p. 1, Item 4.a.)</p> <p>Family Code Section 3170 requires parties to attend child custody services (mediation) before a hearing involving child custody or visitation. Therefore, an order to attend is not necessary. (FL-300, p. 1, Item 4.a) Item 2 provides sufficient notice of the parties' statutory obligation to attend mediation. If the Request for Order seeks relief requiring attendance at mediation, FL-300 should be modified to provide a space for notice of the date, time and location of the mediation.</p> <p>An order to comply with the orders in the Temporary Emergency Orders is unnecessary. (FL-300, p.1, Item 6.a.) The orders included on the Temporary Emergency Order form (FL-305) stand alone.</p> <p>FL-300, p.1, Item 6.b., should be restated as a notice provision. It should also be expanded to advise the moving party that personal service is also required if the other party has not yet appeared in the action.</p> <p>In addition, FL-300, p. 2, Item 1, "Attendance at Hearing" raises other issues and questions.</p>	<p>Same as above response.</p> <p>The committee prefers to maintain on form FL-300 a check box to order parties to attend child custody mediation or child custody recommending counseling, as well as information about the date, time, and location for the services.</p> <p>The committee recommends revising the form to indicate that the court issued temporary emergency orders in form FL-305, that the orders apply to the proceeding, and must be served with the documents filed with form FL-300.</p> <p>The committee recommends that the form be revised to specify that temporary emergency orders must be personally served on the other party.</p> <p>The committee recommends not proceeding with the proposed changes to item 1 on page 2, which were previously circulated for comment in the spring 2013 cycle, and which included adding a new item 1 on page</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>The section identifies at least three, independent grounds upon which the moving can request the court to issue an order requiring the other party to appear at the hearing. However, unless the Court makes temporary emergency orders, it is unclear how the other party would receive notice of the Court’s order to attend the hearing. Proposed Form FL-300 does not include a check box item under the “Order” section on page 1 to use if the only basis for ordering an appearance was the fact the other party has not appeared (Item 1.b.) or substantive matters are at issue (Item 1.c.). The only other form to use for pre-hearing orders is FL-305, which appears to be intended for use only when the temporary emergency orders are made.</p> <p>Item 1.c. - When the traditional OSC process was used, the Court ordered the responding party to appear and show cause why the relief requested by the other party should not be granted. However, this section of the proposed form seems to go beyond the scope of the traditional OSC by asking the court to find the other party’s attendance is “required” because the applicant believes the other party’s testimony is “needed” as it relates to a particular substantive issue.</p> <p>Typically, the other party’s presence is not needed or required solely because the orders requested involve matters such as custody, visitation or support. However, self-represented</p>	<p>2 titled “Attendance at Hearing.” The committee agreed with the majority of commentators that the proposed revision raised too many issues and would not achieve the goal of making the form easier for parties to understand and complete.</p> <p>Same as above response.</p> <p>In response to similar comments, the committee re-circulated a proposal to revise FL-300, which did not include an item on page 2 to request an order to require a party’s attendance at the hearing.</p> <p>The committee recommends not proceeding with the proposed changes to item 1 on page 2, which were previously circulated for comment in the spring 2013</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>litigants, unfamiliar with law and motion procedures, may not understand a Request for Order can be granted in the other party's absence and check the box in an abundance of caution.</p> <p>As drafted, the current form may cause a party to request an order for the personal appearance solely because substantive issues are the subject of the request. The order to attend may be requested even if the other party has appeared and no temporary orders made.</p> <p>This may needlessly increase the number of filings requiring processing as a request for an order to attend, which will increase staff and judicial workload. Furthermore, a request for an order to attend made on the grounds substantive matters are at issue, will require a much higher level of judicial review than required if the order is sought because temporary orders are issued or the other party has not yet appeared.</p> <p>Furthermore, there is no statute or rule of court which authorizes a Court to order a party to attend a hearing based on a representation of the moving party that the motion involves a substantive issue which might require the other party's attendance and/or testimony. Not ever proposed Rule 5.92 lists this as a basis upon which a court may order a party's attendance. To that extent, the form appears to exceed the scope of existing law and raises the issue of a court's authority to make such an order.</p> <p>The proposed rules and forms seem to focus on obtaining pre-hearing orders compelling a party to attend family law hearings in matters at which personal attendance was never required. In</p>	<p>cycle, and which included adding a new item 1 on page 2 titled "Attendance at Hearing." The committee agreed with the majority of commentators that the proposed revision raised too many issues and would not achieve the goal of making the form easier for parties to understand and complete.</p> <p>Same as above response.</p> <p>The committee recommends not proceeding with the proposed changes to item 1 on page 2, which were previously circulated for comment in the spring 2013 cycle, and which included adding a new item 1 on page 2 titled "Attendance at Hearing." The committee agreed with the majority of commentators that the proposed revision raised too many issues and would not achieve the goal of making the form easier for parties to understand and complete.</p> <p>The committee recommends revising form FL-300 to include a warning to the person served with form FL-300 that the court may make orders without his or her</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	the traditional OSC process, the Court ordered the party to appear and show good cause why the relief requested should not be granted. When personally served, the OSC satisfied due process concerns as it provided the non-appearing party with the constitutionally required notice and opportunity to be heard. If, at the time of hearing only the moving party appeared, the Court proceeded to rule on the request as an uncontested matter.	input.
Superior Court of Los Angeles County	<p>Would it be helpful to have a note above or next to the “Court Order” box near the middle of the page, that indicates that the clerk of court will complete items 4-7?</p> <p>Also, at the box at the bottom of page 1, it is not always the case that no filing fee is charged for filing a Responsive Declaration. In our court, litigants may be charged a first appearance fee if the Responsive Declaration is the first document they are filing in the case.</p> <p>Also, at the box at the bottom of page 1, it is not always the case that no filing fee is charged for filing a Responsive Declaration. In our court, litigants may be charged a first appearance fee if the Responsive Declaration is the first document they are filing in the case.</p>	<p>The committee recommends revising the form to indicate that the “Court Order” area of the form is for court use only.</p> <p>The committee recommends revising the form to remove the language: “You do not have to pay a filing fee to file the <i>Responsive Declaration to Request for Order</i> (form FL-320) or...”</p> <p>For the reasons specified by the commentator, the committee recommends removing the language: “You do not have to pay a filing fee to file form FL-320.</p>
Superior Court of Riverside County Carrie Snuggs Family Law & Juvenile Director	We feel the overall changes to the RFO and instruction sheets will be helpful to customers.	No response required.
Superior Court of San Bernardino County Monica Mitchell	<b>FL-300</b> The proposed format for Questions 4-7 is much cleaner and avoids the question of who needs to check the “You Are	No response required.

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Supervising Attorney	<p>Ordered to Appear” box and when it must be checked.</p> <p>On Page 2, Question 1, there is still some uncertainty regarding when a person <u>must</u> check the box. A person might not be concerned about whether the other party is present. There may be no legal or practical reason to keep in Question 1. The need to appear based upon temporary orders has already been taken care of in the revised FL-305.</p> <p>Additionally, the new warning on the 1<sup>st</sup> page that orders may be made that effect your marriage/domestic partnership, custody, property or finances lets people know it is important to show up.</p>	<p>The committee revised the proposal for changes to form FL-300 and no longer recommends that the form include the item titled “Attendance at Hearing.”</p> <p>No response required.</p>
<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p><i>Request for Order</i> (Form FL-300); the check box next to “Court Order” continues to be confusing on when it is to be checked and by whom even with the reference to Form FL-300. Alternatives to consider are: instead of having the option of checking the box next to “Court Order” perhaps the language regarding a court order can be incorporated elsewhere on the form and/or designating a portion of the form for “court use only”.</p> <p>Typos on <i>Request for Order</i> (Form FL-300); Page 3 of 4 of the form (page 14 of the invitation to comment); Section 5.a.(2) and (3):</p> <p>Change “Modify existing order <i>file</i> on (date):” to “Modify existing order <b>filed</b> on (date):”</p> <p>Our Family Law Facilitators have the following comments</p>	<p>The committee recommends revising the form to indicate that the “Court Order” area of the form is for court use only.</p> <p>The committee agrees to correct the typographical errors indicated by the commentator.</p> <p>The committee agrees to correct the typographical errors indicated by the commentator.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>about <i>Request for Order</i> (FL-300):</p> <ol style="list-style-type: none"> <li>1. (Page 1 of 4 of the form, Page 12 of the SPR13-22 invitation to comment): The caption advising the litigant of the date, time, dept. etc. should be separate from any information about filing a responsive declaration. That language can go below the box. The most important thing for the litigant to focus on is that there is a court hearing and that should pop out in a text box. I have attached some suggestions on changes to the proposed RFO separately.</li> <li>2. (Page 1 of 4 of the form, Page 12 of the SPR13-22 invitation to comment): I think the Court Order section should be changed to specifically state it should not be filled out and that the court will fill out that section. The instructions for the form, which are separate, state that. You tell individuals to read the form before for more information about the section but you don't state not to fill it out. It should be plainly stated on the form.</li> </ol> <p>Also, there is confusion about what type of service is required when the box in Item 5 is checked for mandatory child custody services. The order to attend mandatory child custody services is included in the court order portion. Does this mean the RFO has to be personally served when this box is checked? What if both parties have appeared in the action and jurisdiction has already attached? How does FC 215 fit in? It allows for service by mail (with address verification) in post judgment modification of custody and visitation motions.</p>	<p>The committee has incorporated this suggestion in the revisions being recommended to the Judicial Council.</p> <p>The committee agrees to include the commentator's suggestions with the revisions being recommended to the Judicial Council.</p> <p>The committee recommends specific changes to rule 5.92 and form FL-300-INFO to help litigants determine how to serve form FL-300. Checking the order to attend mediation does not always require personal service of form FL-300. The requirements for personal service will be specified in the rule and information sheet.</p>



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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>I note that Item 6.a. specifically states that personal service is required if the court grants temporary emergency orders. That is very helpful to have stated directly on the form. No such information is provided with respect to Item 5. It would be helpful to litigants and attorneys to have some instruction and guidance in this respect. The information sheet is not clear as to this issue.</p> <p>3. If no Response has been filed and no first appearance fee has yet been paid, why wouldn't the filing of a Responsive Declaration generate a filing fee? The statement that no fee is due makes perfect sense if there has already been an appearance and fee paid/waived. But if this is the first appearance, shouldn't the fee be due?</p> <p>4. Other changes to the form are set forth on the attached suggestions pages for pages 1 through 3. I believe they are self-explanatory.</p> <p style="text-align: center;"><b><u>Page One</u></b> (Page 1 of 4 of the form, Page 12 of the SPR13-22 invitation to comment): <u>[Caption ok as proposed]</u></p> <p>1. TO (name): (ok as is)</p> <p>2. A COURT HEARING WILL BE HELD AS FOLLOWS: (change formatting and some words)</p>	<p>The committee agrees to revise form FL-300 and FL-300-INFO to include this information suggested by the commentator. Checking the order to attend mediation does not always require personal service of form FL-300. Therefore, the committee does not recommend that the item include a statement specifying a particular kind of service.</p> <p>The committee recommends revising the form to remove the language: "You do not have to pay a filing fee to file the Responsive Declaration to Request for Order (form FL-320) or..."</p> <p>No response required.</p> <p>The committee agrees to revise this item as suggested by the commentator.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">                     Date:    Time:    <input type="checkbox"/> Dept:    <input type="checkbox"/> Room:                      Address of court:    <input type="checkbox"/> same as noted above    <input type="checkbox"/> other (specify):                 </div> <p style="text-align: center;">If you do not file and serve a Responsive Declaration to the Request for Order (form FL-320) and appear at the hearing, the court may make orders without your input that affect your marriage or domestic partnership, the custody of your children, your property, or finances. <b>If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires parties to attend a mandatory child custody services appointment before or on the same day as the hearing (See Item 5).</b></p> <p>3.    Attachments to be served with this Request for Order                      ..... (ok as is)</p> <p style="text-align: center;"><b>DO NOT FILL OUT ANYTHING BELOW – FOR COURT USE ONLY</b></p> <p style="text-align: center;">(Read the Information Sheet for Request for Order (form FL-300-INFO) for information about this section)</p> <p>4.    (ok as is)</p> <p>5.    <input type="checkbox"/> The parties are ordered to attend a mandatory child custody services appointment as follows:</p>	<p>The committee recommends revising the form so that the notice to the recipient of the request for order is placed as a warning following the date, time, location of the hearing.</p> <p>The committee recommends deleting the bolded language about required mediation since it will be covered in the court order section if there are issues of child custody and parenting time.</p> <p>No response required.</p> <p>The committee recommends revising the form to specify the area marked as “Court Order” is for court use only.</p> <p>The committee recommends revising the form to include a note that party should read form FL-300-INFO for information about completing form FL-300.</p> <p>The committee prefers to recommend using the terms mediation and child custody recommending counseling to be consistent with Family Code sections 3170 and 3183.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>6. <input type="checkbox"/> You are ordered to comply with the orders set forth in the attached Temporary Emergency Orders (form FL-305). Personal service of the Request for Order is required if this box is checked.</p> <p>7. <input type="checkbox"/> Other (specify):</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>To the person who was served this Request for Order: If you wish If you wish to respond to this Request for Order, you must file a Responsive Declaration to Request for Order (form FL-320) and serve a copy on all other parties at least nine court days <del>BEFORE the hearing date, unless the court has ordered a</del> shorter period of time. You do not have to pay a filing fee to file the Responsive Declaration to Request for Order (form FL-320) or any other declaration, including an Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155).</p> <p style="text-align: center;">Question: what if this is the first appearance for the party – why not a filing fee?</p> <p style="text-align: center;"><b><u>Page Two</u></b></p> <p>(Page 2 of 4 of the form, Page 13 of the SPR13-22 invitation to comment):</p> <p>1.       Ok as is</p> </div>	<p>The committee recommends revising the form to state: “The orders in <i>Temporary Emergency Orders</i> (Form FL-305) apply to this proceeding and must be personally served with all documents filed with this Request for Order.”</p> <p>The committee recommends deleting the box at the bottom of form FL-300 and moving it to item 3 on page 1, to state: <b>WARNING to the person served with this Request for Order:</b> The court may make the requested orders without you input if you do not file a <i>Responsive Declaration to Request for Order</i> (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)</p> <p>The committee recommends revising the form to remove the language: “You do not have to pay a filing fee to file the Responsive Declaration to Request for Order (form FL-320) or...” because it is not applicable in all cases.</p> <p>No response required.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>2. Child Custody: Ok as is #a through #c.</p> <p>#d, Other (Attachment 2d): When you specify Attachment 2d, people are going to be looking for a form entitled “Attachment 2d”. It would be better to use language that is used in the DV forms when you need to attach another page –</p> <p style="padding-left: 40px;"><input type="checkbox"/> Other: <b>(Attach a sheet of paper and write “FL-300, Other Custody Arrangement Requested)</b> [like the language in JC Form DV-140, Item 4.d.(3)]</p> <p>3. Re-arrange the items in 3.a and only have two options:</p> <p>#1 would be Child Custody and Visitation Application Attachment (FL-311) #2 would be Other. Since there is no form Attachment 3a, and people may think it is a form and look for it, suggest you use similar language as above -</p> <p style="padding-left: 40px;"><b>(Attach a sheet of paper and write “FL-300, Other Visitation/Parenting Time Arrangement Requested)</b> [like the language in JC Form DV-140, Item 4.d.(3)]</p> <p style="text-align: center;"><b><u>Page Three</u></b></p> <p>(Page 3 of 4 of the form, Page 13 of the SPR13-22 invitation to comment):</p> <p>4. Ok as is.</p>	<p>No response required.</p> <p>The form follows the style approved by the Judicial Council for all standard forms. Given the space limitations on form FL-300, the committee does not recommend the suggested use of the “plain language” style, which is used for DV and other forms.</p> <p>The committee decided to maintain the three options.</p> <p>Form FL-300 is drafted in the “standard” style approved by the Judicial Council. The committee does not recommend changing to the style used in DV forms during this cycle.</p> <p>No response required.</p>

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**ATTACHMENT A**

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>5. 5a and 5b ok. Change 5c as follows: “An Income and Expense Declaration (form FL-150) is attached. (Mandatory)”</p> <p>6. Add a parenthesis after the first sentence. (An Income and Expense Declaration . . . .)</p> <p>7. Change: (These are requests, not orders yet)</p> <p>a.       The petitioner / respondent be restrained . . .</p> <p>The applicant I tol be notified at least five days... and an accounting of such be made to the court. However the parties to be allowed to use community property . . .</p> <p>b.       Both parties be restrained . . .</p> <p>c.       Neither party to incur any debts . . .</p> <p>8. Change:</p> <p>a.       The petitioner / respondent be given the exclusive . . .</p> <p>b.       The petitioner / respondent be ordered to make . . .</p> <p>.</p> <p>9. Ok as is.</p> <p>10. Ok as is.</p>	<p>The committee recommends revising the form as suggested by the commentator to require a party to attach a form FL-150.</p> <p>The committee recommends reformatting the item to make is easier to read so that a party can identify the forms that must be completed when requesting orders for attorney’s fees and costs.</p> <p>The committee recommends revising the language in this item so that the subitems do not read as court orders but as requests for court orders.</p> <p>Same as above response.</p> <p>Same as above response.</p> <p>The committee recommends revising the language in this item so that the subitems do not read as court orders but as requests for court orders.</p> <p>No response required.</p> <p>No response required.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Superior Court of Shasta County Stacy Larson Family Law Facilitator</p>	<p>Page 1, Item (2): It is confusing that we have the sentence “A COURT HEARING WILL BE HELD AS FOLLOWS:” and then the information that follows the colon has nothing to do with the date/time/place of hearing, instead explaining what happens if the litigant does not appear at the hearing or file a response. I suggest we move the information that follows the colon below the bracketed date/time/place of hearing.</p> <p>Page 1, Item (3)(e): The place to specify “other” documents is too small to be useful. We commonly attach the FL-311 Child Custody &amp; Visitation Attachment, MC-031 Declaration, and MC-020 Additional Page. We are not able to type in these attachments at Item (3)(e) due to space limitations, and there is insufficient space to handwrite them in. Our only remaining option is to write “Please see MC-025 Attachment 1” and include another page for listing attachments, which is not efficient. It would be helpful if we had checkboxes for these common attachments. Perhaps to make room, we could delete the reference at Item (3)(d) as points and authorities are not required and rarely attached. The points and authorities could be referenced at “other” if applicable in a given situation.</p> <p>Instruction “Read Information Sheet for Request for Order (form FL-300-INFO) for information about the following section:” that appears below bracket but above “COURT ORDER”: I understand the motivation for including this instruction, but I don’t agree that we should include it as it takes up additional space, clutters the first page, and will not resolve the confusion litigants experience. If litigants are confused about how to fill out any part of the form, they should review the FL-300-INFO, which will clarify what to do with</p>	<p>The committee recommends revising the item on form FL-300 as suggested by the commentator.</p> <p>The committee recommends revising the proposal to delete item 3 on page 1. This section is too small to be useful. Instead, the committee recommends that form FL-300-INFO include an extensive list of additional forms which may apply to the party depending upon the nature of the request.</p> <p>The committee recommends revising the form so that the reference to form FL-300-INFO appears above the court order section of page 1.</p>

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**ATTACHMENT A**

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>this section.</p> <p>Page 1, Item (6): A provision should be added regarding when the temporary orders expire. This provision should appear on either the FL-300 or the FL-305, or preferably both. A frequent scenario is that a parent receives a temporary order reversing custody and ordering no visitation for the other parent as a temporary order. The new custodial parent provides a copy of the temporary order to the child’s school, and the other parent is no longer able to pick up the child at school nor be on campus for visitation purposes. The new custodial parent fails to have the documents served or follow through with the RFO, and at the noticed hearing, the RFO is dropped with the previous “permanent” custody/visitation order restored. However, the other party has to prepare a Findings and Order after Hearing and have it signed by a bench officer to prove to the school that the former order is restored as schools frequently do not understand that the temporary order expired on the day of the noticed hearing or that, upon expiration, the former order is restored.</p> <p>Page 2, Item (1)(a): It is not clear why an applicant would necessarily request the other party’s appearance at the noticed hearing simply because he/she has requested temporary emergency orders pending the hearing. The procedure in our court is that (1) the applicant will submit this paperwork (2) attend an ex parte hearing regarding temporary orders or order shortening time; (3) pick up the papers the next court day at which time they will have been filed and a noticed-hearing date set; (4) have the papers properly/timely served on the other party; (5) file a proof of service; (6) attend the noticed</p>	<p>The committee recommends revising form FL-305 (instead of form FL-300) to indicate when the temporary orders expire.</p> <p>To avoid confusion, the committee does not recommend revising form FL-300 to include a specific item for a party to request that the other party appear at the hearing.</p>

**Comments from proposal SPR13-22 (circulated in 2013)  
Family Law: Improvements to Request for Order Rules and Forms**

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

<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>hearing. Subsection (a) is likely to mislead litigants into believing that they must request that the court order the other party present at the noticed hearing any time they request temporary orders. I suggest we delete this provision.</p> <p>Page 2, Item (2)(a): It would be helpful if the space for the first child’s name listed under subsection (a) was on the same line as the place where we designate legal and physical custody. When requests are made pertaining to more than one child, the lines often do not line up properly, causing confusion.</p> <p>Notice at bottom of Page 2: On the second line, we should clarify “. child is 18 and graduates from high school.”</p> <p>Page 2, Item (3)(b); Page 3, Item (4)(d), Item (5)(a)(2) &amp; (3): We should correct the typo “file” to read “filed.”</p> <p>Page 3, Item (4) (<i>now page 3, item 3</i>): A provision like the one at page 3, item (5)(c) should be included under this section pertaining to child support as the FL-150 is required for RFOs pertaining to child support as well.</p> <p>Page 3, Items (4), (5), and (6) (<i>now items 3, 4, and 5</i>): Applicants make requests for emergency temporary orders pertaining to family support and attorney’s fees/costs. It would seem that we should have the checkbox for “Applicant requests temporary emergency orders” for these sections as well.</p> <p>Page 4, Item (9) (<i>now item 8</i>): The “Other Relief” section is</p>	<p>The committee recommends revising form FL-300 as requested by the commentator.</p> <p>The committee recommends removing this information from the form and placing it on new form FL-320-INFO.</p> <p>These typos have been corrected in the form being recommended for the Judicial Council’s approval.</p> <p>The committee recommends revising the form as requested by the commentator.</p> <p>The committee prefers to limit the check boxes to those requests with specific Family Code citations to support the application for a temporary emergency order.</p> <p>The committee recommends revising the form as</p>



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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>too small to write in the common requests for other relief. It would be helpful to make the space for filling in other relief larger, so we don't have to write "Please see attached MC-025 Attachment" so often, attaching another entire page for a brief paragraph.</p> <p>Page 4, Item (10): An order shortening time (OST) can apply to service of the documents or also to the setting of the hearing itself pursuant to CRC 5.94(a). Both should be referenced here, so it will be clear whether the litigant is requesting an OST for service or for the hearing date, or both.</p>	<p>requested by the commentator.</p> <p>The committee recommends revising the form as requested by the commentator.</p>
TCPJAC/CEAC Joint Rules Committee TCPJAC/CEAC	<p>For the proposal that circulated for comment in 2013, JRWG recommended that form FL-300 NOT be approved.</p> <p>JRWG also recommended that changes be limited to those necessary to correct serious defects in present forms and that any perceived benefits of the proposal be weighed against RUPRO's policy of limiting rule proposals to critical rule and form proposals that are mandated by statute or case law, or are otherwise deemed urgent and necessary.</p>	<p>Due to the numerous concerns raised by courts, court professionals, attorneys, and legal organizations in response to rules and forms in the proposal circulated in spring 2013, the committee decided to defer action on form FL-300 and associated rules and forms. Deferring the matter allowed the committee to thoroughly consider the comments, propose changes to the rules forms that are responsive to the comments, and circulate a revised proposal for public comment in winter 2014, and again in Spring 2015.</p> <p>The committee believes that form FL-300 has been improved by the revisions made in response to the comments received in the spring 2013 and winter 2014 cycles.</p>

**Comments from proposal SPR13-22 (circulated in 2013)  
Family Law: Improvements to Request for Order Rules and Forms**

**ATTACHMENT A**

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<b>Form FL-300-INFO</b>		
Following the spring 2013 comment period, the committee made extensive formatting and substantive changes to this form, including expanding it from two to four pages.		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Hon. Christine Copeland Commissioner Superior Court of Santa Clara County	<p>FL-300-INFO page 2- under "Service by Personal Delivery" instead of "give" in the first bullet, I would say "hand-deliver" or "hand over" so SRLs get the point that "give" involves one set of hands to another, and doesn't mean leaving at the doorstep or on the windshield.</p> <p>Under the third bullet and under "Service by Mail " fourth bullet- is there a requirement now that the POS be filed 5 court days before? I had no idea that rule extended outside of the small claims context.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>Rule 5.94(b) states that a proof of service of the Request for Order (form FL-300) and supporting papers should be filed five court days before the hearing date.</p>
Debbie Kruse Deputy Manager, Family Law Superior Court of Orange County	<p>In item 3 indicate all of the forms that you have completed and will filed with the court. Suggest changing the wording to “will file” as these forms have not yet been filed.</p> <p>For example: - The bullets are off in this section.</p> <p>Note: Do not use Request for Order (FL-300) if you are filing a motion or order to show cause: Suggest the words “motion or order to show cause” be stricken. This could be confusion being that the 1st sentence of this form says FL-300 is replacing motion and order to show cause forms. The wording in the bullets following this statement can be adjusted to indicate what form to use for the specific requests listed.</p> <p>The last bullet in this section should be reworded to speak of “hearings” rather than “cases”: Other types of cases</p>	<p>The committee recommends that the language in the form reflect future actions.</p> <p>The committee recommends reformatting this section so that it does not include bullet points.</p> <p>The committee recommends deleting references to a notice of motion or to an order to show cause to avoid confusion.</p> <p>The committee recommends deleting this language to avoid confusion.</p>

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Family Law: Improvements to Request for Order Rules and Forms**

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<b>Form FL-300-INFO</b>		
Following the spring 2013 comment period, the committee made extensive formatting and substantive changes to this form, including expanding it from two to four pages.		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>requests/actions for which there are other Judicial Council forms just for those cases types of hearings.</p> <p>General Information About Personal Delivery – Suggest also including a blank Responsive Declaration to the forms that might also be served.</p>	<p>The committee recommends that the form include that a party must serve a blank form FL-320 when serving form FL-300.</p>
<p>Superior Court of Calaveras County Hugh Swift Court Executive Officer</p>	<p>The section entitled “General Information About Personal Delivery Service” is confusing as it is not clear when service by personal delivery or mail service is acceptable. This confusion is compounded by the next section labeled, “Service by Personal Delivery”, which seems to be limited to service as described in CCP 415.10.</p> <p>Furthermore, Rule 5.92 and Form FL-300 do not use the terms "Personal Delivery Service" or "Personal Delivery".</p>	<p>The committee recommends clarifying the meaning of the term “Personal Service” in the form, as well as providing information about when service must be effected by personal service and when service by mail is acceptable.</p> <p>Same as above response.</p>
<p>Superior Court of Los Angeles County</p>	<p>Item 2. The last sentence should say “Check the Temporary Emergency Orders box....”</p> <p>There are some formatting issues at the bottom of column 1 starting with “For example.” This paragraph and heading should be moved to the left to line up flush with the margin, in line with all of the numbers above, as this example does not specifically apply only to item 10. Also, the bullet points are not aligned appropriately. Bullets should appear before “If” and “Complete.” Bullets should be removed from the lines before “custody,” “page 1” and “Fl-305”</p>	<p>The committee agrees to make this change wherever appropriate on the form.</p> <p>The committee recommends extensive reformatting of form FL-300-INFO, which will also address the formatting issues raised by the commentator.</p>

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Family Law: Improvements to Request for Order Rules and Forms**

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**Form FL-300-INFO**

Following the spring 2013 comment period, the committee made extensive formatting and substantive changes to this form, including expanding it from two to four pages.

Commentator	Comment	Committee Response
	<p>In column 2, line 5, add an “s” to Order, as the box is entitled “temporary Emergency Orders.”</p> <p>On page 2 – Instructions for Giving the Other Party Notice – the Responsive Declaration (FL-320) should be included as a blank document to attach to the service set.</p> <p>Service by Personal Delivery. The instructions here seem to imply that the circumstances listed are the only ones under which personal service of an RFO is required. However, the list is not comprehensive and does not include, for example, those cases where the other side has not made an appearance and should be personally served. Same comment about the Service by Mail portion. The description of when to serve by mail is not comprehensive. It is my understanding that you cannot serve the other party by mail if he or she has not made an appearance.</p> <p>To clarify this, a note could be added under each section stating “Personal service may be required for additional reasons. If you are not sure how to serve the Request for Order, consult with an attorney or the self-help center in your county.”</p> <p>Formatting issue – a space should be added between the paragraph that begins “You can ask” and the paragraph beginning with “If you filed” in column two.</p>	<p>The committee recommends making the suggested change wherever appropriate throughout the form.</p> <p>The committee agrees to include this change at item 11 of the form being recommended for approval by the Judicial Council.</p> <p>To address this concern, the committee recommends expanding form FL-300-INFO to include a new item to help litigants decide how service of the <i>Request for Order</i> should be accomplished.</p> <p>The committee agrees to include the suggested statement in the form.</p> <p>The committee believes that the revised format of this form covers the issue raised by the commentator.</p>
Superior Court of Riverside County Carrie Snuggs	While this revision appears to address the initial confusion about combining OSCs and motions (mostly the service	To address this concern, the committee recommends expanding form FL-300-INFO to include a new content

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<b>Form FL-300-INFO</b>		
Following the spring 2013 comment period, the committee made extensive formatting and substantive changes to this form, including expanding it from two to four pages.		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Family Law & Juvenile Director	<p>question), the Information sheet (FL-300 Info, page 2) is unclear. Rule 5.92 (a) (6) (A) (ii) says service of the RFO must be by personal means if “the request includes a court order for the responding party to attend the hearing and the responding party has not made an appearance in the action.” But the Information sheet makes no reference to the second part of the sentence “and the responding party has not made an appearance in the action”.</p> <p>Also on page 2 of the Information Sheet, we would suggest clarifying that personal service is required if the court has granted temporary emergency orders (as stated on FL-300, page 1).</p> <p>On page 2 of the Information Sheet, Service by Mail, under the second bullet, we would include a reference to FL-334 concerning post-judgment address verification.</p>	<p>to help litigants decide how service of the <i>Request for Order</i> should be accomplished.</p> <p>The committee agrees to include this suggestion along with other recommendations being made to the Judicial Council about this form.</p> <p>The committee agrees to include reference to form FL-334 on the information sheet.</p>
Superior Court of San Bernardino County Monica Mitchell Supervising Attorney	<p>Page 2 Instructions for Service: The first subtitle “General Information About Personal Delivery” is confusing since this section talks about both personal and mail service. I would recommend deleting this first subheading.</p> <p>The “Service by Personal Delivery” section is a little confusing in the first paragraph. The structure of that paragraph does not exactly mimic the first paragraph of the “Service by Mail” section – there is a comma missing between “attend the hearing and the judicial officer” under Personal Delivery. The confusion might also stem from the fact that the revised FL-300 no longer includes a signed order from the judicial officer on</p>	<p>The committee recommends revising and reformatting the headings in the section of the form relating to service</p> <p>The committee recommends extensive revisions to the form relating to service to clarify the meaning of “personal service” and “service by mail.” In addition, the committee recommends expanding form FL-300-INFO to include new content to help litigants decide how service of the <i>Request for Order</i> should be accomplished.</p>



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**Form FL-300-INFO**

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Commentator	Comment	Committee Response
	<p>clearly spelled out.</p> <p>Third Section at Issue on Form</p> <p>Service by Mail</p> <p>Under the second bullet, it references being able to serve by mail if you are asking for orders after the judgment was entered in the case or after permanent orders were made in the case and it talks about address verification, but the address verification process only applies to modifications of custody, visitation, and child support. That should be clarified. Maybe here is where you could clarify about what type of service is necessary where the mandatory child custody services appointment has been ordered.</p>	<p>ground. The committee recommends that the form refer to “temporary emergency orders instead of “an order that goes into effect before the hearing.”</p> <p>Same as above response.</p>
<p>Superior Court of Shasta County Stacy Larson Family Law Facilitator</p>	<p>Page 1, Item (1): We should also inform the litigants that they must provide their telephone number.</p> <p>Page 1, Item (3): The names of all other parties should be listed at #1 of the FL-300. It may help to revise this instruction to read, “List the names of the other party or parties in your case in item 1. The names of the other parties must exactly match their names as they appear in the case caption.”</p> <p>Page 1, Item (4): In a traditional noticed-motion format, the</p>	<p>The committee recommends revising form FL-300 as suggested by the commentator to indicate that the party completes the form by also providing their telephone number.</p> <p>The committee agrees to include the commentator’s suggestions, with changes, along with the recommendations being made to the Judicial Council.</p> <p>The committee recommends that the information</p>

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**Form FL-300-INFO**

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Commentator	Comment	Committee Response
	<p>parties could fill in their own court date/time/place and have the motion served prior to filing. This is different than an OSC, which must be issued/scheduled by the Court. It would seem that this dual-purpose FL-300 should allow for this option.</p> <p>Page 1, Item (11: It is not clear to me why the FL-300-INFO requires the parties to file the Request for Orders (RFO) before having it served (when it's the equivalent of a motion rather than an OSC that has to be issued by the judge). In the traditional noticed-motion format, the parties could prepare their paperwork, insert the court dates for the noticed motion hearing, have it served on the other party, and then timely file it along with a proof of service with the court. The noticed-motion did not have to be signed/issued by the judge prior to service. It would seem that the FL-300 should allow for this option. Otherwise, the parties must prepare their paperwork, have it filed, then have it served, then return to the court to file their proof of service. This is less efficient, and it's not clear why it would be required in a noticed-motion format.</p> <p>Page 1, bottom of first column, "For example" bullet: the bullets in these sections do not line up with the appropriate line of text.</p> <p>Page 1, bottom of first column, "For example" section: This "for example" section does not pertain to item (1) under which it appears. These examples are helpful but should be moved below item (2) or (1) or be given their own heading such as</p>	<p>provided in the optional information sheet instruct litigants that the clerk will provide the details about the hearing, so that litigants understand that they may not select the date arbitrarily.</p> <p>Under rule 5.92, the Judicial Council adopted new procedures relating to the filing of form FL-300, effective July 1, 2012. Requiring the original form to be filed first allows the moving party to obtain copies for service that are file-stamped by the court clerk before service. This would avoid any uncertainty on the part of the responding party about the form's authenticity as a court document.</p> <p>The committee's recommended changes to the form cover the formatting errors described by the commentator.</p> <p>The committee prefers to provide a general note to complete pages 2-4 on form FL-300 so that the space can be used to provide substantive information about service.</p>



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**Form FL-300-INFO**

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Commentator	Comment	Committee Response
	<p>“Ensuring your Caption Matches the Relief Requested in your FL-300.”</p> <p>Page 1, “For example” section, first bullet: The litigants should be reminded to explain in their declaration in detail why the requested order is in the best interest of their child.</p> <p>Page 1, “Other Forms to file with this Request for Order”: this section seems to overlap with the “For example” section. Perhaps the two sections could be integrated or headings could better distinguish them (?).</p> <p>Page 1, “Other Forms to file with this Request for Order”: It may be helpful to make clear that this is not an exhaustive list of other forms needed with an explanation regarding how the “other forms” work, such as “Depending on the relief you are requesting, you may need to file additional forms. Some of these forms are referenced on the FL-300 to provide guidance.</p> <p>Although not an exhaustive list, here are some examples:”</p> <ul style="list-style-type: none"> <li>• Page 2, General Information about Personal Delivery: We should add at line 8, “. . . you are asking the court to make or temporary emergency orders the court has already made at your request.”</li> <li>• Page 2, General Information about Personal Delivery: The litigants should also be instructed that a blank FL-320 must be served on the other party so he/she can respond to the paperwork.</li> </ul>	<p>Same as above answer.</p> <p>The committee recommends revising page 1 of this form to include a list of forms that a party would file with form FL-300 depending on the relief requested.</p> <p>Same as above response.</p> <p>The recommendations by the committee about this form cover the requested changes suggested by the commentator.</p> <p>The recommendations by the committee about this form cover the requested changes suggested by the commentator.</p>

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**Form FL-300-INFO**

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Commentator	Comment	Committee Response
	<ul style="list-style-type: none"> <li>• Page 2, General Information about Personal Delivery: The heading is misleading as it refers to “personal delivery” but the last bullet refers to service by mail. Perhaps the heading should be changed to “General Information about Service” or omitted altogether as the overall heading “Instructions for Giving the Other Party Notice (Service)” may be sufficient.</li>   <li>• Page 2, General Information about Personal Delivery, second bullet: When service is by mail out of state, it requires ten additional days. If the service is by mail to an address out of state, it requires certified mail, restricted delivery, etc. This bullet is a bit misleading as it oversimplifies the rules, which may lead to great confusion for the litigants. It also may lead to the inference that the litigants have an option between the two types of service when they don’t always have that option. I suggest that we replace the second sentence with something like “In some circumstances, you are allowed to have your documents served by mail. Additional time is required for service by mail. If you are unsure about the timelines, seek assistance through an attorney or your Court’s Family Law Facilitator’s Office. The Court cannot grant your request if your Request for Orders is not timely and properly served.”</li> </ul>	<p>The recommendations by the committee about this form cover the requested changes suggested by the commentator.</p> <p>The committee recommends revising the form by adding new content to pages 3 and 4 to describe when the <i>Request for Order</i> (form FL-300) is required to be personally served or when it may be served by mail.</p> <p>The committee recommends the changes suggested by the commentator.</p>

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<b>Form FL-300-INFO</b>		
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<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<ul style="list-style-type: none"> <li>Page 2, Service by Personal Delivery: Another provision should be added to explain that personal service is necessary if the other party has not previously appeared in the case.</li> <li>Page 2, Service by Mail: Another provision should be added to clarify that mail service is not proper if the other party has not made an appearance in the case previously.</li> <li>Page 2, Service by Mail second bullet: This provision should include a reference to the FL-334 Address Verification form.</li> </ul>	<p>Same as above response.</p> <p>The committee recommends the changes suggested by the commentator.</p> <p>The committee agrees to include reference to form FL-334 on the information sheet.</p>
TCPJAC/CEAC Joint Rules Committee TCPJAC/CEAC	JRWG recommends that form FL-300-INFO NOT be approved.	The committee believes that form FL-300-INFO has been improved by the revisions made in response to the comments received in the spring 2013, winter 2014, and spring 2015cycles. The committee believes that it has addressed the concerns of the commentator and recommends that the form be approved by the Judicial Council.

<b>Form FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Christine N. Donovan, CFLS Sr. Staff Attorney Superior Court of Solano County	I suggest that an order shortening time for service or hearing be placed only on the FL-305. Since the FL-305 has to be included anyway and because the FL-305 gives the date and time of the	The committee recommends that the ordering shortening time remain only on form FL-300. This will help avoid the perception that parties have to complete and file

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<b>Form FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>hearing, it makes sense to include the order shortening time for service or hearing on the FL-305 itself:</p> <p>1. A hearing on the <i>Request for Order</i> filed by <i>(specify)</i>_____: on <i>(date)</i>: will be held on:</p> <p>a. (Date, time, etc.)</p> <p>b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> other <i>(specify)</i>:</p> <p>c. Time for <input type="checkbox"/> service <input type="checkbox"/> hearing is shortened. Service must be <u>on or before (date)</u>:</p> <p>d. Any responsive declaration must be served on or before <u>(date)</u>:</p>	<p>form FL-305 when seeking only an order shortening time. If other emergency orders are sought, the court could use form FL-305 (“Other Orders”) to include the order shortening time and deadline for filing and serving responsive declarations.</p>
<p>Debbie Kruse Deputy Manager, Family Law Superior Court of Orange County</p>	<p>It is suggested that this item remain on form, FL-300. Moving the order to appear to a form separate from the FL-300 will be an additional workload for court staff and produce an addition document for judicial review. The change, as currently proposed, will result in a great percentage of FL-300 filings now being accompanied by the FL-305 for the sole purpose of ordering the other party to appear. For this reason it is suggested that all orders concerning the hearing itself, such as order shortening time, parties ordered to appear, order to attend mediation, stay on the FL-300 and only orders not relating the conduct of the hearing be included on the FL-305.</p>	<p>For the reasons specified in the comment chart for form FL-300, the committee recommends deleting the order to show cause language from form FL-300. The committee does recommend that orders to attend mediation and orders shortening time remain on form FL-300.</p>
<p>Superior Court of Riverside County Carrie Snuggs Family Law &amp; Juvenile Director</p>	<p>The <i>Temporary Emergency Order</i> (FL 305) has a place for the judicial to sign if granted, but it would be helpful if there was a place to indicate if the judicial officer denies the request for temporary orders. We also prefer not to have the FL-305 as a separately filed document.</p>	<p>The committee prefers that form FL-305 remain consistent with the style of other court order forms which do not include the check boxes suggested by the commentator.</p> <p>Form FL-305 is currently used as an attachment to the FL-300. This has caused confusion. Because the orders on the form are customarily attached as the last page of FL-300, they may be perceived as additional requests</p>

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<b>Form FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
		<p>from the party and overlooked by the responding party.</p> <p>To increase the chances that the responding party take notice of the temporary court orders on form FL-305, and that it is properly entered into the court’s registry of actions, the committee recommends revising the form to include the standard captions of other stand-alone forms and a section for the court’s file stamp. This way, the completed order could be served as a separate document from the <i>Request for Order</i> (form FL-300).</p>
<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p><i>Temporary Emergency Orders</i> (Form FL-305); Page 1 of 2 of the form (page 17 of the invitation to comment); Section 4.d.(4) The current version of the form has the following language:</p> <p style="text-align: center;"><b>“Penalties for violating this order: If you violate this order, you may be subject to civil or criminal penalties or both.”</b></p> <p>Why was “or both” not included in the proposed amended version of the form at the end of the sentence?</p>	<p>The language was inadvertently omitted from the form that was circulated for comment. The committee recommends reinserting the language in the form submitted for the Judicial Council’s approval.</p>
<p>Superior Court of Shasta County Stacy Larson Family Law Facilitator</p>	<p>Page 1, Item 2: This section should clarify that the temporary orders automatically expire on the date of the hearing, and that previous orders are reinstated upon expiration of the temporary orders unless new orders are entered. For example, “which are effective immediately. These orders expire on the date of the hearing referenced in Item (1). Upon expiration of the temporary order, the previous order is reinstated unless a new order is made by the Court.”</p>	<p>The committee recommends that the form provide that the temporary orders on form FL-305 automatically expire at the end of the hearing on the request for order.</p>

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**ATTACHMENT A**

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<b>Form FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Page 1, Item (4)(a): It's a great idea to add a line for the name and age of the child or children to whom the temporary pertains on the FL-305, so it will be clear to the parties and law enforcement who try to enforce the temporary order.</p> <p>Page 1, Item (4)(c): Our court interprets this provision (and similar provisions on the FL-311, etc.) as pertaining to only moving the child out of the state or county for purposes of changing residency. If this is the intent, the provision should be reworded to avoid the confusion this causes litigants who believe that on their own parenting time, they cannot take the child out of county/state to visit family, attend events, etc.</p> <p>Page 2, Item (7): More room is needed to write in additional orders, at least room for 3-4 lines of text, so we don't have to include an entire page as Attachment 7 when the additional order is only a few lines long.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The item is not meant to pertain only to move-away cases. Therefore, the committee does not recommend these revisions to form FL-305.</p> <p>The committee recommends revising the form to provide more space for the judicial officer to write additional orders.</p>
TCPJAC/CEAC Joint Rules Committee TCPJAC/CEAC	JRWG recommends that form FL-305 NOT be approved.	The committee believes that form FL-305 has been improved by the revisions made in response to the comments received in the spring 2013, winter 2014, and spring 2015 cycles. Therefore, the committee recommends that the form be revised as submitted to the Judicial Council, effective July 1, 2016.

<b>Form FL-306</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Hon. Christine Copeland	FL-306- under 6b, we use "court mediator" or "family court	The committee recommends revising the form so that

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<b>Form FL-306</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Commissioner Superior Court of Santa Clara County	services" but does the phrasing used here need to conform with what we use in FL-300 items 2 and 5 ("child custody services")?	the reference is consistent with the language used in <i>Request for Order</i> (form FL-300).
Superior Court of Los Angeles County	At item 3 on the form, we propose that the language be changed to say "The orders were originally issued on, <i>or</i> the Request for Order was originally filed on (Date) :" This is clearer in those instances where no temporary orders were issued.  Similarly, at item 4, we propose that the language be changed to read "The last scheduled hearing date was (date) :" This is clearer in those instances where no hearing has yet been held, there has just been a hearing scheduled.	The committee recommends that the language be changed to state "The temporary emergency orders were originally issued on ( <i>date</i> ): "  The committee recommends revising the form as suggested by the commentator.
Superior Court of Shasta County Stacy Larson Family Law Facilitator	The FL-306 should include a box in which the bench officer re-approves the former Order Shortening Time (OST). Too often, an OST is granted for good cause with the initial Request for Orders (RFO), but the reissuance has nowhere to request a second OST with the reissuance. Unless the litigant is savvy enough to go to the bottom of the form and write in the judge's order for an OST, he/she loses the OST provision, frequently making it impossible to accomplish timely service.  It would be helpful to include a note on this form, perhaps at the bottom of the page, instructing litigants (again) that a copy of this form must be attached to the original moving papers and served on the other party or parties.	The committee recommends revising the form as suggested by the commentator.  The committee recommends revising the form as suggested by the commentator.
TCPJAC/CEAC Joint Rules Committee TCPJAC/CEAC	JRWG recommends that form FL-306 be approved as presented.	No response required.

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<b>Form FL-306</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>

<b>Form FL-320</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Hon. Christine Copeland Commissioner Superior Court of Santa Clara County	FL-320 page 2, the box at the bottom calls the DV-120 an Answer, but it's a Response.	The committee recommends that the notice about domestic violence cases be corrected and moved to form FL-320-INFO.
Christine N. Donovan, CFLS Sr. Staff Attorney Superior Court of Solano County	I would not include the proposed revisions to item 1 on the form. OSCs are jurisdictional, e.g. they give the court the jurisdiction to subject a person or entity to its orders. In fact, so long as the OSC was properly issued and served on the other party, the other party's intended appearance or non-appearance does not affect the court's jurisdiction to issue orders binding on that person. I'm not aware of any other kind of case where a party is permitted (expected?) to advise in their response whether or not they intend to appear. I believe nothing is gained from including this on the form; therefore, I would remove it.	The committee agrees with the commentator and has decided to retract the proposed revision to item 1, which circulated for comment.
Debbie Kruse Deputy Manager, Family Law Superior Court of Orange County	The intent of this section is unclear. What action is expected from the Court based on this section? If a party enters information indicating they will not appear due to work or illness might they expect that the Court will continue their matter? If there is no action to be taken based on the information, it is not needed and could lead to misinterpretation. Suggest it be removed.	The committee has decided to retract the proposed revision to item 1 of this form, which circulated for comment.
Legal Aid Foundation of Los Angeles Jimena Vasquez Staff Attorney	Item 1 from FL-320 should be removed from the form Item 1 allows the responding party to indicate whether he or she will appear at the hearing. For the reasons we give above, we believe that the Judicial Council should not	The committee agrees with the commentator has retracted the proposed revision to item 1 of this form, which circulated for comment.



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<b>Form FL-320</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	incorporate this proposed change into FL-320.	
State Bar of California, Standing Comm. on the Delivery of Legal Services S. Lynn Martinez Chair	Re Form FL-320, there should be a check box in number 1 to request a telephonic appearance and if the party will not appear, add another check box to request that the court allow the party to submit on his/her responsive declaration.	In response to the numerous concerns raised by courts, court professionals, attorneys, and legal organizations about revising FL-300 and FL-320 to identify the method of a party’s appearance in the case, the committee decided to retract the proposed change to item 1.
Superior Court of Calaveras County Hugh Swift Court Executive Officer	FL-320 – Responsive Declaration, Item 1.a. and 1.b.-  Assuming the Court orders the personal attendance of a party, a form which expressly provides the respondent with the option to attend, seems inconsistent with the Court’s order and may be confusing.  It is not entirely clear why the information regarding the other party’s intent to appear would be helpful to the court. A party who states in his or her responsive declaration an intent to appear, may not appear and vice versa.	In response to the numerous concerns raised by courts, court professionals, attorneys, and legal organizations about revising FL-300 and FL-320 to identify the method of a party’s appearance in the case, the committee decided to retract the proposed change.
Superior Court of Los Angeles County	<b>Responsive Declaration to Request for Order (FL-320)</b> We oppose having a box that states “I will not appear.” This implies that a party has an option not to appear when ordered. This will create numerous problems.	Same as above response.
Superior Court of Shasta County Stacy Larson Family Law Facilitator	FL-320: It would be helpful to add a heading and space for a “Request for Affirmative Relief” on this form.	The form currently conforms to rule 5.92(b)(2), which provides that “[t]he responding papers may request relief related to the orders requested in the moving papers. Unrelated affirmative relief must be sought by filing a

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<b>Form FL-320</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Page 1, Item (4): Items (4)(b) and (4)(c)(1) appear duplicative.</p> <p>Page 2, Item (5), (6), (7), (8), (9): The language here should mirror former sections: "I do not consent to the order requested, but I consent to the following order:"</p>	<p>separate request for order as specified in (a)." The check box which states "but I consent to the following order" can be used to request relief related to the orders requested. Otherwise, for unrelated affirmative relief, responding party must file his or her own FL-300.</p> <p>The committee recommends revising the form to avoid redundancy.</p> <p>The committee agrees to incorporate some of the commentator's suggestions into the changes being recommended to the Judicial Council relating to form FL-320.</p>
<p>TCPJAC/CEAC Joint Rules Committee TCPJAC/CEAC</p>	<p><b><u>FL-320 – Responsive Declaration, Item 1.a. and 1.b.-</u></b> More information is needed regarding the drafter's intent of this portion of the form For example, What happens if the respondent changes his or her mind about appearing (or not appearing) at the hearing? Is the Court to assume the respondent "consents" to the orders requested by indicating an intent not to appear?</p> <p>Assuming the Court has the authority to order personal attendance based on the grounds set forth in FL-300, page 2, Item 1, a form which provides the respondent with the option to appear is inconsistent with the order to appear and creates confusion.</p>	<p>In response to the numerous concerns raised by courts, court professionals, attorneys, and legal organizations about revising FL-300 and FL-320 to identify the method of a party's appearance in the case, the committee decided to retract the proposed change to item 1.</p>

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<b>Forms FL-311, FL-312, FL-336, FL-337, FL-341(C), FL-341(D) and FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>California Judges Association Lexi Howard Legislative Director</p>	<p><b>Form FL-311</b> There is no space on form FL-300 to list any details of the child custody parentage/visitation plan without using the FL-311 form or the space under par. 11 (Facts in Support). There are many requests for easily described or relatively minor changes to existing custody plans that could be set forth in this request which is now expanded to 4 pages, leaving the FL-311 as an option rather than using all 7 pages of both forms. It would make it easier to understand what is being requested without having to go back and forth between these two forms to compare what the existing order is with what is requested. The two forms are often mixed up with the numerous other forms submitted with the request. Another possibility would be not to have any custody information on the FL-300 (other than a check box to see the attached FL-311) and have all that information on the FL-311, making it easier for the reader to compare the existing order with what is requested.</p> <p>FL-311 should also clearly state that it is not a court order.</p> <p><b>Form FL-341(D), ADDITIONAL PROVISIONS — PHYSICAL CUSTODY ATTACHMENT.</b> This form should be eliminated. Except for items 1 and 2, most of these “provisions” impose on the constitutionally protected custodial rights of fit parents to raise their children under US Supreme Court case law (including <i>Troxell v. Granville</i>) and should only be ordered by the court where there has been a finding based on the evidence that a parent is not fit or capable of making appropriate decisions on such issues or where the</p>	<p>The committee recommends providing additional space on form FL-300 (item 2) for a party to include details of the child custody parenting plan.</p> <p>The committee recommends revising the form to state that it is not a court order.</p> <p>The committee does not recommend that form FL-341(D) be eliminated. The Judicial Council approved form FL-341(D) as an optional form, effective July 1, 2004, to allow parents to obtain orders on common issues such as safety, child care, and phone contact. In its report to the Judicial Council, the committee noted that the form was developed to address the concern that many unrepresented litigants have difficulty getting guidance on how to construct an enforceable child</p>

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	<p>court has assumed jurisdiction in a dependency case or where the parties have knowingly and intelligently waived such rights by agreement in mediation. The family court is required to resolve disputes over child custodial arrangements based upon what arrangements appear to be in the children’s best interests and is not to impose restrictions on parents in a family law proceeding to which parents not involved in such a proceeding would not normally be subject just because such provision would be best for the child. These provisions are also subject to being used coercively in negotiations by litigants seeking to control the actions of the other parent (i.e. “you can have custody only if you agree to my list of demands”). Such orders (most of which are too vague to enforce) can lead to unnecessary and seldom successful, time consuming, contempt proceedings creating additional expense for the court, including appointment of defense counsel. In the event the parents wish to agree to such provisions they should not be made into court orders but should be prefaced with an admonition that, although not enforceable as an order, a violation of such agreement could be a basis for the court modifying the child custodial arrangements.</p> <p><b>Form FL-341(E), JOINT LEGAL CUSTODY ATTACHMENT.</b> Item 2(b) should be deleted. The court should not, except in</p>	<p>custody order. The committee anticipated that these forms would assist many litigants and ultimately save time for family court services offices.<sup>1</sup> Maintaining the form’s availability to parties would not preclude the court from making child custody orders that are applicable to the specific facts of a case and in a child’s best interests.</p> <p>The Judicial Council approved form FL-341E, <i>Joint Legal Custody Attachment</i>, effective July 1, 2004, to allow the court to specify the circumstances under which</p>
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<sup>1</sup> Judicial Council of Cal., Family and Juvenile Law Advisory Com.Rep., *Family Law: Child Custody and Visitation Orders (revise forms FL-311 and FL-341; approve forms FL-341C, FL-341D, FL-341E, and FL-355)* (Sept. 10, 2003), p. 3.

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	<p>extraordinary circumstances where there is proof of harm to the children, be making orders restricting either parents rights concerning “Participation in particular religious activities or institutions”, nor should the court be encouraging disputes concerning such provisions by reference thereto in any court form.</p> <p>Item 3 should be modified. Line 3 states: “If a parent does not obtain the required consent of the other parent to the decisions checked in item 2:” etc. However, nothing in item 2 requires consent, it simply requires that the parties confer. The line should read: “If a parent does not obtain the consent of the other parent to any decisions in which such consent is required by a court order:” etc.</p>	<p>the <i>consent</i> of both parents is required to be obtained in order for them to exercise legal control of the child and the consequences of the failure to obtain mutual consent as required by Family Code section 3083.<sup>22</sup>” The check box relating to religious affiliation is a common area for discussion between parents in mediation or child custody recommending counseling. It is not meant to encourage disputes. Therefore, the committee recommends that the check box remain on the form.</p> <p>The committee recommends revising the last sentence in the opening paragraph of item 2 to state: “ The parents must discuss and <u>consent</u> in making the decisions on the following matters:”</p>
<p>Hon. Christine Copeland Commissioner Superior Court of Santa Clara County</p>	<p><b>Form FL-336</b> A fee waiver application is confidential, as is a hearing about whether you get your fee waived. I am concerned about confidentiality given that the process here instructs the moving party to serve the other side with the motion for hearing (item c, page 2). Also, at such a hearing, if the other side shows up, which they should do if they are the one being asked to pay the other party's now unwaived fees, this changes things too: instead of a closed courtroom involving one litigant, you'd have</p>	<p>Form FL-336 was adopted by the Judicial Council to reflect a change to Government Code section 68637. This section does not relate to hearings about the initial fee waiver application, which are confidential. The statute concerns the court recovering fees that were initially waived but, after entry of a support order or judgment, are found to be payable by one of the parties. The statute does not preclude a judicial officer from closing the courtroom to hear the matter in private.</p>

<sup>22</sup> Judicial Council of Cal., Family and Juvenile Law Advisory Com.Rep., *Family Law: Child Custody and Visitation Orders (revise forms FL-311 and FL-341; approve forms FL-341C, FL-341D, FL-341E, and FL-355)* (Sept. 10, 2003), p. 3.

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	two there. I am not hip to whatever changes occurred to bring about this new form/procedure, so I apologize for being out of it, but if rules were not changed so that fee waivers are still completely confidential, including hearings on whether they are granted or taken away, then there may be a problem.	
Hon. John Chemeleski Commissioner Superior Court of Los Angeles County	Comments regarding forms FL-311, FL-341(D) and FL-341(E) are the same as the comments by the California Judges Association.	See above response to the comments submitted by the California Judges Association.
Family Law Section Los Angeles County Bar Association Lynette Berg Robe, Chair	Comments regarding forms FL-311, FL-341(D) and FL-341(E) are the same as the above comments by the California Judges Association.	See response to California Judges Association.
Superior Court of Calaveras County Hugh Swift Court Executive Officer	<b>Form FL-336</b> The use of “support obligor” may not be necessary. Outside of governmental child support actions, it is unlikely the support obligor would be someone other than the Petitioner or Respondent. If a child support action is initiated by the local child support agency (Petitioner) against the non-custodial parent (Respondent), the custodial parent is referred to as the “Other Parent.” (See Form FL-600.)	The committee and task force recommend revising page 2 of form FL-336 to clarify its meaning and delete the term support obligor.
Superior Court of Los Angeles County	<b>Child Custody and Visitation Application Attachment (FL-311)</b> – We propose that the Judicial Council add “or Responsive Declaration to Request for Order” at the top as an option following Request for Order. This addition could be its own box, as done in the other form revisions, or be linked with the box for Request for Order.  There are other discrepancies between the FL Custody attachments that could be made consistent. For example, on the FL-311, “Petition or Response” is listed as one	The committee agrees to recommend adding a checkbox for <i>Responsive Declaration to Request for Order</i> at the top of the form as an option.  The committee recommends the revisions to the forms that are suggested by the commentator.

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	<p>option, whereas on the other attachments such as the FL-341(D), Petition and Response are listed as two separate options. Perhaps this is beyond the scope of the changes being made now, but we thought it worth mentioning as a formatting issue.</p> <p><b>Request for Child Abduction Prevention Orders (FL-312) -</b> All other FL Custody attachments list the Responsive Declaration by its full name “Responsive Declaration to Request for Order,” so we suggest the Judicial Council make this form consistent with the others. Consistency makes the forms easier to fill out.</p> <p><b>Proposed technical changes to related forms</b> <b>Notice and Acknowledgment of Receipt (FL-117) –</b> Although not included in the list of forms to be modified, we propose that the Judicial Council modify the Notice &amp; Acknowledgment of Receipt (FL-117) form, which still refers to the Order to Show Cause, Application for Order and Supporting Declaration, and Responsive Declaration to Order to Show Cause forms. This form should be modified to refer to the Request for Order and the Responsive Declaration to Request for Order.</p>	<p>The committee recommends the revision to form FL-312 suggested by the commentator.</p> <p>The requested technical changes to form FL-117 were posted to the California Courts Web Site effective July 1, 2013.</p>
<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p><b><u>Form FL-311</u></b> Our Family Law Facilitators have the following comments on the formatting and/or content of FL-311: Page 1 of 2 of the form, page 20 of the SPR13-22 invitation to comment</p> <p>Item 2.e.(4), page 1: Instead of a box that says “See Attachment 2e(4) (which isn’t a form) – use the language used on the DV forms, i.e. “Check here and attach a separate piece</p>	<p>The committee recommends revising form FL-311 at item 2.e.(4) so that it states: “See Attachment 2e(4) (You may use Attached Declaration (formMC-025) for this</p>

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	<p>of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write “FL-311” for a title.” [This is the language used on DV-140]</p> <p><b><u>Form FL-312</u></b> Our Family Law Facilitators have the following comments on the formatting and/or content of FL-312:</p> <p>This form is supposed to be an application/request for a child abduction prevention order, yet it reads like a questionnaire from the court to the litigant.</p> <p>Suggest the following:</p> <ol style="list-style-type: none"> <li>1. Delete</li> <li>2. Change to “I think the other parent might take the children without my permission to:             <ul style="list-style-type: none"> <li><input type="checkbox"/> another county in California: _____ (name of county)</li> <li><input type="checkbox"/> another state: _____ (name of state)</li> <li><input type="checkbox"/> a foreign country: _____ (name of country)                 <ul style="list-style-type: none"> <li><input type="checkbox"/> The other parent is a citizen of that country</li> <li><input type="checkbox"/> The other parent has family or emotional ties to that country.</li> </ul> </li> </ul> </li> </ol> <p style="padding-left: 40px;">Facts in support of the above:</p> <ol style="list-style-type: none"> <li>3. I think the other parent might take the children without</li> </ol>	<p>purpose).” This would conform to the language in other standard FL- forms. DV- forms use a different “plain language” style that is not generally used for drafting standard family law forms.</p> <p>The committee recommends revising form FL-312 so that it reads more like an application or request instead of a questionnaire.</p> <p>Same as above response.</p>
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	<p>my permission because:</p> <p>a – e : okay</p> <p>4 – 13: Okay.</p> <p><b><u>Comments on FL-336:</u></b> It appears that page 2, item #5 could be improved. Line two is poorly worded and difficult to comprehend and line three “court fees and costs” is out of place with no apparent purpose or explanation related thereto. Perhaps “ 5. NOTICE TO: “ should only be followed by the parties as set forth in the following two lines and there should be a #6 which addresses “COURT FEES AND COSTS: ”</p> <p><b><u>Comments on FL-341(C), Children’s Holiday Schedule Attachment:</u></b></p> <p>The form only identifies the parties as petitioner and respondent. Many times this is not who the parties are who have custody of a child or children. It would be better to have choices as to the title of the litigants who have custody of a child or children.</p> <p>There is too much on this form. The names of the holidays are too close together and it is too difficult to read across the form to line up which party would have the child or children for a particular holiday. It would be better if the holidays were numbered and the associated box has the same number. In the alternative, having a space between each holiday would make it easier to ascertain which holiday is with which party.</p>	<p>No response required.</p> <p>The committee recommends substantial revisions to page 2 of the form to clarify the purpose of the notice under Government Code section 68637.</p> <p>The committee recommends revising the form to also reference “Other Parent/Party.”</p> <p>The committee recommends expanding the form to 2 pages to improve the ability to complete and read the information on the form. The recommended changes include providing more space between the each holiday listed in item 1’s table, creating a new table for parties to include other holidays, and moving item 2 to the second page.</p>
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	<p>It may improve the layout for holiday parenting to have the space of an entire page. Vacation clauses could be on page 2 of the form and this would allow for better layout of this section.</p> <p><b><u>Form FL-341(D)-Additional Provisions-Physical Custody Attachment</u></b> The form only identifies the parties as parents. It would be better to have choices as to the title of the litigants who have custody of a child or children.</p> <p>Boxes should be lined up better with wording.</p> <p><b>Form FL-341(E) – Joint Legal Custody Attachment</b> The form only identifies the parties as parents. It would be better to have choices as to the title of the litigants who have custody of a child or children.</p>	<p>See above response.</p> <p>The committee recommends revising form FL-341(D) by deleting references to “parents” and replacing them with party designations “Petitioner,” “Respondent,” and “Other parent/party.”</p> <p>The committee recommends formatting changes as suggested by the commentator.</p> <p>The committee recommends revising form FL-341(E) by deleting references to “parents” and replacing them with party designations “Petitioner,” “Respondent,” and “Other parent/party.”</p>
<p>Superior Court of Shasta County Stacy Larson Family Law Facilitator</p>	<p><b>Form FL-311</b> Page 1, Item (1): It would be helpful if the first line typed for the child’s name aligned properly to the first line under each custody column.</p> <p>Page 1, Item (2)(c): Our court is a recommending county; it is not appropriate to refer to “mediation” and can be confusing to litigants. Perhaps we could change this to “mediation or child custody recommending counseling.”</p> <p>Page 1, Item (2)(e), (2)(e)(2), (2)(e)(3): It would be helpful to add a box for “Other Party” as the other parent is often listed as the “other party” if the case originated as a child-support case</p>	<p>The committee recommends the suggested formatting revision to form FL-311.</p> <p>The committee recommends revising item 2c to also refer to child custody recommending counseling.</p> <p>The committee recommends revising this for to include entries for “Other parent/party.”</p>

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	<p>filed by the LCSA. Also, when grandparents seek visitation, they are the “other party” or “claimant.”</p> <p>Page 1, Item (1)(2) and (3): Previous drafts of the form did not allow enough room to type “after school” or “before school” in the “time” box. It would be helpful if this space could be added as exchanges often occur after or before school.</p> <p>Page 1, Item (2)(e)(2) &amp; (3): It is not clear why we need the “petitioner” and “respondent” boxes in these sections as the checkboxes at Item (2)(e) would appear to carry over throughout all subsections.</p> <p>Page 1, Item (2)(e)(4): More space would be useful here to type in customized arrangements without adding an additional page for a mere 3-4 lines of text.</p> <p>Page 2, Item (4)(e): This item should not be a checkbox item. It is not a checkbox item on the FL-341, and the two forms should be similar—either both checked items or both not checked items.</p> <p>Page 2, Item (5): Our court interprets this provision (and similar provisions on the FL-311, etc.) as pertaining to only moving the child out of the state or county for purposes of changing residency. If this is the intent, the provision should be reworded to avoid the confusion this causes litigants who believe that on their own parenting time, they cannot take the child out of county/state to visit family, attend events, etc.</p> <p><b>Form FL-341(C)</b> Christmas Eve, Christmas Day, and Easter should be listed separately. I assume they are deleted due to political</p>	<p>The committee recommends revising items (1)–(3) to include check boxes for “start of school” and “after school.”</p> <p>The committee recommends revising item 2e(2) and (3) as suggested by the commentator.</p> <p>The committee recommends revising item 2e(4) to allow parties additional space to write their parenting time arrangements.</p> <p>The committee recommends revising the form to delete the check box in front of item 4e and renumber it 4a.</p> <p>Item 5 (Travel with the children out of state) is not meant to pertain only to move-away cases. Therefore, the committee does not recommend these revisions to form FL-311.</p> <p>The committee prefers to recommend revising the form to provide a blank holiday table so that parties can list</p>
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	<p>correctness; however, these are major holidays to a large number of litigants, and their absence on the form (except in general terms of “winter” or “spring” break) means they are omitted in many circumstances, causing much conflict when those holidays are approaching. When children are not yet in school, the winter/spring breaks appear irrelevant to the litigants.</p>	<p>the holidays that are observed in their families.</p>
<p>TCPJAC/CEAC Joint Rules Committee TCPJAC/CEAC</p>	<p>JRWG recommends that forms FL-311, FL-312, FL-337, FL-341 (C), FL 341 (D), and FL-341(E) be approved as presented.</p> <p><b><u>FL-336</u></b> Modify 1 of form to move boxes noting ‘default or uncontested’, ‘by declaration under Family Code section 2336’ and ‘contested’ to add as a new item ‘e.’ in the list of items. These references are generally used with Trials; including them with the Request for Order is confusing. Item ‘e’ should note a box for ‘trial’ and then the above noted descriptors. The current item ‘e’ should be relabeled to ‘f’ and ‘f other’ should be relabeled to ‘g’.</p> <p>Cosmetic changes – on page 2 the item labeled 5 should be 4. Also in that area, the words ‘court fees and costs’ should be lined up under the corresponding box.</p> <p>We recommend using a more user-friendly term than “obligor” for the general public. This is not a user-friendly term for the general public, even though it is a term used in many Family Law areas and forms. There may not be an easier way to state this.</p>	<p>No response required.</p> <p>The committee prefers to list the types of proceedings at the beginning of the form. Therefore, they recommend moving the <i>Request for Order</i> information (currently item e) to the second line of item 1. The committee recommends revising the check box in item 1 to read “Contested or Trial.”</p> <p>The committee recommends various changes to page 2 of the form, including renumbering the items relating to the notice.</p> <p>The committee agrees to replace “support obligor” with “the party ordered to pay the initial fee waiver recipient’s previously waived court fees and costs.”</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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**List of All Commentators, Overall Positions on the Proposal, and General Comments**

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Aderant Victoria Katz Rules Attorney	N/I	See comments on rule 5.63 below	See response to specific provisions below
2.	Hon. John Chemeleski Commissioner Superior Court of Los Angeles County	D	See comments on specific provisions below	See response to specific provisions below
3.	Harriett Buhai Center for Family Law Meredith Alexander Staff Attorney	AM	<p><b>Proposed Global Revision to delete all references to parents and replace with parties:</b> We believe that adding other parent/party to all the forms is confusing and will make the forms difficult for self-represented litigants to complete. In most cases, the Petitioner and Respondent are the parents. In actions involving local child support agencies, different forms are often used. Self-represented litigants may list the Respondent or Petitioner as the Other Parent/Party by mistake. This will end up with their requests being confusing to the court, and/or orders that are misleading and difficult to enforce.</p> <p>See additional comments on specific provisions below.</p>	The commentator refers to the proposed changes to the attachments to form FL-300: FL-341(C), FL-341(D), and FL-341(E). Revising these forms by including an entry for Other Parent/Party will make them consistent with caption in the main <i>Request for Order</i> (form FL-300), which already contains these party references. In addition, this change would improve these forms by allowing for cases in which the petitioner may not be a parent, such as in actions involving a local child support agency (who may be listed as the petitioner in the case), or cases in which the court grants custody or visitation rights to a child's grandparent or another relative. The fact that a party can cross-check the party titles against the <i>Summons, Petition, Response, Request for Order</i> , when completing any one of the above forms increases the possibility that a party will complete them correctly.
4.	Kristen E. Hoadley Senior Court Staff Attorney Superior Court of San Francisco	N/I	See comments on specific provisions below	See response to specific provisions below
5.	Virginia Johnson	N/I or	See comments on specific provisions below	See response to specific provisions below

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
	Staff Attorney Superior Court of San Diego County	AM?		
6.	Stacy Larson Family Law Facilitator Superior Court of Shasta County	AM	See comments on specific provisions below	See response to specific provisions below
7.	Mark W. Lomax Attorney at Law	AM	See comments on form FL-300 below	See response to specific provisions below
8.	Los Angeles Center for Law and Justice Suma Mathai, Esq. Supervising Family Law Attorney	AM	See comments on specific provisions below	See response to specific provisions below
9.	Los Angeles County Bar Association Family Law Section Seth Kramer, Chair	N/I	See comments on specific provisions below	See response to specific provisions below
10.	State Bar of California Family Law Section Saul Bercovitch Legislative Counsel	AM	See comments on specific provisions below	See response to specific provisions below
11.	The State Bar of California Office of Legal Services Standing Committee on the Delivery of Legal Services Elizabeth Bluestein, Chair	N/I or A?	The changes to the Form FL-300 address most of the concerns raised previously about the form and are very necessary. The proposed form as amended will make it easier for self-represented litigants to ask for court orders. They will need to distinguish between a motion and other types of orders. Similarly, the addition of a check box for “Temporary Emergency Orders” and language about an appointment with Family Court Services will make it clearer for the litigant and easier to process for court staff, which is important in terms of court resources.	No response required to this general comment.

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<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			The references to related optional forms are very helpful. SCDSL agrees with the proposed changes to the rules as necessary and language used will be more easily understood by self-represented litigants. As a result, the changes will improve how the forms are completed by parties and processed by the courts.	Same as above response.
12.	Superior Court of Los Angeles County	AM	See comments on specific provisions below	See response to specific provisions below
13.	Superior Court of San Joaquin County Erica A. Ochoa Court Records Manager	N/I	<p>The proposed changes are basic and will provide much needed clarification to courts while still allowing individual autonomy to make necessary changes to current practices in order to implement the new forms.</p> <p>It is difficult to quantify the cost savings to the court, mainly because it would require time keeping mechanism to track current processing time vs. processing time when the forms change. We can see that changes to the forms will streamline processing which manifests itself as saved time which in turn converts to saved money.</p> <p>In our situation we will not need to make any changes to our current CMS. The proposed change will only affect staff training and manual processing.</p>	<p>See response to specific provisions below</p> <p>No response required.</p> <p>No response required.</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			Two months is enough time to implement changes, train staff, and replace forms.	No response required.
			See additional comments on specific provisions below	See response to specific provisions below.
14.	Superior Court of Santa Barbara County Deborah Mullin Family Law Facilitator	AM	See comments on specific provisions below	See response to specific provisions below
15.	Superior Court of Santa Clara County Christine Copeland Commissioner	A	See comments on specific provisions below	See response to specific provisions below
16.	Superior Court of Sonoma County Joyce MacLaury Family Law Facilitator	AM	See comments on rule 5.62 below.	See response to specific provisions below
17.	Hon. Rebecca Wightman Commissioner Superior Court of San Francisco County	N/I	See comments on specific provisions below	See response to specific provisions below
18.	Hon. Charlotte Walter Woolard Supervising Judge Superior Court of San Francisco County	N/I	See comments on specific provisions below	See response to specific provisions below



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<b>Rules 5.12</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Stacy Larson Family Law Facilitator Superior Court of Shasta County	Subdivision (a): The CCP sections are referenced beginning and end (e. g., “under Code of Civil Procedure sections 2016.010 through 2036.050”) but does not do so for the reference to the Family Code (e. g., “and Family Code section 2100 et seq. regarding disclosure of assets and liabilities”). For uniformity and clarity, it would be helpful to reference beginning and end of the relevant Family Code sections (e. g., “and Family Code section 2100 through 2113 regarding disclosure of assets and liabilities”).	The committee recommends revising rule 5.12 as suggested by the commentator.
Superior Court of Los Angeles County	Agree with proposed changes.	No response required.

<b>Rules 5.62</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Virginia Johnson Staff Attorney Superior Court of San Diego County	*Rule 5.62 (a)(5), should be made clear if it includes filing an opposition to a request for order, whether agreeing or disagreeing with the requested relief.	Based on the comments received opposing the proposed amendment to the rule, the committee recommends not amending rule 5.62 to include item (a)(5).
Stacy Larson Family Law Facilitator Superior Court of Shasta County	I agree with the proposed changes.	No response required.
Superior Court of Los Angeles County	We have significant concerns about this proposed rule of court, specifically the use of the phrase “or stipulation” at item (a)(1) and item (a)(5) in its entirety. We strongly object to adopting these changes as is, although we appreciate the intention of the drafters to make the court process more accessible to self-represented litigants. (a) Appearance	Based on the comments received opposing the proposed amendment to the rule, the committee recommends not amending rule 5.62 to include item (a)(5).

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rules 5.62</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p style="text-align: center;">(1) Do Not Agree with proposed changes. COMMENTS: The phrase “or stipulation” is overbroad and ambiguous. Do the drafters intend that any stipulation in a case, even a Conciliation Court Agreement will constitute a general appearance? As discussed further below, we are concerned about expanding the manner in which respondents are deemed to make a general appearance when they have not knowingly and intentionally file documents designed to make such an appearance.</p> <p>We recommend that the language be amended as follows: Replace “stipulation” with the words “stipulation for general appearance.” OR, Delete the words “or stipulation”</p> <p style="text-align: center;">(2) Agreed. (3) Agreed. (4) Agreed. (5) Do Not agree with proposed changes. COMMENTS:</p> <p>We believe that this rule is overbroad. Nearly any court appearance or document filed could constitute “seeking to obtain a ruling or court order that goes to the merits of the case.” Filing a Request for Order appears to fall under this rule, as does filing a Responsive Declaration. What about appearing at a court hearing or mediation appointment? Or signing a Conciliation court / settlement agreement?</p>	<p>Based on the comments received opposing the proposed amendment to the rule, the committee recommends not amending rule 5.62 to include item (a)(5).</p> <p>The committee recommends deleting the word “stipulation” from rule 5.62(a)(1).</p> <p>Based on the comments received opposing the proposed amendment to the rule, the committee recommends not amending rule 5.62 to include item (a)(5).</p>



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<b>Rules 5.62</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>a) The proposal may be designed to reduce the number of litigants who file numerous RFOs seeking to obtain ruling or court orders on the merits of the case without filing a Response to the Petition. Therefore, possibly promoting decreases in court appearances, court filings, and tasks for court staff to perform. However, although the respondents in such situations will be deemed to have made a general appearance, the rule does not limit the number of times they come to court.</p> <p>b) Self-represented litigants need to be advised or warned about the fact that filing certain forms or appearing at court hearings will result in a general appearance. The current Summons (FL-100) indicates that only the filing of a Response (FL-120) will prevent the entry of a default. However, the proposed rule indicates that default cannot be entered where respondent appears at conciliation court, any court hearing, or files a Responsive Declaration or Request for Order. Therefore, these forms would also need to be modified to include a warning or advisement that signing or filing these documents will constitute a general appearance.</p> <p>c) Moreover, given the large number of self-represented litigants in family court, the term "general appearance" should be explained in layman's terms, e.g. a default cannot be entered against you, or you will be required to fully participate in the case, etc.</p> <p>d) Default filings/Default judgments could decrease as a result of the proposed rule because respondents making a general appearance in a case will not have a default</p>	<p>Based on the comments received opposing the proposed amendment to the rule, the committee recommends not amending rule 5.62 to include item (a)(5).</p> <p>Same as above response.</p> <p>Same as above response.</p> <p>Same as above response.</p>

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<b>Rules 5.62</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>entered against them.</p> <p>e) At first it might appear that the Court could see a decrease in the staff and bench time spent reviewing and processing proposed default judgments as a result of decreased filings of default judgments. However, this rule also burdens the court administrative staff who process defaults and default judgments. Under current law, default can be entered as long as there is a valid Proof of Service of Summons and no Response. However, because the Rule lists numerous other acts that now constitute a general appearance, court staff will be required to review every minute order to see if the respondent appeared at a hearing and carefully read the case summary to see if any conciliation court agreements or other stipulations have been entered, or if any relief was sought by respondent on any merits of the case.</p> <p>f) While cases proceeding by default will decrease, more complicated contested cases will increase. Any case in which parties have reached a partial settlement or have obtained temporary orders will now be considered a contested case.</p> <p>g) In contested cases, both parties are required to file preliminary and final declarations of disclosure, appear at a Trial Setting Conference, attend mandatory mediation, attend trial, and possibly be assigned the task of preparing a judgment.</p> <p>h) Should the respondent not comply with these obligations, he or she will be subject to sanctions. As a result, a simple dissolution case in which both parties</p>	<p>Based on the comments received opposing the proposed amendment to the rule, the committee recommends not amending rule 5.62 to include item (a)(5).</p> <p>Same as above response.</p> <p>Same as above response.</p> <p>Same as above response.</p>



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<b>Rules 5.62</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>cannot be obtained by default). Paternity Cases</p> <p>j) The proposed language will have a similar effect in parentage cases. It could increase case management tasks for court staff and Judicial Officers. Family Code 3040 provides for a child to have more than two parents. Although petitioner could default one parent, petitioner would have to finalize their case by entering a stipulation (settlement) or trial for the third parent.</p> <p style="text-align: center;"><b><i>Impact of Proposed Rule on Self-Represented Parties:</i></b></p> <p>k) The proposed language will reduce the ability of respondents to avoid a general appearance by choosing not to file a Response in a case. This promotes the involvement of both parties in the resolution of the merits of their case. However, it also takes away a respondent’s choice about whether to participate in a portion of the case without being obligated to participate fully in the action.</p> <p>l) By filing a response or a notice of appearance, a respondent is knowingly and deliberately seeking to participate in the court process. By filing a Responsive Declaration contesting a petitioner’s custody request, a respondent is seeking only to contest a specific issue in the case. He or she may only be trying to protect his right to visit with his children, without any desire to contest other issues in the case. However, the proposed rule treats all respondents the same.</p> <p>m) As noted above, once respondent has made a general appearance, he or she will be required to file necessary</p>	<p>Based on the comments received opposing the proposed amendment to the rule, the committee recommends not amending rule 5.62 to include item (a)(5).</p> <p>Same as above response.</p> <p>Same as above response.</p>

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<b>Rules 5.62</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>forms/pleadings and to appear/participate in the process necessary to complete the judgment phase of their case (e.g. filing PDD and/or FDD, MSC, etc.)</p> <p>n) When parties file Requests for Orders seeking pendente lite relief, the request will not address the merits of the entire case (e.g. characterization of assets and debts, division of community assets and debts, separate property contentions, and claims of credits or reimbursement in their case). However, the respondent who participates in the RFO process will be deemed to have made a general appearance, without having specifically responded to all issues.</p> <p style="text-align: center;"><b>To remedy the potential deficiency, Rule 5.62 could include the following language.</b></p> <p style="text-align: center;">Add subsection 6 to the proposed rule to state the following: “A Response must be filed when a respondent or defendant files forms seeking to obtain a ruling or court order that goes to the merit of the case.”</p> <p>o) As noted above, respondents who are reluctant or have no true intentions to participate in the overall merits of the case will now be forced to participate in the action in its entirety. This includes respondents who would have otherwise agreed to a default.</p> <p>p) The proposed language could increase delays in obtaining judgments because a general appearance will obligate respondents who would otherwise be in default to comply with disclosure requirements,</p>	<p>Based on the comments received opposing the proposed amendment to the rule, the committee recommends not amending rule 5.62 to include item (a)(5). Therefore, the committee does not recommend adding the proposed subdivision (a)(6).</p>



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<b>Rules 5.62</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	discovery, subpoenas, trial setting conferences, etc.	
Superior Court of Sonoma County Joyce MacLaury Family Law Facilitator	I would agree with the proposed changes if it included clarification as to what specific filings would constitute an appearance because the rule as stated is vague and likely to cause confusion as to when a party has actually made an appearance. Under CRC 4.501, default is allowed against anyone who has failed to make such an appearance, and given the uncertain nature of the language, this would require that a determination be made each time a default is sought. How would a self-represented person make such a determination? Other parts of the rule refer to specific filings – a Response, Motion to Strike, motion to transfer, or notice of appearance. If the proposed rule referred added clarifying language referring to specific filings, for example, by filing a Request for Order and clarified whether it included a Responsive Declaration to a Request for Order, or other specific filing.	Based on the comments received opposing the proposed amendment to the rule, the committee recommends not amending rule 5.62 to include item (a)(5).

<b>Rules 5.63</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Aderant Victoria Katz Rules Attorney	According to the W14-12 Invitation to Comment, CRC 5.63 “would be amended to delete the reference to ‘motions. Instead, ‘motions’ would be replaced with ‘request for order’.” In section (b) of this Rule, however, it seems that one reference to “motion” inadvertently was not changed. As set out in W14-12, p. 16, proposed CRC 5.63(b) says:	The committee recommends amending the rule to include the commentator’s suggestions.

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<b>Rules 5.63</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>The <del>motion</del> request for order to quash must be served in compliance with Code of Civil Procedure section 1005(b). If the respondent files a <del>notice of motion</del> request for order to quash, no default may be entered, and the time to file a response will be extended until 15 days after service of the court’s order denying the motion to quash.</p> <p>The deadline in last sentence continues to state the deadline therein as “15 days after service of the court’s order denying the <i>motion</i> to quash.” [Emphasis added.] We respectfully request that this reference to “motion” be replaced with “request for order.”</p>	<p>The committee recommends amending the rule to include the commentator’s suggestions.</p>
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p>I agree with the proposed changes.</p>	<p>No response required.</p>

<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>John Chemeleski Superior Court Commissioner Superior Court of Los Angeles County</p>	<p><b>Proposed Changes to Rule 5.92(b)(4):</b> Court order for other party to personally attend the hearing. The proposed rules and forms do not adequately inform the parties of whether or not their personal appearance is required or the consequences of not appearing in person. This is especially significant for parties who live far away from the courthouse and/or have limited transportation options. The parties should be informed that they may appear by counsel and/or by submitting the matter on the basis of the declarations and other documents and in some circumstances appear (but not testify) by telephone.</p>	<p>The committee does not recommend the language at rule 5.92(b)(4) that circulated for comment in the winter 2014 cycle relating to an order to appear.</p> <p>The committee recommends revising <i>Request for Order</i> (form FL-300) instead of rule 5.92 to inform a responding party about the consequences of serving and filing a <i>Responsive Declaration to Request for Order</i> (form FL-320-INFO) and not appearing at the hearing. The committee further recommends a new information</p>

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<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>To help clarify this, the forms and rules should provide that personal appearance should only be compelled by subpoena.</p> <p><b>Rule 5.92(d)(1)(A)</b> would require that any RFO containing a “temporary emergency order” (TEO) be served in the same manner as a summons including personal service. This puts a party who obtains a TEO in a more difficult position than one who serves an RFO without the TEO (which can be served as a motion if the other party has made an appearance). Although the requesting party should be advised that the TEO may not be enforceable if not personally served that party should still be able to proceed with the RFO if service can otherwise be completed under 5.92(d)(3) under CCP sec.1010 et seq.</p>	<p>sheet (form FL-320-INFO) to provide more guidance to a responding party about how to complete and process form FL-320.</p> <p>The committee recommends revising form FL-300-INFO to provide information about using a notice in lieu of subpoena or a civil subpoena to compel the attendance of the other party at the hearing. The committee also recommends that the Center for Families, Children &amp; the Courts develop content for the California Courts Online Self-Help Center to provide information about these tools.</p> <p>Rule 5.92(d)(1)(A) is a recommended amendment to clarify the meaning of current rule 5.92(a)(6), which requires service in the manner of a summons if the request for order being served contains court orders pending a hearing.</p>
Virginia Johnson Staff Attorney Superior Court of San Diego County	*We often get RFOs from both attorneys and SRLs where we have no idea what statute or rule of court is being relied upon for the relief, particularly in sanctions, attorney’s fees and set asides. It would be very helpful if the moving party is at least asked to state the legal basis for the relief.	Rule 5.92 permits the court to require the filing of a memorandum of points and authorities on a case-by-case basis.

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>[Therefore, subdivision (b)(1) should be revised as noted:] The <i>Request for Order</i> (form FL-300) must set forth facts sufficient to notify the 2 other party of the declarant’s contentions in support of the relief requested <u>and should include the statutory or legal basis for the relief sought.</u></p> <p><b>Subdivision (b)(3)(B)</b> should be revised because the language might cause some confusion. It might be better to have a separate subsection (see proposed language below) for orders shortening time.</p> <p>Complete and include a proposed <i>Temporary Emergency Orders</i> (form FL 305) with the <i>Request for Order</i> (form FL-300), <del>except when the moving party only seeks an order shortening time;</del></p> <p><u>(4) If the moving party seeks only an order shortening time and no <i>Temporary Emergency Orders</i>, the moving party must:</u>  <u>(A) Complete the <i>Request for Order</i> (form FL-300) including item #9; and</u>  <u>(B) Comply with the specified local court procedures and/or local court rules about reserving the day for the emergency hearing, submitting the paperwork to the court, and use of local forms.</u>  <u>(C) The moving party is <i>not</i> required to give notice to the other party as describe in rules 5.151 through 5.169</u></p>	<p>The rule currently provides that a <i>Request for Order</i> does not require the submission of a memorandum of points and authorities, unless required by the court on a case by case basis. A blanket requirement that a party submit the statutory or legal basis for the relief sought is tantamount to requiring points and authorities. For this reason, the committee does not recommend the change suggested by the commentator.</p> <p>The committee recommends amending the rule to add a separate subdivision (f) relating to requests for an order shortening time.</p> <p>The committee recommends that the court be permitted to use form FL-300, in the “Court Order” section, to reflect orders shortening time granted at the moving party’s request.</p> <p>The committee recommends that rule 5.92 require that a party seeking an order shortening time to comply with the requirements for requests for temporary emergency Orders under rules 5.151 through 5.169. This will reflect the current procedures in local courts.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><b>Subdivision (b)(3)(C):</b> Requiring the procedures to be in the local rules is often problematic because of timing and procedures that may need to be changed mid-year for unpredictable reasons.</p> <p>(C) Comply with <u>specified</u> local court procedures <u>and/or specified in</u> local court rules about reserving the day for the emergency hearing, submitting the paperwork to the court, and use of local forms.</p> <p><b>Subdivision (b)(4)(A):</b> Regarding the rule that states the moving party is not required to pay an additional filing fee if requesting a court order for the other party to appear at the hearing. Does this mean the court cannot charge the party for the ex parte appearance to get the OST plus charge for the RFO itself? If so, it should be deleted. My understanding is that the Govt. Code allows the court to charge for the two separate matters.</p> <p><b>Subdivision (b)(4)(C):</b> About the requirement that a moving party is not required to complete a proposed form FL-305 when requesting an order for the other party to appear at the hearing, How does the court make the order without the moving party requesting it by ex parte application?</p> <p><b>Subdivision (c)(2):</b> Is the language in this rule meant to allow the judge to delegate to the clerk the authority to order the appearance of the other party if requested in the RFO which would eliminate the need for the ex parte appearance?</p>	<p>The committee recommends deleting the reference in rule 5.92 to local rules.</p> <p>The committee recommends amending the rule as suggested by the commentator.</p> <p>In response to the comments opposing the language in subdivision (b)(4)(A), the committee deleted it from the proposal that recirculated for comment in spring 2015.</p> <p>In response to the comments opposing the language in subdivision (b)(4)(C), the committee deleted the language from the proposal that recirculated for comment in spring 2015.</p> <p>The language was not meant to allow the judge to delegate to the clerk the authority to do any act that requires judicial discretion.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p><b>Subdivision (b)(2):</b> It is definitely helpful to clarify that the FL-150 Income and Expense Declaration ( I &amp; E) must be filed with any Request for Orders “when relevant to the relief requested” (regardless of whether a current form is on file with the court, as stated in the previous version). However, there is a vast disparity in how individual courts handle a party’s failure to concurrently file an FL-150 Income and Expense Declaration. Some clerks’ offices refuse to file the Request for Orders unless an I &amp; E is attached; some judges deny the motion as incomplete and lacking evidentiary supporting facts, requiring litigants to refile their motions and lose their “effective” date for modification/establishment of support orders; other courts simply grant a continuance and require the parties to file their updated I and E. It would be helpful to include information regarding how the omission (or late filing) will be remedied.</p> <p><b>Subdivision (b)(3):</b> The clarification regarding seeking temporary emergency orders outlined in this section is very helpful.</p> <p><b>Subdivision (b)(4):</b> The information provided in this section is helpful; however, more clarification regarding how a litigant would obtain a court order for the other party to attend the noticed hearing on the regular calendar is needed. Oftentimes, the reason the moving party is requesting that the Court order the other party to appear is that the other party has not yet appeared in the case.</p>	<p>The committee prefers not to recommend amending rule 5.92 to specify the consequences for failing to file an <i>Income &amp; Expense Declaration</i> (form FL-150) with the <i>Request for Order</i> (form FL-300). A judicial officer has the discretion to make that determination on a case-by-case basis.</p> <p>No response required.</p> <p>In response to the comments opposing the language in subdivision (b)(4), the committee deleted the language from the proposal that recirculated the rule for comment in spring 2015. The committee recommends revising information sheets and providing new web content about notices in lieu of subpoena and civil subpoenas, which are tools a party can use to compel the other party to appear at the hearing.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>When this is done as part of the emergency temporary order process, the initial petition/summons, RFO, and temporary order can all be personally served on the respondent at the same time, giving the Court jurisdiction over the respondent and ordering the respondent to appear at the subsequent noticed hearing for referral to child custody recommending counseling, etc. When no emergency temporary order is sought, this code section in conjunction with CRC 5.170 seems to state that the litigant can submit the RFO to the court for “issuance” of the RFO with a court order that the other party personally appear in the case. Since this would be a separate ex parte request made by the party, it would be helpful to bench officers if the factual basis supporting the request was separate from the declaration explaining the factual basis for all other orders requested. These ex parte requests for a court order that the other party personally appear need to be processed quickly so that the RFO can be issued, a court date set, and the papers timely served prior to the court date. Self-represented litigants are likely to not provide a factual basis to support this ex parte order for personal appearance or are likely to bury the factual basis in a voluminous, difficult-to-read declaration that explains their reasoning for seeking custody/parenting time orders, child support changes, etc.</p> <p><b>Subdivision (b)(5):</b> Previously, at CRC (a)(6), the rule clarified that “The moving party must file the documents with the court to obtain a court date and then serve a copy on the responding party.” Similar language now appears at Subdivision (b)(5). This causes a great deal of needless work as it required litigants to wait in the long lines of our Family Law Facilitator’s Office</p>	<p>In response to the comments opposing the language in subdivision (b)(4), the committee deleted the language from the proposal that recirculated the rule for comment in spring 2015. The committee recommends revising information sheets and providing new web content about notices in lieu of subpoena and civil subpoenas, which are tools a party can use to compel the other party to appear at the hearing.</p> <p>In the report to the Judicial Council dated January 5, 2012, the Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force acknowledged receipt of comments suggesting that the rule clarify that the <i>Request for Order</i> must be filed with the court to obtain a court date or to obtain ex parte court</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>to obtain help with preparing their Request for Orders (RFO), go upstairs and stand in the long lines of our Civil Division to file the documents and have the court date filled in, then come back downstairs to obtain assistance in serving the other party. Local private attorneys have also complained as the prior procedure of having the documents filed/served all at once was more efficient and allowed motion-type RFOs to be mail served on litigants more quickly than waiting for the filed RFO to be returned to them via their “will call” boxes before serving it. It is not clear why the papers (when they are in the form of a motion rather than Order to Show Cause) must be filed before they are served nor is it clear why the parties must file the papers to obtain a court date when many courts (like ours) allow the parties to set their own dates on the appropriate calendar. I suggest omitting this requirement; if deemed necessary, we could replace it with more generic instruction such as “The moving party must file the documents with the court clerk and have them served on all parties to the case within the timelines required by law.”</p> <p>As a side note, it is helpful to clarify that the moving party must have the documents served rather than “serve a copy on the responding party” as this language can be misconstrued to allow the moving party to personally serve the documents rather than having them served by a person over the age of eighteen who is not a party to the case.</p> <p><b>Subdivision (c)(1):</b> This subdivision may be misconstrued to allow the court clerk to issue an RFO for the parties to attend orientation and confidential mediation or child custody</p>	<p>orders before service on the responding party. The committee and task force also acknowledged that, in some courts, the practice has been to allow attorneys to obtain court dates for motions without filing the motion first. The committees decided that the better practice was to require filing before service and made that change. The report is found at <a href="http://www.courts.ca.gov/documents/jc-20120124-itemA5.pdf">http://www.courts.ca.gov/documents/jc-20120124-itemA5.pdf</a> (see page 5).</p> <p>The committee recommends amending the rule to avoid the perception that the moving party is able to serve the other parties with the request and supporting documents.</p> <p>The purpose of the rule is to authorize the court clerk to issue the <i>Request for Order</i> for the parties to attend orientation and confidential mediation or child custody</p>



**Comments from proposal W14-12 (circulated in 2014)**

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<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>recommending counseling in all courts. Our court does not allow referral to child custody recommending counseling and orientation prior to the noticed hearing. This could be easily clarified by adding some language such as “For the parties to attend orientation and confidential mediation or child custody recommending counseling if authorized by the local court rules and procedures; and” § Subdivision (d)(1): The proposed additions here are very helpful.</p> <p><b>Subdivision (d)(1):</b> The proposed additions here are very helpful.</p> <p><b>Subdivision (d)(2):</b> For the purposes of completeness, it would be helpful to add “petitions or custody and support” to our laundry list of cases that may have been taken to judgment, triggering this requirement. Because voluntary declarations of paternity have become so prevalent, our court is seeing a large increase in cases initiated by petitions for custody and support and a significant decrease in filing of UPA actions. There seems to be a longstanding misconception across the state that petitions for custody and support cannot be taken to judgment, but there is no authority to support this view. The FL-230/FL-250/etc. forms are designed to take both paternity (UPA) and petitions for custody/support to judgment. CRC 5.83, governing case management for family-law cases, leaves out petitions for custody and support, leading some bench officers to not include them in the “family centered case resolution process.” These are the cases that are most often dismissed under the failure to- prosecute statutes for not being served within three years or not being brought to judgment within 5</p>	<p>recommending counseling in all courts. The rule does not mandate that court clerks perform these functions in all courts.</p> <p>No response required.</p> <p>After further consideration, the committee does not recommend adding actions for custody and support to the list in rule 5.92 because those actions are not specifically covered in Family Code section 215.</p> <p>Even though forms FL-230 and FL-250 are designed to take custody and support petitions to judgment, the committee believes that a legislative solution may be needed to address the issue raised about actions for custody and support and requiring entry of a judgment in those actions to prevent their dismissal under the law for failure to prosecute.</p>

**Comments from proposal W14-12 (circulated in 2014)**

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<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>years. Unfortunately, litigants frequently obtain custody orders in these cases and think they are done. If not included in the case management process, they are never told that they need to take their cases to judgment, and their cases are ultimately dismissed for failure to prosecute, dissolving their hard-won custody orders.</p> <p><b>Subdivision (e) (now (g)):</b> In the first sentence, it would be helpful to clarify “have served” rather than “must complete, file and serve . . .”</p>	<p>The committee recommends the change to rule 5.92 suggested by the commentator.</p>
<p>Los Angeles County Bar Association Family Law Section Seth Kramer, Chair</p>	<p>Rule 5.92(d)(1)(A) would require that any RFO containing a "temporary emergency order" (TEO) be served in the same manner as a summons including personal; service. This puts a party who obtains a TEO in a more difficult position than one who serves an RFO without the TEO (which can be served as a motion if the other part has made an appearance). Although the requesting party should be advised that the TEO may not be enforceable if not personally served that party should still be able to proceed with the RFO if service can otherwise be completed under 5.92(d)(3) under CCP sec.1010 et seq.</p>	<p>Rule 5.92(f)(1)(A) reflects rule as it was adopted by the Judicial Council effective July 1, 2012. The committee does not recommend the changes proposed by the commentator.</p>
<p>State Bar of California Family Law Section Saul Bercovitch, Legislative Counsel</p>	<p>This rule tells the Respondent the FL-150 or FL-155 must be filed along with the Responsive Declaration “<i>when relevant to the relief requested.</i>” This language might be unclear for those not experienced in family law.</p> <p>We recommend the rule be changed to read that an FL-150 or FL-155 must be filed “<i>when a party seeks relief such as spousal support, child support or attorney’s fees.</i>”</p>	<p>Because a party may not complete form FL-155 when requesting orders for attorney’s fees and costs and spousal or partner support, the committee does not recommend revising the form as suggested. To address the commentator’s concerns, the committee recommends amending rule to clarify when a party must use form FL-150 and when FL-155 may be used.</p>

**Comments from proposal W14-12 (circulated in 2014)**

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<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Superior Court of Los Angeles County	<p>Agree with proposed changes only if modified.  <b>COMMENT:</b>                      The titles used in this Rule are ambiguous and do not follow the content of the rule. The following suggestion harmonizes the title with the content of the rule and its subsections.</p> <ul style="list-style-type: none"> <li>a) The title should be renamed from “Request for court order; response” to “Request for court order; Procedures for Application and Response”</li> <li>b) Subsection (a)’s title should be renamed from “Request for order; procedures” to “Application”</li> <li>c) Subsection (b)’s title should be renamed from “Required forms; filing procedure” to “Required forms and filing procedure”</li> <li>d) We propose deleting subsection (b)(4) because it contains ambiguous language. The purpose of this rule is unclear. Question: Is the purpose of this rule to create a Notice to Appear? If so, we would propose that a form be created rather than this rule. Or, that a box be added to form FL-300 that requests an order that the other side appear as an alternative to using this language.</li> </ul>	<p>The committee recommends renaming the title of the rule to “Request for court order; responsive declaration.” This will avoid confusion due to the use of the term “application” in the heading in (a).</p> <p>The committee recommends this amendment.</p> <p>The committee recommends amending subsection (b)’s title to Request for order; required forms and filing procedure.”</p> <p>The committee recommends deleting the version of the rule at subdivision (b)(4), which circulated for comment in winter 2014.</p>
Superior Court of San Joaquin	(b)(4)(A), (B), (C) – Implies that moving party doesn’t need to	The committee recommends deleting the version of the

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<b>Rules 5.92</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
County Erica A. Ochoa Court Records Manager	do these things. Little confusing, Need clarification, is this referring to a 2 <sup>nd</sup> RFO requesting respondent to be present?  (d)(1)(c) Does this refer to contempt, order shortening time?	rule at subdivision (b)(4), which circulated for comment in winter 2014.  The committee recommends amending the rule to cover procedures relating to orders shortening time.

<b>Rules 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Virginia Johnson Staff Attorney Superior Court of San Diego County	<p><b>Subdivision (c)(1):</b> Include the following changes to this text:</p> <p>(1)(A) Notify the court as soon as possible before the date assigned for the court hearing and request a new hearing date to allow additional time to serve the <i>Request for Order</i> (FL-300), any temporary orders, and supporting documents; <del>and</del> <u>using the following procedure.</u></p> <p><b>Subdivision (c)(2)(A):</b> The court needs to know the reason to avoid tactical maneuvers by the moving party to delay the hearing so the TEOs will be the controlling orders. Therefore, I recommend the following changes:</p> <p>The <i>Application and Order for Reissuance</i> (form FL-306) <u>must include an explanation for inability to timely serve the <i>Request for Order</i> and</u> should be filed no later than five court days before the scheduled hearing date or presented at the hearing.</p>	<p>The committee recommends reformatting and amending the rule's content to better indicate the procedures for applying to the request to reissue (extend) the orders.</p> <p>The form currently requires the moving party to specify why the reissuance is needed.</p> <p>Form FL-306 already includes an item for a party to explain why the reissuance is needed.</p>

**Comments from proposal W14-12 (circulated in 2014)**

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<b>Rules 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>What about continuances which have been an on-going issue since the switch to RFOs? If continuances are going to be relegated to local rules, which would be the easiest approach, it would be helpful to state that in the CRCs. Therefore, I suggest including the following new rule :</p> <p><b><u>Rule 5.95. Continuance of Hearing on Request for Order with no Temporary Emergency Orders</u></b>  <u>If a request for order has been timely and properly served, does not include any Temporary Emergency Orders and either party wishes to continue the hearing date, the party must comply with specified local court procedures and/or local court rules.</u></p>	<p>The committee does not recommend adopting a new rule for general continuances.</p>
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p><b>Subdivision (c)(1)(A) :</b> It would be helpful to clarify “have served” rather than “. . . to allow additional time to serve . . .” This would help emphasize that the moving party cannot serve the papers himself or herself but rather must have them served.</p> <p><b>Subdivision (c)(2):</b> When the Request for Order (FL-300) form was created, it replaced the prior “Order to Show Cause” (prior FL-300) and “Notice of Motion” (FL-301) forms. As we may expect any time we make a positive step in the right direction to consolidate forms and procedures, this creates some ambiguity regarding when the Request for Reissuance can be used. If the FL-300 Request for Orders is used to request an order shortening time (OST), emergency temporary orders, or otherwise used as an OSC, it would typically need to be “issued” by the Court prior to filing. When used as a “notice of motion,” it would not typically need to be “issued” by the court but rather could be filed, setting a noticed hearing date. If</p>	<p>The committee recommends this change to rule 5.94.</p> <p>The committee recognizes that court procedures differ on the processing of requests for reissuances. The committee recommends that the language of rule 5.94 continue to permit the widest judicial discretion relating to the processing of a request to reissue a <i>Request for Order</i> and <i>Temporary Emergency Orders</i> while complying with the requirements of Family Code section 245.</p>

**Comments from proposal W14-12 (circulated in 2014)**

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<b>Rules 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>“issued” with emergency temporary orders, OST, or order for the other party to appear to begin with (like our former OSC), it would seem that obtaining a new court date can be easily accomplished by submitting a request for reissuance (FL-306).</p> <p>However, if not “issued” with emergency temporary orders, OST, or order for the other party to appear to begin with, it would seem that obtaining a new court date requires filing an “amended” request for orders. This code section seems to blend the two procedures, requiring that parties who need a new court date due to lack of service have their papers “reissued” even if they were not “issued” to begin with. The mandatory “must” language used in this section indicates that the only way to obtain a new court date due to lack of timely service is through the reissuance form (FL-306). The party has a few options such as filing an amended motion, a stipulation for continuance, or the reissuance procedure. A possible revision would be to rework the last sentence of this provision to read, “To do so, the moving party may submit an amended request for orders, a stipulation for continuance, or complete and submit to the court an Application and Order for Reissuance (form FL-306).”</p> <p><b>Subdivision (c)(2)(A):</b> It is helpful to have a guideline for when the reissuance should be requested (at the latest). However, this guideline lacks substance since it says the form “should be filed no later than five court days before the scheduled hearing date or presented at the hearing.” Essentially, it seems to say that the court would like to have the form five days before the hearing, but there is no consequence for failing to do so. It also seems to encourage the parties to show up at</p>	<p>The committee recognizes that court procedures differ on the processing of requests for reissuances. The committee recommends that the language of rule 5.94 continue to permit the widest judicial discretion relating to the processing of a request to reissue a <i>Request for Order and Temporary Emergency Orders</i> while complying with the requirements of Family Code section 245.</p> <p>The committee recommends amending the rule so that it conforms to the language of Family Code section 245 (as amended by Assembly Bill 1081, effective January 1, 2016).</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rules 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>the hearing to submit the reissuance, perhaps misleading the litigants into thinking that their reissuances can be processed at the hearing itself. Our family-law calendars are huge. There are not enough seats in the courtroom for all the litigants. The bench officer is under great pressure to get through the cases prior to the courthouse closing at 5:00 p. m. There is no time to process these requests in court. Our law-and-motion calendar for self-represented litigants begins at 1:30 p. m. Due to budget cuts, our civil division clerks office closes at 2:00 p. m. By the time the litigants’ cases are called, our clerks office has already closed, and it is too late to turn in their reissuance forms.</p> <p>Having the litigants in court simply to turn in their reissuance forms unnecessarily congests the courtroom and slows the processing time for these reissuance forms, sometimes causing days to go by before the emergency temporary orders are reinstated. It makes sense that we should not impose unnecessary consequences on self-represented litigants who already have enough difficulty navigating through their family-law cases. However, if we wish to keep this “five day” guideline, we should provide some guidance and uniformity regarding the consequences of turning in these requests for reissuance “late.” For example, it could be reworked to read,</p> <p>“The Application and Order for Reissuance (form FL-306) should be filed no later than five court days before the scheduled hearing date. Although these forms will not be rejected if turned in less than five court days before the hearing, processing may be delayed, causing a lapse in temporary orders, if any.</p>	<p>The committee recommends amending the rule to better clarify the procedure for reissuing the temporary emergency orders granted before the hearing on the Request for Order.</p> <p>The committee recommends amending the rule to better clarify the procedure for reissuing the temporary emergency orders granted before the hearing on the Request for Order.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rules 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><b>Subdivision (c)(2)(B):</b> This clarification of the process after reissuance is helpful. It may also be helpful to rework this provision to clarify that the FL-306 and original Request for Orders (RFO) must be served on all parties in the case, not just the party to whom the orders are directed. A common scenario is that RFOs are filed to address custody/parenting time orders. The “party to whom the orders are directed” is generally the other parent. However, the moving papers must be served on all parties, including Department of Child Support Services if the agency has intervened. Slight reworking would help emphasize this for the litigants and less-experienced family-law attorneys or document preparers.</p> <p><b>Subdivision (c)(2)(3):</b> As discussed above, it would be helpful to clarify that the reissuance procedure is the only procedure for reissuing an RFO with emergency temporary orders, order shortening time, or ordering for personal appearance (our traditional “OSC”); however, it is not the only (or even recommended) procedure for obtaining a new court date for our traditional “notice of motion.”</p>	<p>The committee recommends amending the rule to better clarify the procedure for reissuing the temporary emergency orders granted before the hearing on the Request for Order.</p> <p>The committee recommends amending the rule to better clarify the procedure for reissuing the temporary emergency orders granted before the hearing on the Request for Order.</p>
<p>State Bar of California Family Law Section Saul Bercovitch Legislative Counsel</p>	<p><b>Rule 5.94(c)(1) and (2):</b> These rules instruct how to obtain a re-issuance. That one must “<i>notify the Court as soon as possible</i>” and “<i>submit to the court an application...</i>” But, those instructions are unclear as to how to “notify” the Court. Does one just call the department on the phone, or file the form in the department and then wait while a new date is obtained? Specifically, how are those “notifications” and “applications” to be made? These directions seem incomplete and we recommend added language with more specific instructions.</p>	<p>The committee recommends amending the rule as required to reflect the amendments made to Family Code section 245, which take effect on January 1, 2016.</p>



**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rules 5.94</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><b>Agree with proposed changes only if modified.</b>                      Subsection (c) (1):                      a) The language regarding notice to the court is ambiguous. The language could imply that a party is to give notice to the department staff either in person or by telephone.</p>	<p>The committee recommends amending rule to reflect amendments to Family Code section 245, effective January 1, 2016.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Rules 5.151</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Kristen E. Hoadley Senior Court Staff Attorney Superior Court of San Francisco</p>	<p>The requirement that FL-300 be used to submit an application for ex parte (emergency) orders is very confusing. We have found that attorneys and self represented litigants (SRLs) are confused about how to use the FL-300 when it comes to , among other things, indicating the date, time and place of the ex parte hearing/ submission.</p> <p>There is no place to indicate the date, time and place of the ex parte hearing/ submission on the FL- 300. The place to indicate date, time and place on the FL-300 is intended to used for the law and motion hearing date not the ex parte date.</p> <p>While the forms may work for many courts, they are very confusing for courts that give the parties a “date” for the submission / hearing of the ex parte request.</p> <p>SRLs are instructed to serve of copy of the application for emergency orders (FL-300) on the opposing party. The problem is that when the opposing party gets the FL-300 it does not state a date time and place of the ex parte hearing. The only “notice” they receive is a phone call stating the date time and place of the ex parte submission / hearing ....nothing on paper to refer back to. The forms may work for cases with two attorneys but it is extremely confusing for SRLs.</p> <p>I suggest / request that the Judicial Counsel develop a stand alone optional form to request ex parte/emergency orders that will enable the court to write in the date time and place of the ex parte hearing.</p>	<p>Most courts require a written notice regarding the method by which the moving party gave the other party notice of the ex parte hearing – or the basis for waiving that notice.</p> <p>The committee will propose an optional form that courts can use to provide this notice which can be adapted by courts to address their ex parte hearing procedures.</p> <p>It appears that the procedure indicated would be considered as an order shortening time for a hearing in many courts and might be granted in that way.</p> <p>The committee will propose a new form that allows for notice and can be adapted by local courts.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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	<p>This optional form can also be used in cases where there is no need to set the matter on the Family Law law and motion calendar because the emergency orders are for a single event ...for example “mother may remove the child from the Bay Area counties for the weekend of 2/1/14 to attend a family reunion in San Diego”.</p> <p>A FL-300 would not be needed in the above example as no further hearing is necessary.</p>	
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p><b>Subdivision (c)(4):</b> There is an extra parenthese after “purpose” that should be omitted.</p>	<p>The committee recommends deleting the extra parenthesis in the rule.</p>
<p>Hon. Rebecca Wightman Commissioner Superior Court of California, County of San Francisco</p>	<p>While it is true the RFO form has been in existence – and mandatory – for several years, exclusive use of the RFO form itself for ALL Ex Parte Applications for Emergency Orders was not <u>mandatory</u> until the CRC Rule change to CRC 5.151 effective July, 1, 2013. Ironically, what is out for comment only briefly mentions CRC 5.151, and only in connection with an optional notice form, and does not seem to consider the operational issues that surround the many different types of Ex Parte emergency situations that arise at the trial court level.</p> <p><u>What seems to be lacking in the current proposed package is an understanding of the <b>distinction</b> between “temporary orders” (which usually are sought to be in place pending a full hearing and can be viewed as emergency orders, but aren’t necessarily so) and true “emergency orders” (which are not necessarily “temporary” in the sense that there is not necessarily a subsequent hearing. <b>By requiring the use of the RFO form for the latter situations, it creates confusion, notwithstanding the intent to “simplify” and/or create</b></u></p>	<p>The committee will propose an optional form setting out the method of service of the ex parte order or rationale for waiver of the service of that order. The local court can modify that form to identify key items for the court to consider on an ex parte basis if that is required.</p> <p>Since there are very few items that can be considered on an ex parte basis, and since many of those items may need to be reviewed and considered at a later hearing, the committee does not think that it is appropriate to separate forms for these procedures.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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	<p>greater “efficiency”.</p> <p><b>In other words, by “shoe-horning” the use of a single form (the RFO-FL-300) for anything and everything – including true emergency situations – “regular” issues (for which an RFO will suffice) and true “emergency” issues get hopelessly mixed together, such that a pro per, clerks and even bench officers have difficulty figuring out what substantive part of the RFO’s requests were properly noticed for the Ex Parte date for consideration (to be ruled upon on short notice), versus what substantive part of the RFO’s requests must wait for a subsequent hearing (if any).</b> This is particular problematic when an individual is seeking both types of relief, where the RFO is served “twice” on the other party – first, in essence as the notice for the application or request for Ex Parte relief (and there is no date filled in the box on FL-300 for this purpose), and again once a date is filled in for any further regular hearing.</p> <p>I have put together a few sample scenarios for your group to consider on the next page. Please take the time to do a “paper flow” analysis as to what a litigant actually receives in hand under these types of scenarios. Amending CRC 5.151 to allow the use of an alternative mandatory use form, an Ex Parte Application form under CRC 5.151(c), that could be in conjunction with the FL-300 and/or as stand alone (if a true single emergency where no other hearing will be held), would clear up what has now become a serious due process issue in connection with ex parte proceedings. It would provide clear notice of the date upon which the court was being presented papers, and what was being asked of the court to order at that time, as opposed to what was being requested at a subsequent</p>	<p>The committee considered developing a separate form for ex parte and regular motions. The difficulty is:</p> <ol style="list-style-type: none"> <li>1) That it presumes that litigants would be able to tell the difference between emergency and other motions and be able to distinguish effectively.</li> <li>2) That litigants would be able to create declarations that would be limited to the specific procedural relief that they were requesting.</li> <li>3) That litigants would have to file two separate pleadings and incur additional filing fees, keep track of different service requirements, etc.</li> </ol>
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**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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	<p>hearing date.</p> <p>Creating such an alternative use mandatory form for matters under CRC 5.151 would enhance what has now become a completely confusing process.</p> <p>A. Common scenarios where a “temporary” order is needed, <b>pending a full hearing:</b></p> <ul style="list-style-type: none"> <li>• No orders in place (e.g. custody/visitation, support), but temporary orders needed until hearing</li> <li>• Need to modify existing visitation order, and there needs to be a change pending the full hearing (e.g. individual authorized to pick-up died, and need interim put order in place)</li> <li>• Need to modify custody order (b/c custody flipped, other parent incarcerated, etc.), and there is a need to get a temporary order in place pending the full hearing (e.g. so child can be enrolled in school)</li> <li>• Need to modify child support order (b/c custody flipped, other parent incarcerated), and there is a need to temporarily stop/stay certain orders (e.g. garnishments), pending a full hearing</li> <li>• Bank levies (or tax intercepts) have occurred, and a litigant needs temporary orders put in place (not to disburse \$) pending the full hearing</li> </ul> <p>B. Common scenarios where an “emergency” order needed is needed, <b>with no further hearing:</b></p> <ul style="list-style-type: none"> <li>• Existing custody/visitation order in place allowing 2 weeks vacation travel; other parent decides not to cooperate at the last minute in signing permission to</li> </ul>	<p>The committee believes that most of these orders are most commonly handled with an order shortening time that allows both parties to make a presentation rather than heard on an ex parte basis with no notice. These would likely be considered in more depth at a full hearing.</p> <p>The committee believes that most of these orders are most commonly handled with an order shortening time that allows both parties to make a presentation rather than heard on an ex parte basis with no notice. If there is no need for an additional hearing, the court can issue</p>
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**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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	<p>travel and/or authorization to obtain passport; once order made, no further hearing needed</p> <ul style="list-style-type: none"> <li>• Disso judgment in place that orders one parent to pay something, e.g. tuition; litigant needs an emergency order to obtain funds from a particular account (so as not to lose child’s place in school); once order made, no further hearing needed.</li> <li>• Existing visitation orders in place, with limitations (giving one parent authority to grant permission to X, which shall not be unreasonably withheld. An important event (unknown when orders were put in place) is going to occur (e.g. awards ceremony, graduation, etc.) and there is no agreement, and parent unreasonably withholds permission. Once order is made re: attendance at that one event, no further hearing needed.</li> <li>• Litigant need’s driver’s license released immediately (or will lose job that week), and can show no arrears owing and/or mother waived arrears. Once order is made, no further hearing required.</li> </ul> <p>C. Common scenarios where <b>both “temporary” and “emergency” orders are needed</b> (some that may require a full hearing, others nothing further needed after emergency request ruled upon):</p> <ul style="list-style-type: none"> <li>• Take any combination of the A and B scenarios (litigants often need one-time, emergency relief on one issue, and temporary orders pending an issue that must be set for a full hearing)</li> </ul>	<p>an order at that point.</p> <p>The committee agrees that it is not uncommon for parties to need some kind of temporary orders that also need to be considered at a full hearing on the matter.</p>
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**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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	<p>SUGGESTED SOLUTION: For Emergency Ex Parte requests made pursuant to Rule CRC 5.151, develop and allow the use of an <b>alternative mandatory form</b> – an Ex Parte Application form, that can be used either in conjunction with an RFO, and/or as a stand alone.</p> <p>The proposed Temporary Emergency Orders form could use some changes such as: Changing the Title to “EMERGENCY ORDERS” and creating a check box to the right that can designate ...I Temporary Changing 1. 2. to be check boxes, and adding a 3. With a check box for IMMEDIATE ORDER (or some such description for the true single emergency situation where there will be no hearing – because as I have been trying time and again to educate folks that not all emergency requests, and therefore, emergency orders, have a subsequent hearing!!! Otherwise, we bench officers are left with having to cross out the “hard-coded” 1. and 2.</p>	<p>The committee considered developing a separate form for ex parte and regular motions. The difficulty is:</p> <ol style="list-style-type: none"> <li>1) That it presumes that litigants would be able to tell the difference between emergency and other motions and be able to distinguish effectively.</li> <li>2) That litigants would be able to create declarations that would be limited to the specific procedural relief that they were requesting.</li> <li>3) That litigants would have to file two separate pleadings and incur additional filing fees, keep track of different service requirements, etc.</li> </ol> <p>The Judicial Council adopted <i>Findings and Order After Hearing</i> (Form FL-340) to record all orders after a hearing. Thus, the committee does not recommend revising form FL-305 as suggested by the commentator.</p>
<p>Hon. Charlotte Walter Woolard Judge Superior Court of San Francisco County</p>	<p>I am glad to see that there is going to be a separate Temporary Order form (FL-305), as well as an optional Declaration Notice form (FL-303). However, the proposed change to Rule 5.151, to reference this new optional form does not adequately address a number of problems our court has been seeing in the past six months since Rule 5.151 was amended effective 7/1/13 to</p>	<p>See above response to Commissioner Rebecca Wightman.</p>

**Comments from proposal W14-12 (circulated in 2014)**

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	<p>require the use of FL-300 only for all types of ex parte requests for emergency orders, especially ones that do not require any subsequent hearing.</p> <p>I ask that consideration be given to amend 5.151 (c) such that it allows for use of an Alternative Mandatory Form that can be used for ex parte emergency order requests, and that an Alternative Mandatory Form be created for such use under Rule 5.151.</p> <p>The biggest problem with requiring the use of only the FL-300 for all ex parte emergency requests is that it is a due process issue as well as confusion when the FL-300 is served on a litigant for purposes of an ex parte presentation – with no date filled in (because the date box on the FL-300 is for setting of actual hearing dates) – while the box at the bottom of FL-300 instructs a person that they must file a response serve a copy within 9 court days before the hearing date. The fact that the “Declaration Notice” under the ex parte process is required, and a person has left a telephone message (that may be garbled or otherwise inaccurate) does not fix the due process problem or confusion created by the lack of an alternative form that could be used.</p> <p>Adoption of an Alternative Mandatory Ex Parte Application form for use would provide litigants the opportunity to use a form that clearly identifies a court date – the date in which the ex parte papers will be presented to the court – so that a litigant has an opportunity to respond. I have attached a sample Ex Parte Application form that would alleviate the problems that have arisen since CRC 5.151 was amended last year. I believe our court has previously submitted a sample Ex Parte</p>	
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**Comments from proposal W14-12 (circulated in 2014)**

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	Application form for your consideration. If you would like to see the sample, please contact my Operations clerk, Emina Abrams at eabrams@sftc.org.	
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<b>Rules 5.170</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Virginia Johnson Staff Attorney Superior Court of San Diego County	<p>*Conform this rule to my suggested changes to rule 5.92(b)(4) by adding a new subdivision that states “Requests made under rule 5.92 only for an order shortening time (do not require notice to other parties).”</p> <p>Change subdivision (8) by deleting the following text: Requests made under rule 5.92 for a party to appear in court <del>to give any legal reason why the orders requested should not be granted.</del> This language does not appear in any other CRC.</p>	<p>Because the committee recommends revising rule 5.92 to provide that request for an order shortening time require notice to the parties, the committee does not recommend the language proposed by the commentator.</p> <p>The committee recommends no longer recommends the changes proposed to rule 5.170 during the winter 2014 comment period.</p>
Stacy Larson Family Law Facilitator Superior Court of Shasta County	<p><b>Subdivision (8)</b> will help clarify that a person requesting only an order that the other party appear at the noticed hearing can be made truly ex parte—without the notice to the other party delineated under CRC 5.165—is very helpful in clarifying this procedure.</p> <p>However, as discussed above, CRC 5.92 should provide guidance regarding the process for requesting this relief ex parte and a requirement that a separate declaration giving the factual basis supporting the request for personal appearance be submitted so that bench officers can consider this request without reading the voluminous declarations on all issues relating to the RFO.</p>	<p>The committee recommends no longer recommends the changes proposed to rule 5.170 during the winter 2014 comment period.</p> <p>The committee recommends amending rule 5.92 as suggested.</p>

**Comments from proposal W14-12 (circulated in 2014)**

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>John Chemeleski Superior Court Commissioner Superior Court of Los Angeles County</p>	<p>One of the most important purposes of this form is to advise the other party and the court of what the requesting party is requesting. This form fails to do so in two important due process areas by not providing a space to include the amount of attorney fees and costs that are requested and,...</p>	<p>The committee recommends revising the form to provide more space to include the amount of attorney’s fees and costs that are requested. However, because other forms were adopted for mandatory use when requesting attorneys’ fees and costs, the committee does not believe that other space should be provided. Instead, the form should reference the mandatory forms that a party needs to complete and attach to form FL-300.</p> <p>The Judicial Council adopted the current attorney’s fees and costs item on form FL-300 in response to a legislative mandate.</p> <p>As specified in the Judicial Council report dated October 18, 2011:</p> <p>“Effective January 1, 2011, Assembly Bill 939 (Committee on Judiciary; Stats. 2010, ch. 352) amended Family Code sections 2030, 2032, 3121, and 3557, which concern awarding attorney’s fees and costs based on income and need in family law proceedings. The bill required that the Judicial Council, by January 1, 2012, adopt a rule of court to implement sections 2030 and 3121 and develop a form for the information that must be submitted to the court to obtain an award of attorney’s fees and costs under these sections.”</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>...even more significantly, [the form] does not provide a space to include even a summary of the parenting plan or visitation orders being requested. This problem, which exists in the current form FL-300, is not resolved by the list of options included therein (p.2, par.1d) as often this section is not completed or merely refers the reader to a declaration causing the reader to have to thumb through numerous pages just to find out what is being requested. It is not likely that the filing clerk will have time to spot this defect. This is not consistent with the Elkins recommendation for a comprehensive form.</p> <p>To the extent that space is a consideration the child support section could start on the next page and the seven lines of space proposed for restraining order information could be reduced to a one line asking to list all known restraining orders.</p>	<p>See the relevant Judicial Council report at:  <a href="http://www.courts.ca.gov/documents/ItemA18.pdf">http://www.courts.ca.gov/documents/ItemA18.pdf</a></p> <p>The committee recommends expanding the amount of space available on the form to allow a party to write the parenting and visitation plans that he or she seeks.</p> <p>The committee does not recommend reducing the space provided for restraining order information to one line as proposed by the commentator. The current format is consistent with other Judicial Council forms requesting this information.</p>
<p>Harriett Buhai Center for Family Law  Meredith Alexander  Los Angeles</p>	<p>We do not agree with the proposal to remove the box with the order to appear. Although this need not be capitalized, the checkbox should not be removed from the revised form and the language should be kept as it currently reads. Deleting the checkbox and requiring the use of the FL-305 would make it more burdensome for self-represented litigants to request, and courts to order, the other side to appear.</p> <p>Furthermore, without a checkbox, self-represented litigants will</p>	<p>The committee believes that the recommendation to delete the order to show cause language on page 1 of the form better reflects that, upon proper service of the FL-300, the court does not have to also issue an order requiring the party to attend the hearing before the court can make orders on the relief requested.</p> <p>The committee recommends developing information sheets and online content for litigants about using a</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>not know that if they want the other party to be ordered to appear to provide testimony, for example, they need to specifically ask for it. Thus, making the process more difficult for self-represented litigants to navigate.</p> <p>Page 1, items 3 and 7, combining items 3 and 7 would help to clarify when the parties need to attend mediation/counseling and save space. It is confusing for self-represented litigants to have their court date listed in the middle of the form and the mediation/counseling date at the bottom. Having the dates closer together would help litigants better understand the two dates. Additionally, this would not require any additional work for the judge because, pursuant to Rule 5.92(c), as modified, the court clerk could stamp the mediation/counseling order as part of his or her ministerial tasks.</p> <p>Page 1, Box: NOTICE TO THE PERSON WHO WAS SERVED WITH THIS REQUEST FOR ORDER, the title should include the word “with” between “served” and “this</p>	<p>notice in lieu of subpoena or a civil subpoena to compel a party to testify and/or produce documents at the hearing. The content will include examples of circumstances in which a party may want to use a notice in lieu of subpoena or a civil subpoena.</p> <p>The committee recommends that the date, time, and location of the child custody mediation or child custody be located only in the court order section of the form.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee prefers to recommend a new information sheet to help a responding party understand and complete <i>Responsive Declaration to Request for Order</i> (form FL-320). The information sheet will explain that, generally, a fee is not required to file the form. It will also explain the “first appearance fee.”</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>request.”</p> <p>We recommend keeping the phrase, “You do not have to pay a fee to file Form FL-320.” We understand the confusion this may cause some individuals; however, we are concerned that not including this information will result in individuals not exercising their right to respond to an RFO for financial reasons. While it is true that a litigant who has not filed a Response to the underlying action may need to pay a fee to file the Response, a litigant does not have to file a Response, and pay the associated fee, in order to file a Responsive Declaration. A litigant should not be dissuaded from seeking help to file a Responsive Declaration because of concern about cost.</p> <p>Page 2, item 1.d(6), for consistency with other items and to allow litigants to write in the desired attachment or Judicial Council form, item 1.d(6) should read “(6) Other (specify):” instead of “(6) Other (Attachment 1d).”</p> <p>Page 2, item 2a, we recommend making option (1) the Child Custody and Visitation Application Attachment (FL-311), and combining current options “(1) Attachment 2a” and “(3) Other (specify)” into one option (2). Current options (1) and (3) serve the same purpose and are not both needed. It is very common for individuals to use the Judicial Council form FL-311 instead of their own attachment, so it should be the first option. Therefore, item 1a would read as follows:</p>	<p>The committee recommends removing the language from form FL-300 and providing more information to the responding party on a new <i>Information Sheet: Responsive Declaration to Request for Order</i> (form FL-320).</p> <p>The committee recommends revising the form to provide a separate item 1.e. for “<i>Other (specify):</i>” to provide more space for a party to write other orders he or she seeks relating to child custody.</p> <p>The committee recommends substantive changes to this part of the form in the report for SPR15-16.</p>

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**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	a. As requested in: <input type="checkbox"/> (1) Child Custody and Visitation Application Attachment (form FL-311)  <input type="checkbox"/> (2) Other (specify):	
Kristen E. Hoadley Senior Court Staff Attorney Superior Court of San Francisco	<p>The requirement that FL-300 be used to submit an application for ex parte (emergency) orders is very confusing. We have found that attorneys and self represented litigants (SRLs) are confused about how to use the FL-300 when it comes to , among other things, indicating the date, time and place of the ex parte hearing/ submission.</p> <p>There is no place to indicate the date, time and place of the ex parte hearing/ submission on the FL- 300. The place to indicate date, time and place on the FL-300 is intended to used for the law and motion hearing date not the ex parte date.</p> <p>While the forms may work for many courts, they are very confusing for courts that give the parties a “date” for the submission / hearing of the ex parte request.</p> <p>SRLs are instructed to serve of copy of the application for emergency orders (FL-300) on the opposing party. The problem is that when the opposing party gets the FL-300 it does not state a date time and place of the ex parte hearing. The only “notice” they receive is a phone call stating the date time and place of the ex parte submission / hearing ....nothing on paper to refer back to. The forms may work for cases with two attorneys but it is extremely confusing for SRLs.</p>	See response (below).

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>I suggest / request that the Judicial Counsel develop a stand alone optional form to request ex parte/emergency orders that will enable the court to write in the date time and place of the ex parte hearing.</p> <p>This optional form can also be used in cases where there is no need to set the matter on the Family Law law and motion calendar because the emergency orders are for a single event ....for example “mother may remove the child from the Bay Area counties for the weekend of 2/1/14 to attend a family reunion in San Diego”.</p> <p>A FL-300 would not be needed in the above example as no further hearing is necessary.</p>	<p>The committee considered developing a separate form for ex parte and regular motions. The difficulty is:</p> <ol style="list-style-type: none"> <li>1) That it presumes that litigants would be able to tell the difference between emergency and other motions and be able to distinguish effectively.</li> <li>2) That litigants would be able to create declarations that would be limited to the specific procedural relief that they were requesting.</li> <li>3) That litigants would have to file two separate pleadings and incur additional filing fees, keep track of different service requirements, etc.</li> </ol>
<p>Virginia Johnson Staff Attorney Superior Court of San Diego County</p>	<p>Page 1, item 9: Revise this item to specify that form FL-305 must be personally served with all documents filed with the request for order. This would conform the language to rule 5.167(b).</p> <p>Page 1, deletion of the Order to Show Cause language: I do not think that it is a correct statement of the law that the court acquires personal jurisdiction over a party who has not yet made a general appearance in the case when that party has been personally served with the Request for Order.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The language in the invitation to comment is based on Code of Civil Procedure section 416, which provides that from the time of service of summons, the court is deemed to have acquired jurisdiction of the parties and to have control of all subsequent proceedings.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>I think that revising the check boxes at items 1, 2, 6, and 7 to state “Applicant requests temporary emergency orders” are good changes.</p> <p>Page 3, item 5a: Revise this item so attorneys know that supporting declarations must be filed and served with the RFO. Item 5 a would state: Are requested on <i>Request for Attorney's Fees and Costs Attachment</i> (form FL-319) or a declaration that addresses the factors covered in that form <u>and is filed with this Request for Order.</u></p> <p>Page 3, item 5b. Change this item to state: A <i>Supporting Declaration for Attorney's Fees and Costs Attachment</i> (form FL-158) or a declaration that addresses the factors covered in that form <del>will be</del> <u>is</u> filed with this <i>Request for Order.</i></p> <p>Page 4, item 9 (Request for Order Shortening Time): This entire section appears to be a duplication of information in an ex parte application for an OST. Including it could cause a person to believe an ex parte application for an OST is not necessary – just ask for it in the RFO.</p> <p>Page 4, item 11. Add a new item 11 to conform with the suggestion in rule 5.92(b)(1) and 5.92(e)(1) to provide the statutory and/or legal basis for the relief sought.</p>	<p>No response required.</p> <p>The committee recommends the changes suggested by the commentator, with minor alterations.</p> <p>The committee recommends the changes suggested by the commentator, with minor alterations.</p> <p>The committee recommends maintain this item on the form.</p> <p>The committee does not recommend the changes suggested by the commentator as it would similar to requiring a memorandum of points and authorities with each filing.</p>
Stacy Larson	The changes to this form are very helpful and help make this	No response required.



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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Family Law Facilitator Superior Court of Shasta County</p>	<p>multi-use form better serve its designated uses as our Notice of Motion and Order to Show Cause.</p> <p><b>Caption Box:</b> A separate designation should be added for “arrears.” Litigants frequently check the boxes for “child support” or “spousal or partner support,” inadvertently opening the issues of current support, when they only want to address the issue of their arrears or arrears payment.</p> <p><b>Page 1, Bottom</b> “Notice to the Person who Was Served this Request for Order”: It would be helpful to clarify that the party may seek permission from the court to appear telephonically at the hearing.</p> <p><b>Bottom: CRC 5.90 et seq.</b> provides great guidance regarding Requests for Orders. This reference should be included with the references to the other code sections at the bottom of the page</p> <p>Page 2, Item (1): Historically, the headings for (a), (b), and (c) do not line up as the heading for (a), requiring the child’s name and age, is significantly shorter than the ones for legal and physical custody designations. This can cause confusion when different custody labels are sought for different children. Can they be aligned so the “fill in” sections line up on the form?</p> <p><b>Page 2, Item (2)(a)(3):</b> The “other” section needs more room to specify relatively simple parenting-time/visitation orders without filling out the entire FL-311.</p>	<p>The committee recommends additional fillable space in the “Other” section of the caption box instead of adding a separate designation for “arrears.”</p> <p>The committee does not recommend expanding the information in this section to include the various ways in which a responding party may attend the hearing.</p> <p>The committee recommends that form FL-300 reference rule 5.92 with the other code sections at the bottom of the first page.</p> <p>The committee recommends the suggested formatting revisions to item 1 of the form.</p> <p>The committee recommends revising the form to provide more fillable space for this section.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><b>Page 4, Item (8):</b> We need much more room for the “Other Relief” section as we, more often than not, have to use the MC-025 to write out our “other relief” requests. To keep the form less than four pages long, space can be taken from Item (7), which (at least in our courthouse) rarely lacks space or Item (10), which typically requires attachment of the MC-031 to provide adequate factual basis.</p> <p>Somewhere in this form, there should be a separate section where the litigant can/must provide a factual basis to support his/her request for a court order that the other party personally appear. The bench officer should not have to review the entire declaration to find the factual basis supporting an ex parte request for a court order that the other party personally appear.</p>	<p>The committee recommends providing as much room to complete this section as is possible, given the other changes recommended in SPR15-16.</p> <p>The committee does not recommend a specific item for a party to seek a court order for the personal appearance of the other party.</p>
<p>Los Angeles County Bar Association Family Law Section Seth Kramer, Chair</p>	<p>One of the most important purposes of this form is to advise the other party and the court of what the requesting party is requesting. This form fails to do so in two important due process areas by not providing a space to include the amount of attorney fees and costs that are requested and, even more significantly, does not provide a space to include even a summary of the parenting plan or visitation orders being requested.</p> <p>This problem, which exists in the current form FL-300, is not resolved by the list of options included therein (p.2, par.1d) as often this section is not completed or merely refers the reader to a declaration causing the reader to have to thumb through numerous pages just to find out what is being requested. It is not likely that</p>	<p>The committee recommends revising the form to provide more space to include the amount of attorney’s fees and costs that are requested. However, because other forms were adopted for mandatory use when requesting attorneys’ fees and costs, the committee does not believe that other space should be provided. Instead, the form should reference the mandatory forms that a party needs to complete and attach to form FL-300.</p> <p>The Judicial Council adopted the current attorney’s fees and costs item on form FL-300 in response to a legislative mandate.</p> <p>As specified in the Judicial Council report dated October 18, 2011:</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>the filing clerk will have time to spot this defect. This is not consistent with the Elkins recommendation for a comprehensive form. To the extent that space is a consideration the child support section could start on the next page and the seven lines of space proposed for restraining order information could be reduced to a one line asking to list all known restraining orders.</p>	<p>“Effective January 1, 2011, Assembly Bill 939 (Committee on Judiciary; Stats. 2010, ch. 352) amended Family Code sections 2030, 2032, 3121, and 3557, which concern awarding attorney’s fees and costs based on income and need in family law proceedings. The bill required that the Judicial Council, by January 1, 2012, adopt a rule of court to implement sections 2030 and 3121 and develop a form for the information that must be submitted to the court to obtain an award of attorney’s fees and costs under these sections.”</p> <p>See the relevant Judicial Council report at:  <a href="http://www.courts.ca.gov/documents/ItemA18.pdf">http://www.courts.ca.gov/documents/ItemA18.pdf</a></p>
<p>State Bar of California                      Family Law Section                      Saul Bercovitch                      Legislative Counsel</p>	<p>FLEXCOM is in agreement that the forms should be revised to make them “more effective and user-friendly” as indicated in the Invitation to Comment. We found, however, that a few of the proposed changes were not accurate or confusing. We address five specific amendments:</p> <p><b>(1) New FL-300:</b> The proposed new FL-300 (as well as the current form) provides for property restraints that exactly mirror those found on the back of the Summons and go into effect upon filing (Petitioner) or service (Respondent). Because this language is duplicative of the Automatic Temporary Restraining Orders (ATROS) in the Summons, we believe that making the very same restraints an option on the Request for Order form might lead a party to believe the ATROS are not in</p>	<p>No response required.</p> <p>The committee recommends removing the Property Restraint item from the form.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>effect. By checking the FL-300 boxes, the moving party is likely seeking orders that are already in effect. If the boxes are not checked, then the responding party may mistakenly believe that the ATROS are somehow not in effect.</p> <p>For these reasons, we recommend that the ATRO boxes – and all accompanying language – be removed and that Box No. 6 “Property Restraint” be revised to a more simplified request that would read: “Requests the following restraints/restrictions with regard to property.....”</p> <p><b>New FL-300 and 320:</b> In several places on both forms, there are statements that indicate that a current Income and Expense Declaration is <i>attached</i>. Although we like the notion of making the financial declarations more clearly identified as documents to be <i>submitted</i>, our concern is that financial documents are not “attached.” Instead, they are <i>filed</i> separately. Attaching the form causes trouble with, and extra work for, the Clerk’s office.</p> <p>We recommend that in all instances where the “is attached” language is found on both forms, it should be revised to read: ....a current Income and Expense Declaration has been filed or will be filed in accordance with California Rules of Court, rule 5.260(a)(3)....”</p>	<p>The committee recommends removing the Property Restraint item from the form.</p> <p>The committee recommends revising the form in the appropriate places to indicate that the party must file a current form FL-150 with form FL-300.</p> <p>Same as above response.</p>
Superior Court of Los Angeles County	<p>Agree with proposed changes only if modified. Page 1 - Agree with proposed changes</p>	No response required.

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Page 2 -</p> <p>Items 1 and 2: The language “Applicant requests temporary emergency orders” should mirror the language in FL 300-INFO. Please change to “Applicant requests temporary emergency (ex parte) orders.”</p> <p>Page 3 –Item (3)(e): Change language: From “A current Income and Expense Declaration (form FL-150) or, if eligible, a current Financial Statement (Simplified) (form FL -155) is attached.” To “You must attach a current Income and Expense Declaration (form FL-150) or, if eligible, a current Financial Statement (Simplified) (form FL -155).”</p> <p>Items 4(c) and 5(b): Change language:From “A current Income and Expense Declaration (form FL-150) is attached.”To: “You must attach a current Income and Expense Declaration (form FL-150)”</p> <p>Item (5)(c): Move the end period “.” one place to the left as there is an extra space.</p> <p>Items 6 (Property Restraint) and 7 (Property Control): The language “Applicant requests temporary emergency orders” should mirror the language in FL 300-INFO. Please</p>	<p>The committee recommends the change proposed by the commentator.</p> <p>The committee recommends revising the form so that the language reads more like a declaration. The committee recommends additional changes to this and other items to clarify that the moving party must complete and file an <i>Income and Expense Declaration</i> with the <i>Request for Order</i>.</p> <p>The committee recommends making the suggested formatting correction to this item.</p> <p>The committee recommends the change proposed by the commentator.</p> <p>The committee recommends the change proposed by the commentator to Property Control. Due to space constraints, the committee is not able to add “(ex parte)” to each check box as suggested.</p>

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>change to “Applicant requests temporary emergency (ex parte) orders.”</p> <p>Page 4 –Item 7 (Property Control (continued)): The language “Applicant requests temporary emergency orders” should mirror the language in FL 300-INFO. Please change to “Applicant requests temporary emergency (ex parte) orders.”</p>	<p>Due to space constraints, the committee is not able to add “(ex parte)” to each check box as suggested.</p>
<p>Superior Court of Santa Barbara County Deborah Mullin Family Law Facilitator</p>	<p>FL-300, p. 2, paragraph 1: Move (a), (b) and (c) to the left so that there’s more room to type the party’s name in items (b) and (c). The space in item (c) is especially small in the form’s program.</p>	<p>The committee recommends revising the form to provide more fillable space to type the information in the form.</p>
<p>Superior Court of San Joaquin County</p>	<p>Form FL-300</p> <p>Page 1 Item 4 – Info sheet is a good tool for court patrons to follow when needing guidance on how to complete the form.</p> <p>Page 1 – Deleting signature line is good</p> <p>Page 1 Item 6b – Good and very clear when responsive declaration needs to be served if different than 9 days</p> <p>Page 1 Notice area – Removing the statement about no filing fee for filing responsive declaration is ideal, this will clarify a lot of the confusion surrounding the first appearance fees.</p> <p>Page 2, item 1 (child custody) d. (2) – Request for Child</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-300</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Abduction Prevention Orders (form FL-312) should also mention that form FL- 341(B), Child Abduction Prevention Order Attachment needs to be attached because it goes with request.</p> <p>Page 4 item 10 – Stating the limit of 10 pages is helpful especially in circumstances when court patrons are adamant about adding extensive attachments. One question though, will the supplemental declaration also have a page limit?</p>	<p>Rule 5.111 covers declarations (supporting and responding to a request for order) that are filed with form FL-300. The rule also covers reply declarations. Rule 5.112.1 covers declaration page limitations, exemptions. If a supplemental declaration is determined to be supporting declaration by a judicial officer, then the court will have to grant permission to extend the length of the declaration under rule 5.111(a)(2).</p>

<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Harriett Buhai Center for Family Law Meredith Alexander</p>	<p>Page 1, item 3, Forms Checklist, we recommend bolding key words to help litigants identify what additional forms are needed by issue. For example, in item 3.b, bold the phrase “child custody visitation (parenting time).” We recommend including visitation in this phrase for consistency. For item 3.c, bold “child support.” For item 3.d, bold “spousal or partner support.” For item 3.e, bold “attorney’s fees and costs.” For item 3.f, bold “temporary emergency (ex parte) orders.” For item 3.g, bold “witnesses.” For item 3.h, bold “separate trial (bifurcation).”</p> <p>Page 1, item 3.b, for the additional custody and visitation</p>	<p>To save reproduction costs, courts have generally requested limited use of bolded text in Judicial Council forms. The committee recommends including the term “visitation” in item 3b. To help litigants identify the additional forms required for each topic, the committee recommends underlining the content of items a through i, at item 3 instead of bolding the text.</p> <p>The committee recommends revising the form to state</p>

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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>attachments listed under item 3.b from FL-312 down, we recommended including “(as needed).” This will help litigants understand that not all forms are required, just those specific to their situation.</p> <p>Page 1, item 3.i, we recommend removing this item and incorporating it into the service section later in the form. If this item is kept as proposed, it will be confusing to self-represented litigants who might think they need to complete these forms and file them with the RFO. Additionally, this item is missing a closed parenthesis after “child custody, visitation, or child support.”</p> <p>Page 2, FL-300 image, it is unclear to us what purpose the image of FL-300 serves. It is likely that the litigant will be looking at the FL-300 simultaneously while referring to this INFO sheet. It would save space to remove the image.</p> <p>Page 2, item 4, add a section explaining that if the requesting party wants an order for the other side to appear, they must specifically ask for it under item 8, Other Relief.</p> <p>Page 3, item 9, we recommend renumbering this item, Temporary Emergency (Ex Parte) Orders, so that it is listed as item 6 instead of item 9 and appears on page 2 instead of page 3. From there, renumber the following items accordingly.</p>	<p>that the party may need to complete some of the forms listed in the item.</p> <p>The committee recommends extensive revisions to this form, which cover the suggestions made in this comment.</p> <p>The committee drafted form FL-300-INFO to follow the same format as DV-505-INFO, <i>How Do I Ask for a Temporary Restraining Order</i>, which includes an image of the restraining order form. The image is intended to orient a party to the form being described in the information sheet.</p> <p>The committee prefers to provide a party with information about using a notice in lieu of subpoena or a civil subpoena if he or she wants to compel the other party to attend the hearing.</p> <p>The committee decided to maintain page 2 for basic information about completing and filing form FL-300.</p>



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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Page 3, item 9, second bullet, we recommend including the following statement after “request for temporary emergency orders”: “or a written declaration describing why it was dangerous for you to notify the other party.”</p> <p>Page 4, item 14.d, first bullet, we recommend including “Petition” before “Response.” The Respondent could be the one filing the RFO and should know that they can serve by mail. Item 14.d is confusing and may be difficult for self-represented litigants to follow. We suggest rewording this item as follows, “The party being served has NOT made a general appearance in this case. This means the other party has NOT:</p> <ul style="list-style-type: none"> <li>• Filed a Petition, Response, or Appearance, Stipulations and Waivers;</li> <li>• Filed a Request for Order to strike or transfer the case;</li> <li>• Filed a written notice of his or her appearance; or</li> <li>• Filed any other document that requires a filing fee or fee waiver (unless the court decided that the document does not count as Respondent’s general appearance).”</li> </ul> <p>Page 4, item 15), we recommend dividing this paragraph into items a and b, one for personal service and one for service by mail. There also appears to be a typo in the first sentence, the form for personal service is listed at FL-335, but it should be FL-330.</p>	<p>The committee recommends that this section include that a party may state in a declaration why notice was not given to the other party and then reference form FL-303 as a form that may be used as the declaration regarding notice.</p> <p>The committee no longer recommends the language in the version of form FL-300-INFO that circulated for public comment in winter 2014.</p> <p>The committee recommends other revisions to make this information easier to read.</p>

**Comments from proposal W14-12 (circulated in 2014)**

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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Virginia Johnson Staff Attorney Superior Court of San Diego County	Page 3, item 9. Shouldn't this section reference mandatory form FL-305?	The committee recommends revising this section to refer to form FL-305
Stacy Larson Family Law Facilitator Superior Court of Shasta County	<p>The changes to this form make it much more useful for self-represented litigants.</p> <p><b>Page 1, Item (2), third bullet:</b> There is significant danger in listing only one of the required forms to request a domestic-violence restraining order as the self-represented litigants often take this literally and file only this one form without necessary attachments. To clarify, it may help to write something like, "Use form DV-100 with relevant attachments and accompanying forms."</p> <p><b>Page 1, Item (3)(c):</b> The use of asterisks is a bit distracting. It would seem sufficient to omit the asterisks after "FL-150" and "FL-155" and simply state they must attach a current FL-150 or FL-155 and then keep the asterisked clarification direction below (e. g., "To know which form is right for you . . . FL-150 or FL-155?")</p> <p>Either at the beginning of this form on page 1 or at Item (4) on page 2, it would be helpful to remind the litigants that the FL-300 along with all attachments and accompanying forms must be served on all parties. This would help head off the common scenario that litigants reveal their physical address and personal telephone number, mistakenly believing that their papers will go to a judge and not be accessible to nor seen by the other</p>	<p>No response required.</p> <p>The committee recommends revising the form to include this suggestion.</p> <p>The committee recommends revising the form to simplify this section.</p> <p>The committee recommends that the form be revised to specify in the instructions that the party must write the name of all parties who will be served with the Request for Order.</p>

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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>party, when it is not safe for them to do so and/or including information in their declarations that they would not reveal if they were more experienced in the process. It may seem obvious that all documents filed with the court will be accessible to the other party through the court file and must be served on the other party, but litigants new to the process frequently do not know this.</p> <p><b>Page 2, Item (4), Caption:</b> It would be helpful to remind the litigants that they must accurately designate the parties' names and designations (petitioner or respondent or other parent/party), consistent with the court's file. Failure to do so can result in their papers being rejected.</p> <p><b>Page 2, Item (4), Item 5:</b> It would be helpful to explain that if a particular form is completed/served and not listed, it should be written in at item (e) "other" with the number and name of the form.</p> <p><b>Page 2, Item (4), Item 7:</b> This is helpful information regarding the differences in each county. It would be helpful to start this provision with "Leave this blank." This will clarify that the litigant should not complete this section.</p> <p><b>Page 3, Item (9), First Paragraph:</b> the comma before the "or" in the last sentence should be omitted as the conjunction "or" does not join two or more complete sentences nor three or more items in a series.</p> <p><b>Page 3, Item (9), Last Bullet:</b> the parallel structure of this</p>	<p>The committee recommends revising item 4 to state that the party must use the party names as they appear in the petition that was originally filed with the court.</p> <p>The committee's recommended changes to form FL-300 cover this comment.</p> <p>The committee recommends revising the form as requested by the commentator.</p> <p>The committee recommends revising the form as requested by the commentator.</p> <p>The committee recommends revising the form as</p>

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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>sentence if flawed due to the last item “and to find out . . . party.” It can be corrected in a variety of ways such as, “Follow your court’s local procedures for . . . filing fees, and completing local forms you may need to file and serve on the other party.”</p> <p><b>Page 3, Item (10), First Paragraph:</b> It is important to provide a layperson definition of “service” for the litigants, but it’s equally important that the definition not oversimplify or unintentionally mislead them. The first sentence of this section fails to inform them that all parties must be served the moving papers, including any joined parties and/or Department of Child Support Services. Additionally, the colon is unnecessary and should not be used if there is not a complete sentence preceding it.</p> <p>A possible revision of the first sentence would be, “Service is the act of giving your legal papers to the other parties named in the case so that they know what orders you are asking for ..”</p> <p><b>Page 3, Item (10), Second Paragraph:</b> It would be helpful to add “or parties” in the first sentence to help emphasize that many family-law cases have more parties than just the mother or wife and father or husband.</p> <p><b>Page 3, Item (11), Last Sentence:</b> Since we reference both the FL-150 and FL-155 in the first part of this sentence, we should reference both in the last part of the sentence (e. g., “. . . you must include a blank copy of the same form for the other party to complete.”).</p>	<p>requested by the commentator.</p> <p>The committee recommends revising this item so to indicate that service must be made on all parties.</p> <p>The committee recommends changing the section about service..</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee believes that a party should serve form FL-150, even if the party serves a form FL-155, since the other party may not be eligible to complete form FL-155.</p>

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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><b>Page 4, Item (14) (e):</b> When Family Code section 215 passed and the FL-334 Declaration Regarding Address Verification form circulated for comment, many of us questioned how it affected, if at all, service of RFOs to modify judgments or permanent orders of spousal support and issues other than child support, custody, and visitation. The response we received was that, “As this form relates only to the requirements for requests to modify judgments or permanent orders for child custody, visitation, or child support, the committee prefers to limit the form accordingly and does not agree to recommend that the form include a legal interpretation of Family Code section 215.” This remains a gray area as case law and legislative history provide some authority that post-judgment motions to modify spousal support, etc., may be served by mail. Bench officers within our own small courthouse interpret this code differently, and litigants can be detrimentally affected depending on which interpretation is followed. The language on this form would become law pursuant to CRC 5.7, which states, “All forms adopted or approved by the Judicial Council for use in any proceeding under the Family Code, including any form in the FL, ADOPT, DV, and EJ series, are adopted as rules of court under the authority of Family Code section 211; article VI, section 6 of the California Constitution; and other applicable law.” It would also provide a black and white interpretation that post-judgment or post-permanent-order motions not pertaining to custody, visitation, or child support <b>MUST</b> be personally served. If this is the intent, then these matters should be made clear by revising Family Code §215 and on the FL-334 Declaration Regarding Address Verification. It is difficult to fathom that this sweeping change could be</p>	<p>Family Code section 215(b) clearly authorizes service by first-class mail or airmail, postage prepaid, of a motion to modify postjudgment or permanent orders for child custody, visitation, or child support if it includes an address verification. It does not specifically authorize service by mail with address verification for postjudgment spousal support modifications. Service requirements of other types of postjudgment modification motions remain open to interpretation of the law.</p> <p>The committee recommends including a statement in the form that the party should consult an attorney to determine the correct manner of service for all other requests to modify postjudgment or permanent orders.</p>

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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>made in the FL-300-INFO sheet. Item (e) is also problematic because the layperson is unlikely to understand the difference between “permanent” or “temporary” orders and also unlikely to understand that they may mark the item “T” because the RFO requests change in a judgment or permanent orders but still may have the documents served by mail if the change relates to custody, visitation, or child support as long as an Address Verification form is filed and served.</p> <p><b>Page 4, Item (15):</b> An introductory sentence would be helpful as would clarifying the wording to distinguish between the two proofs of service. An example would be as follows: “Once the other party or parties are served, a proof of service form must be completed and filed. If the server gives the forms . . . If the person mails the forms, . . .”</p> <p><b>Page 4, Item (16):</b> At the end of the paragraph, it would be helpful to remind the litigants that proofs of service should be filed with the court at least five days before the hearing pursuant to CRC 5.94(b).</p>	<p>The committee recommends revising the form as suggested by the commentator, with alterations.</p> <p>The committee recommending this change to the form.</p>
<p>State Bar of California Family Law Section Saul Bercovitch Legislative Counsel</p>	<p><b>FL-300-INFO.</b> This new information sheet gives instructions on how to complete and process the form – including types of service. At page 3, no. 14, it gives instruction on types of service and whether one must serve by mail or personally and provides a quick questionnaire to aid the reader in determining whether he or she must mail or personally serve. If you answer “True” to any of the statements, you must personally serve. But question “c” is inaccurate. It reads: “The person has not been served with a Summons and Petition in the case.” If one</p>	<p>The committee no longer recommends the content of item 14 which circulated for comment in winter 2014. That content was not included in the invitation to comment that circulated in the spring 2015 cycle.</p>

**Comments from proposal W14-12 (circulated in 2014)**

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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>answers “true” then presumably personal service is mandated – but that is partially true. If a post-judgment modification is filed by the <b>Respondent</b> – where the Petitioner in the action would not have been served with a Petition/Summons – then the questionnaire seems to say that you must personally serve; which is not true. Post-judgment modifications can be mail-served with address verifications. We recommend the question be modified.</p>	
<p>Superior Court of Los Angeles County</p>	<p><b>Agree</b> with proposed changes <b>only if modified</b>. We like the updated FL-300-Info sheet and can tell that much good work and thought was put into creating a user-friendly document. We recommend a number of clarifications and corrections.</p> <p><b>Page 1 -</b></p> <p style="padding-left: 20px;"><b>Item 3f.</b> Consider referencing newly created form FL-303, which can be used as a declaration regarding notice of the ex parte hearing. We suggest that the item would read: “Your declaration describing how and when you gave notice about the request for temporary emergency orders. You may use form FL-303 for this purpose.”</p> <p style="padding-left: 20px;"><b>Item 3i.</b> Add an end parenthesis after the words “child support” in the second line.</p> <p><b>Page 2 -</b></p> <p style="padding-left: 20px;"><b>Item 5.</b> At the end of the first sentence in the second paragraph, the reference should be changed to “page 2</p>	<p>No response required.</p> <p style="padding-top: 20px;">The committee recommends revising the form as suggested by the commentator, with minor changes.</p> <p style="padding-top: 20px;">The committee deleted item 3i from the version of form FL-300-INFO that circulated for comment in spring 2015.</p> <p style="padding-top: 20px;">The committee recommends the changes to the form suggested by the commentator.</p>

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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p style="text-align: center;">at item1” because the reference is to custody orders.</p> <p><b>Item 8.</b> For consistency’s sake, “can’t” in the first line should be changed to “cannot.”</p> <p><b>Page 3</b> – We compliment that drafters of this form for the Temporary Emergency (Ex Parte) Orders box. It is written clearly and the manner in which it is set off in the box works well to get the attention of the reader. We also like the use of pictures to depict service on this page. We think litigants will find the graphics helpful. Otherwise we have no comments on this page.</p> <p><b>Page 4 – Item 14.</b> We found this section to be a bit confusing, though we appreciate the attempt to make it user friendly with True and False questions.</p> <p><b>SUGGESTION/OPTION 1</b> - If the JC decides to leave it in this format, we suggest the following changes:</p> <p><b>Instruction sentence.</b> At the end of the second sentence, change “same” to “following” so that the phrase reads “if you answer “false” (F) to ALL of the following statements:”</p> <p><b>14a.</b> Change to “I am requesting temporary emergency orders”</p>	<p>The committee recommends the changes to the form suggested by the commentator.</p> <p>No response required.</p> <p>The committee deleted item 14 from the version of form FL-300-INFO that circulated for comment in spring 2015.</p> <p>The committee no longer recommends the format in which previous item 14 was drafted for the winter 2014 cycle.</p> <p>Same as the above response.</p> <p>In item 15 of the version of form FL-300-INFO that circulated in spring 2015, the committee recommends that the form remain consistent with rule 5.92 by stating that the <i>court granted</i> temporary emergency orders.</p>



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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><b>14c.</b> Change “person” to “other party”</p> <p><b>14d.</b> Change the sentence to read “The party being served has not done any of the following.” We believe that self-represented litigants will not understand what is meant by “has not made a general appearance in this case”</p> <p style="padding-left: 40px;">Also under 14d, change the word “Filing” to “Filed” in all instances</p> <p style="padding-left: 40px;">We also found the last item to be confusing and recommend eliminating that item.</p> <p><b>SUGGESTION/OPTION 2</b> – If the JC will consider re-writing this section, we would recommend that it read as follows, beginning after the sentence that ends with “even if it is not required”:</p> <p style="padding-left: 40px;">“If you are requesting temporary emergency (ex parte) orders, your <i>Request for Order</i> must be personally served.</p> <p>If you are not requesting temporary emergency (ex parte) orders, you may be able to serve your <i>Request for Order</i> by mail if:</p> <p style="padding-left: 40px;">1) The other party has filed a Response or other written</p>	<p>The committee recommends using the term “respondent.”</p> <p>The committee no longer recommends that the form include the language that circulated in winter 2014 in item 14d.</p> <p>Same as above response.</p> <p>The committee re-drafted this item for the spring 2015 comment cycle and recommends alternative wording for the content about service.</p> <p>The committee re-drafted this item for the spring 2015 comment cycle and recommends alternative wording for the content about service. Same as above response.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-300-INFO</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p style="text-align: center;">notice of their appearance in the action <b>or</b></p> <p style="text-align: center;">2) The <i>Request for Order</i> requests a modification of a judgment or other final order for child custody, visitation and/or child support. This type of <i>Request for Order</i> may be served by mail if the proof of service includes an address verification. Form FL-334 may be used for this purpose.”</p> <p><b>Item 16.</b> For consistency’s sake, in the first sentence, the words “request for orders” should be capitalized and italicized as follows: “<i>Request for Orders.</i>”</p> <p><b>Item 18 (now item 21).</b> Clarification is requested regarding the empty line following the website address. Is the intention that the JC will complete that address once the website is created? Is the JC creating a new web page regarding preparations for RFO hearings?</p>	<p>The committee recommends the change suggested by the commentator.</p> <p>The committee’s intention is to complete this section before a report is submitted to the Judicial Council. A web site address will be inserted once it has been assigned by staff.</p>

<b>Form FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Harriett Buhai Center for Family Law Meredith Alexander</p>	<p>For consistency and clarification, the title of the form should include the words “Ex Parte,” so the name reads: “DECLARATION REGARDING EX PARTE NOTICE AND DELIVERY OF REQUEST FOR TEMPORARY EMERGENCY ORDERS.”</p> <p>Page 1, item 2, there are extra spaces before and after the parenthetical phrase that appears after the word “NOTICE.”</p>	<p>The committee recommends Declaration Regarding Notice and Service of Temporary Emergency (Ex Parte) Orders.”</p> <p>The committee recommends revising the form as suggested by the commentator.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Superior Court of Los Angeles County</p>	<p><b>Agree</b> with proposed changes <b>only if modified</b>.</p> <p><b>Title of the form</b> – We propose changing the name of the form to “Declaration Regarding Notice for Temporary Emergency (Ex Parte) Orders.” We propose that for consistency’s sake, the words “Ex Parte” be included in the title to match the FL-300-Info, item 9. We propose eliminating the phrase “and Delivery” for the reasons detailed below.</p> <p><b>Page 2, Item 3.</b> We suggest eliminating Item 3 in its entirety. We know of no rule that requires a courtesy copy of the RFO to be delivered to the other party prior to the ex parte RFO hearing. Including this section could be misleading to self-represented litigants who may assume that they must deliver a copy of the documents to the other party. This could be dangerous in situations where a litigant seeks ex parte orders without notice because there is a risk that they or the children will be harmed if notice is given, or that the children will be removed from the state.</p> <p>If a litigant or attorney chooses to deliver a courtesy copy to the other party prior to the ex parte RFO hearing, they can indicate this at item 7 or on a separate document.</p>	<p>The committee recommends revising the form as suggested by the commentator, with alterations.</p> <p>Item 3 is included on the form to be consistent with rule 5.167 (<i>Service of application</i>), which provides:</p> <p><b>a) Service of documents requesting emergency orders</b></p> <p>A party seeking emergency orders and a party providing written opposition must serve the papers on the other party or on the other party's attorney at the first reasonable opportunity before the hearing. Absent exceptional circumstances, no hearing may be conducted unless such service has been made. The court may waive this requirement in extraordinary circumstances if good cause is shown that imminent harm is likely if documents are provided to the other party before the hearing. This rule does not apply in cases filed under the Domestic Violence Prevention Act.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
		<p><b>(b) Service of temporary emergency orders</b></p> <p style="padding-left: 40px;">If the judicial officer signs the applicant's proposed emergency orders, the applicant must obtain and have the conformed copy of the orders personally served on all parties.</p>
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p>Most courts, like ours, have created their own form to document notice of requests for emergency temporary orders. It is a great idea to have a uniform, statewide form that can be used for this purpose.</p> <p>Caption/Title: As discussed in more depth below, I suggest that we omit “AND DELIVERY OF” from the caption/title as it confuses the purpose of the form and creates inefficiency in the parties’ ability to submit these papers to the court then have copies served on the other party or parties.</p> <p><b>Item (2)(a):</b> this should be made a complete sentence, ending with a colon, to help the litigants understand that they must not only check item (a) if they gave notice but also fill out items (2)(a)(1) through (2)(a)(3). The sentence could read, “I gave notice of the request for temporary emergency orders as described in items (1) through (3) below:” This would also be more consistent with the structure of Item (b) on this form.</p> <p><b>Item (2):</b> litigants frequently have another individual provide notice to the other party, and this option should be added. An example could be inserting as Item (2)(a)(4) a checkbox item like “Notice was given by someone other than me, namely _____ . Attached is a true and accurate declaration</p>	<p>No response required.</p> <p>The committee recommend using the term “service” instead of “delivery.”</p> <p>The committee recommends revising the form as suggested by the commentator, with alterations.</p> <p>The committee recommends revising item 1 to include a series of check boxes to indicate whether the form is being completed by a party’s attorney, a party in the case, or a person who is not a party in the case.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>(form MC-031) signed by the person who gave notice describing the time, date, and manner of notice.”</p> <p><b>CRC 5.151(e)</b> requires that the party give notice of the specific relief requested. There is nowhere on this form to do this. Item (a)(1) states generally that “I told the following person the date, time, and place of the emergency hearing and the specific court orders I seek.” However, litigants typically believe that it is sufficient to tell the other person they are seeking “emergency temporary orders” without specifying that they are seeking sole legal/physical custody, no visitation, and drug-testing orders. This distinction can often greatly impact the likelihood the other party will appear at the ex parte hearing. It would seem helpful to the bench officer if the litigant specify on the form what they told the other parties they were requesting as an emergency temporary order.</p> <p><b>CRC 5.151(e)(1)(D)</b> requires that the moving party attempt to ascertain whether the opposing party plans to appear at the hearing. There is nowhere on this form to report this information, but it could be easily modified at or near Item (4) by adding a checkbox for I do/do not believe the other party will appear at the ex parte hearing.</p> <p><b>CRC 5.151(e)(2)</b> requires that the moving party report the other party’s response to the notice. There is nowhere on this form to do so yet; however, this could be easily added at the bottom of Item (2)(a) as subsection (4).</p>	<p>The committee recommends the change suggested by the commentator.</p> <p>Not all courts have hearings on a request for temporary emergency orders, as noted in the rule. Therefore, the committee recommends including an item on the form to indicate if the party completing the form believes or does not believe that the party given notice will oppose the request for temporary emergency orders. This language would cover the requirements of rule 5.151(e)(2)(A).</p> <p>The committee recommends including an item on the form to indicate the other party’s response to the notice.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><b>Page 2, Item (3):</b> There is no requirement under CRC 5.151 that the declaration regarding notice specify when and how the papers were served prior to the ex parte hearing. CRC 5.167 requires service “on the other party or on the other party’s attorney at the first reasonable opportunity before the hearing.” It is problematic for a party to complete Item (3) in our county as they would most often provide verbal notice to the other party or his/her attorney, prepare and submit their moving papers to the court, then provide copies to the other party or his/her attorney. They would not be allowed to submit their papers to the court without this declaration regarding notice, but they would not be providing copies to the other party until after the papers were submitted to the court. Since the code does not require that the party specify in the notice how and when they had copies of the papers served prior to the ex parte hearing, it would be more helpful to simply include a non-checkbox item that informs the moving party of this requirement. For example, Item (3) could read, “I understand that I must have a copy of my moving papers served upon the other party or his/her attorney at the first reasonable opportunity before the hearing and that if I fail to do so, the hearing may not occur.”</p> <p><b>CRC 5.151</b> requires disclosure of the other party’s name, address, and telephone number (or their attorney’s); disclosure of how the requested order would change the status quo; a copy of the most current custody/visitation orders (if available); an updated FL-105 Declaration under UCCJEA. If the form FL-303 is designed to ensure compliance with CRC 5.151 et seq., it</p>	<p>The rule applicable to item 3 is rule 5.165 (<i>Requirements for notice</i>), which provides, in part:</p> <p><b>(a) Method of notice</b></p> <p style="padding-left: 20px;">Notice of appearance at a hearing to request emergency orders may be given by telephone, in writing, or by voicemail message.</p> <p><b>(b) Notice to parties</b></p> <p style="padding-left: 20px;">A party seeking emergency orders under this chapter must give notice to all parties or their attorneys so that it is received no later than 10:00 a.m. on the court day before the matter is to be considered by the court. After providing notice, each party must be served with the documents requesting emergency orders as described in rule 5.167 or as required by local rule. This rule does not apply to a party seeking emergency orders under the Domestic Violence Prevention Act.</p> <p>The committee does not recommend revising the form as suggested by the commentator. This information would be included in the <i>Request for Order</i> (form FL-300), not in form FL-303.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-303</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>should include these sections.</p> <p>The parties are often not aware that once they submit their papers and the judge reviews them, they must pick up their moving papers and have them formally served upon the other party or parties. It would be helpful to add a note to this effect.</p>	<p>Because the procedure may vary from court to court, the committee does not recommend revising the form as suggested.</p>
<p>Superior Court of Santa Clara County Christine Copeland Commissioner</p>	<p>Forms FL-303- I think it may be worth repeating what already appears at bottom of page 3 of FL-300 re: if you want a DV order, don't use these forms. Otherwise, I am afraid that a DV order seeker downloading forms online or another way will not see or will bypass FL-300 and its warning, but instead go directly to FL-303 and FL-306 and think this is how you apply for a DVPA order.</p>	<p>Given the requests for additional space for other requests or order on all the forms in the proposal, and due to the space constraints of this form, the committee does not recommend revising the form as suggested by the commentator. The notice does appear on forms FL-300, FL-300-INFO, and FL-320. The California Court Web Site also includes information to litigants about the forms needed for cases involving domestic violence.</p>

<b>Form FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Harriett Buhai Center for Family Law Meredith Alexander Staff Attorney</p>	<p>Page 1, item 1, there is an extra space after (form FL-300).</p> <p>Page 1, item 2.a(4) does not line up with items (1), (2) and (3).</p> <p>Page 1-2, items 2.a and 2.b should be consolidated and made to fit on page 1 by taking out some of the extra space at 2.a(2), 2.a(3)(B) and (C). It is confusing to list the continuation as a separate issue “b” that requires checking an additional box</p>	<p>The committee recommends extensive reformatting of this form and technical changes that include correcting typographical and spacing errors.</p> <p>Same as above answer.</p> <p>The committee recommends extensive reformatting of this form and technical changes that include correcting typographical and spacing errors.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>when it is really still part of “a.”</p> <p>Page 2, item 2.b(5) should be included above with the other orders, and should be renumbered as 2.b(4) with the following items renumbered accordingly.</p>	<p>Same as above response.</p>
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p>It is a great idea to make this Temporary Emergency Orders form a stand-alone document.</p> <p><b>Page 1, Item (2) (now item 1):</b> One of the biggest causes of confusion on the current FL-305 is when the temporary orders expire. This item provides some clarification but is still likely to be misunderstood by the responding party. It may be helpful to add more specific reference to the date/time the temporary orders expire such as “THE COURT MAKES THE FOLLOWING temporary orders . . . automatically expire on the day and time of your hearing listed at Item (2) on page 1 of the FL-300 Request for Order form, unless reissued by the Court.”</p> <p><b>Page 1, Item (2) (now item 1):</b> Schools and law enforcement are often unsure whether a temporary order is still in effect. Since our FL-305, in its proposed new form, merely references that the temporary order will expire on the court date shown on the RFO form, it can be even more confusing as they will not know what that date/time of expiration is when viewing only the stand-alone FL-305. Even if they request a copy of the FL-300, they cannot be sure if the FL-300 with date/time of hearing is the accurate date/time of expiration for the FL-305 temporary order as parties so often file competing RFOs one</p>	<p>No response required.</p> <p>The committee recommends revising the form to include that the orders expire on the date of the hearing, unless extended by court order.</p> <p>Same as above response.</p>



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**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>after another. The confusion is further compounded if the temporary order is issued then reissued one or more times. It would help to write in the date/time of expiration on the FL-305 with a statement that the temporary order expires on that day unless reissued pursuant to an FL-306 signed by a judge. It would be helpful to similarly revise the FL-306 to include reference to the specific RFO being reissued—date and time of initial filing and who the filing party was—so the reissuance would clearly relate to a specific RFO and temporary order.</p> <p><b>Page 1, Item (3) (now item 2(a)(4)):</b> Different courts interpret this clause differently. By its plain language, it seems to state that the restrained party cannot take the child from the state or specified counties for any purpose. Some courts interpret this as meaning restraining only the relocation of the child to another state or county for purposes of changing residence. It would be helpful for litigants if the language specified whether this means “for any purpose” or merely “for purpose of changing residence.”</p> <p><b>Page 2, Item (b)(4)(C) (now item 2(a)(6)(c)):</b> There is a typographical error omitting the last part of this sentence (e. g., “the United States of America.”).</p> <p>Temporary emergency orders are often made in cases that already have existing custody/visitation orders. It would be helpful to have a checkbox where bench officers can clarify that all other existing orders, not in conflict with the temporary emergency orders herein, remain in full force and effect. This would ensure that if a party already has a drug-testing order or</p>	<p>The language in the order is not meant to pertain only to move-away cases. The committee believes that the issue is one of judicial education rather than revising the form, which on its face, is not limited to move-away cases. The committee recommends referring this matter to the Center for Judiciary Education and Research.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p>

**Comments from proposal W14-12 (circulated in 2014)**

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<b>Form FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Superior Court of Los Angeles County</p>	<p>an order that specified people not be present at the exchanges, etc., these clauses remain in effect until the noticed hearing.</p> <p><b>Agree</b> with proposed changes <b>only if modified</b>.</p> <p><b>Title of the form</b> – We propose changing the name of the form to “Temporary Emergency (Ex Parte) Orders.” We propose that for consistency’s sake, the words “Ex Parte” be included in the title to match the FL-300-Info, item 9.</p> <p><b>Page 2, top of the page.</b> There are two typos to correct. First, the letter (b) is unnecessary. This section is a continuation of section a Child Custody and Visitation (Parenting Time). Consequently, the lettering for the remaining items needs to be changed as well. Property Restraint becomes (b), Property Control becomes (c), and Other orders becomes (d).</p> <p>Second, please add a colon and line, or at least a colon, to the phrase “The country of habitual residence of the child or children is” such that there is a place indicated to write a response. We propose that the sentence would appear as follows: The country of habitual residence of the child or children is: _____.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form to reinsert the language on current form FL-305, which was inadvertently deleted from the form that circulated for comment.</p>
<p>Superior Court of Santa Clara County Christine Copeland Commissioner</p>	<p>Forms FL-305- I think it may be worth repeating what already appears at bottom of page 3 of FL-300 re: if you want a DV order, don't use these forms. Otherwise, I am afraid that a DV order seeker downloading forms online or another way will not see or will bypass FL-300 and its warning, but instead go directly to FL-303 and FL-306 and think this is how you apply for a DVPA order.</p>	<p>Given the requests for additional space for other requests or order on all the forms in the proposal, and due to the space constraints of this form, the committee is not able to recommend revising the form to include a notice box to educate parties as suggested by the commentator. The notice does appear on forms FL-300, FL-300-INFO, and FL-320. The California Court Web Site also includes information to litigants about the forms needed for cases</p>

**Comments from proposal W14-12 (circulated in 2014)**

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<b>Form FL-305</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Hon. Rebecca Wightman Commissioner Superior Court of San Francisco County	Add a check box in the Title of the Order form for Child Support. Otherwise, for every temporary emergency order, it has to be written in.  Temporary Emergency Orders form could use some changes such as: <ul style="list-style-type: none"> <li>• Changing the Title to “EMERGENCY ORDERS” and creating a check box to the right that can designate...I Temporary</li> <li>• Changing 1. 2. to be check boxes, and adding a 3. With a check box for IMMEDIATE ORDER (or some such description for the true single emergency situation where there will be no hearing – because as I have been trying time and again to educate folks that not all emergency requests, and therefore, emergency orders, have a subsequent hearing!!! Otherwise, we bench officers are left with having to cross out the “hard-coded” 1. and 2.</li> </ul>	involving domestic violence.  The committee prefers that the form include specific checkboxes for items orders that are statutorily authorized to be issued as temporary emergency (ex parte) orders.  The committee does not recommend this change. Form FL-305 is intended to record temporary emergency orders issued pending a hearing. <i>Findings and Order After Hearing</i> (form FL-340) is used to record orders after hearing.

<b>Form FL-306</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Harriett Buhai Center for Family Law Meredith Alexander Staff Attorney	In the caption, the extra P in the word “application” should be removed.  Item 3, to ensure the form is easy to use for litigants seeking to	The committee recommends revising the form as suggested by the commentator.  The committee recommends clarifying that the form is

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-306</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>reissue an RFO without temporary orders, this item should be reorganized so that “a” is “c.” Items 3.b and 3.c will be applicable to all situations. Current item 3.a is only applicable in some situations. There is also a space missing after current item a.</p> <p>Item 4, for the above reason, we recommend removing the phrase “of the orders” from this item, so it would read, “I request a reissuance because:”</p> <p>Item 4.b, the word “recommending” should be moved and the phrase reworded as follows, “The parties were referred to a child custody mediator or child custody recommending counselor.”</p>	<p>only to be used to request reissuance of temporary restraining orders granted by the court pending the hearing on the <i>Request for Order</i>.</p> <p>The committee recommends revising the form to conform to the requirements of Family Code section 245, amended effective January 1, 2016.</p> <p>The committee recommends revising the form as suggested by the commentator.</p>
<p>Virginia Johnson Staff Attorney Superior Court of San Diego County</p>	<p>*Item 4a. should be revised to require the party to explain why the papers could not be served before the hearing. I suggest, “The papers could not be served as required before the hearing date <u>because (explain):</u>”</p> <p>Item 4b should be changed to state: The parties <del>were referred to</del> <u>a must attend a child custody mediation</u> or recommending child custody <u>counseling on (specify date, time and location):</u>”</p> <p>Item 8 (now item 10): I suggest rewording to make service clearer. “A filed copy of this order must be attached as the cover page of the Request for Order <u>and served along with all supporting documents and the Temporary Emergency Orders (if applicable).</u>”</p>	<p>Due to the space constraints of this form, the committee may not able to recommend revising the form as suggested by the commentator.</p> <p>The committee recommends that the form be revised to state: “The hearing was continued for the parties to meet with a child custody mediator or child custody recommending counselor.”</p> <p>The committee recommends revising the form as proposed by the commentator , with minor changes.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-306</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Stacy Larson Family Law Facilitator Superior Court of Shasta County	<p><b>Caption:</b> There is a typographical error in the caption in the word “Application” as it has one too many “P.”</p>	The committee recommends revising the form as suggested by the commentator.
Superior Court of Los Angeles County	<p><b>Agree with proposed changes <b>only if modified.</b></b></p> <p>We recommend that the section titled “Order” be modified to match the format on the FL-300 and state “COURT ORDER (For Court Use Only).” This will clarify that only Court staff should complete that section.</p> <p><b>Item 6</b> We recommend clarifying that item 6 only applies to those instances in which a Judicial Officer has made an order shortening time. The way the form is currently written indicates that a date for service and Responsive Declaration should be written in at all times. We recommend that item 6 be modified to conform to item 6 on the first page of the FL-300. So, there would first be a check box, then the words “Time for Service is shortened. Service must be on or before (date): ”</p> <p><b>Item 8.</b> We recommend removing the box in front of the sentence at item 8. This instruction applies to everyone filing the FL-306.</p> <p>We recommend that this instruction be placed above the Court Order section as well. Perhaps as number 5, immediately following number 4, and then the subsequent numbering can be changed.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>Due to the space constraints of this form, the committee is not able to recommend revising the form to include the notice requested by the commentator.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-306</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Additionally, in the box at the upper right hand corner, please add the words “FOR COURT USE ONLY.”	The committee recommends revising the form as suggested by the commentator.
Superior Court of Santa Clara County Christine Copeland Commissioner	Forms FL-306- I think it may be worth repeating what already appears at bottom of page 3 of FL-300 re: if you want a DV order, don't use these forms. Otherwise, I am afraid that a DV order seeker downloading forms online or another way will not see or will bypass FL-300 and its warning, but instead go directly to FL-303 and FL-306 and think this is how you apply for a DVPA order.	Due to the space constraints of this form, the committee is not able to recommend revising the form to include the notice requested by the commentator.
Hon. Rebecca Wightman Commissioner Superior Court of California, County of San Francisco	Reissuance form –the removal of the word “and” makes it now susceptible [in my view] for folks who filed an RFO and did not check the emergency box, to simply try to use that form as an end run around when a continuance request should be made...	The committee recommends revising the rule and form to clarify when a party must complete form FL-306. The form is used to ask the court to reissue the temporary emergency orders pending the hearing on the Request for Order, not to reissue a Request for Order without temporary emergency orders. The form will also be revised to include changes made to Family Code section 245, amended effective January 1, 2016.

<b>Form FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Harriett Buhai Center for Family Law Meredith Alexander	Page 1, item 2.c, the word “recommending” should be moved and the phrase reworded as follows, “The parties will go to mediation or child custody recommending counseling at (specify location below):”	The committee recommends revising the form as suggested by the commentator.
	Page 1, item 2.e, we agree that this item should be revised to	The committee recommended revising item 2e to

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<b>Form FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>include boxes to check to indicate whether the visitation (parenting time) commences at the start of school or after school. This is a very common order and including it as an easy option in the forms is very useful. However, we would recommend including the word “or” between the time options and the boxes regarding school. This way the item would read</p> <p style="text-align: center;">From _____ at _____ [ ] a.m. [ ] p.m OR [ ] start of [ ] after school.</p> <p>It is important that litigants include both a time and whether it is the start or end of school. If no time is listed, the order will be confusing and possibly unenforceable on days when the children do not have school. Including the word “or” will make the order clearer and easier to follow whether or not there is school.</p> <p>Page 2, item 2.e(4) should follow the same format as the prior form with the addition of “(form MC-025 may be used for this purpose).” The box should remain in the bottom right to avoid confusion. Additionally, the phrase “has other visitation (parenting time) days and times” should be deleted. It is unnecessary and confusing.</p>	<p>instruct the parties to “Specify start and ending date and time. If applicable, check “start of school” OR “after school.” Because it is important to include both a time and whether it is the start of school or the end of school, if applicable, committee prefers not to include the word “OR” between the two items. Parties could interpret “OR” as meaning that they need to complete either the time or the check boxes relating to school (but not both).</p> <p>See above response.</p> <p>The committee recommends revising item 2d(4) to avoid confusion.</p>
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p><b>Item (2)(e)(1-4):</b> The checkbox for “Other parent/party’s” should be modified to “Other parent’s/party’s”</p> <p><b>Item (2)(e):</b> It’s a great idea to include checkboxes for “before school” and “after school” as these are common orders made by</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p>

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<b>Form FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>the court. However, the proposed checkbox for “start of” is difficult to understand as the word “school” seems to apply only to the “after school” checkbox. Perhaps we could make the first box “before school” (or “start of school”) and the second checkbox “after school” to make this more clear. The current configuration will be difficult for litigants to understand.</p> <p><b>Page 2, Item (2)(e)(4):</b> It is not clear what this item is requesting in the first checkbox. If the intent is to mirror our current Item (4) on Page 1 of the FL-311, then we really need more space to specify the unique parenting time/visitation schedule. Even the current FL-311, Item (4), “Other” is a bit short on space, and the new version will not work at all as it only provides enough room for a single word next to “specify.”</p> <p><b>Page 2, Item (3):</b> The first part of this section essentially mirrors the version in our current FL- 311, which causes litigants a great deal of confusion. It would be helpful if we could add “if any” in the section for the costs (e. g., “I request that the costs of supervision, if any, be paid as follows: . . .”).</p> <p>Also, litigants do not know that their designated supervisor, whether professional or non-professional, must meet the requirements of Family Code 3200.5. It would be helpful if this was specified on this form under Item (3). For example, if we moved the bold-print notation at the bottom (“If item 3 is checked . . .”) up so that it appears directly under the heading for Item (3), we could add “The supervisor you propose must meet the requirements of Family Code §3200.5. These</p>	<p>The committee recommends revising the form at item 2e(4) so that it is easier to understand that the party can use the space provided on the form to specify other visitation times and restrictions or use an attachment, if additional space is needed.</p> <p>The committee recommends revising item 3 on the form be revised to state “I request that any costs of supervision be paid as follows.”</p> <p>The committee agrees to include the changes suggested by the commentator, with minor alterations, among the revisions being recommended to the Judicial Council.</p>



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<b>Form FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>requirements are listed on form FL-324 Declaration of Supervised Visitation Provider.” If litigants are informed of these requirements, it will assist them in proposing appropriate supervisors and/or in deciding whether to request supervised visitation at all before filling in the request under Item (3).</p> <p><b>Page 2, Item (4)(f):</b> Since the exchange place may be somewhere other than a home, such as a public place or a police department, it may be better to specify “. . . go between the car and the exchange location.” § Page 2, Item</p> <p><b>Page 2, Item (4):</b> A very common issue regarding transportation and exchanges is which party will arrange and pay for transportation. Can this be added as a new Item (4)(g), moving “Other” to a new Item (4)(h)?</p> <p><b>Page 2, Item (5):</b> Different bench officers frequently interpret this section differently. By its plain language, it requests a court order preventing one or both parties from taking the children from the county or state even on his/her own parenting time. Some bench officers interpret this as prohibiting only removal of the child for purposes of changing residency. It would be helpful if the language was modified to promote more uniform interpretation.</p> <p><b>Page 2, Item (10):</b> I know the form is getting somewhat long, but we really need more space for “other” to fill in additional requests for orders pertaining to custody/parenting time. Otherwise, we must attach an MC-025 or another form everytime a litigant wishes to request customized orders.</p>	<p>The committee recommends revising the form to consider that the exchange location may be in a place other than a party’s home.</p> <p>The committee recommends adding a check box for transportation costs to be consistent with the other items on the form. The issue of arranging transportation can be included in item 4h (Other).</p> <p>Item 5 (Travel with the children out of state) is not meant to pertain only to move-away cases. The committee believes that the issue is one of judicial education rather than revising the form, which on its face, is not limited to move-away cases.</p> <p>In attempting to be responsive commentators’ suggestions to improve this form, the committee may not be able to revise the form to provide additional fillable space at item 10.</p>

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<b>Form FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>A very common order requested is the request for drug testing. It would be helpful to add a checkbox item that requests drug testing by urinalysis with 24 hours notice with the results released to the requesting party, the cost of dirty tests to be reimbursed to the requesting party.</p>	<p>To keep the form to 2 pages, the committee prefers not adding another item, when the check box for “Other” could be used by a party to include the language suggested by the commentator.</p>
<p>Los Angeles Center for Law and Justice Suma Mathai, Esq.</p>	<p>Yes, the form should include check boxes, as proposed to include options for visitation to commence at the start of school or after school;</p> <p>however, additional language should also be included to allow the parties to indicate times for commencement and termination of visitation in the event that school is not in session. Visitation exchanges frequently occur on non-school days due to holidays and breaks, so inclusion of this additional language will be beneficial.</p>	<p>No response required.</p> <p>Due to the space limitations on this form, the committee prefers that parties use the “Other” check box to include the suggested provisions or add an additional page to the form.</p>
<p>Superior Court of Los Angeles County</p>	<p><b>Agree with proposed changes <i>only if modified</i>.</b></p> <p><b>Item 2e and 2e(1).</b> We think that the reference to “start of” and “after school” could be confusing. We recommend changing the language to say “start of school” and “after school” to clarify.</p> <p><b>Item 2e(4).</b> We find the use of these two sentences to be redundant. We recommend having one box at item 2e(4) and modifying the sentence to state “Other visitation (parenting time) days and times as well as additional restrictions are listed __ below or __ in attachment 2e(4) (<i>form MC-025 may be used for this purpose</i>): ”</p>	<p>The committee recommends revising the form as suggested.</p> <p>The committee recommends revising the form to clarify item 2e(4) and avoid redundancy.</p>

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<b>Form FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Superior Court of Santa Barbara County Deborah Mullin Family Law Facilitator</p>	<p>FL-311, p. 1, paragraph 1: Same comment as above. Move the “child’s name,” “DOB,” “Legal custody” and “Physical custody” columns to the left so that there’s more room for typing.</p> <p>FL-311, p. 1, paragraph 2(e): Indicate (Specify start and ending date and time. If applicable, check “start of” or “after” school.) By making this change, it clarifies that “start of” and “after” both refer to school.</p> <p>FL-311, p. 2, paragraph 2e.(4): Change the spacing on the responses. “Other visitation... (specify)” needs more space for a response. Put 2e(4) checkbox and sentence at the bottom of the given response area, as it is currently drafted.</p> <p>FL-311, p. 2, paragraph 4: Add as an alternative: “Transportation will be provided by the parent receiving the children.”</p> <p>FL-311, p. 2, paragraph 9: Change the form number to FL-341(E) Joint Legal Custody.</p>	<p>The committee recommends revising the form as requested.</p> <p>The committee recommends revising the form as requested, with other changes.</p> <p>The committee recommends revising the form to provide as much additional space as possible.</p> <p>Due to space limitations on the form, the committee prefers to not add the suggested language on the form. Instead, this information can be included in the “Other” section.</p> <p>The committee recommends revising the form as requested.</p>
<p>Superior Court of San Joaquin County</p>	<p>We feel [that the proposed global revisions to form FL-311 to delete all references to “parents” and replace them with “parties”] will positively impact all court patrons who commonly have difficulties noting their correct role on pleadings or filings. For our clerks it will save clerk processing time as we currently need to modify forms to remove Father or</p>	<p>No response required.</p>

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<b>Form FL-311</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>Mother and impose correct party titles.</p> <p>Form FL-311 should be revised at item 2.e. to include check boxes to indicate whether the visitation (parenting time) commences at the start of school or after school. This would save clerk time as clerks currently need to modify current forms so that items reflect correct starting and ending time on visitation schedules. It will also be helpful for law enforcement and schools/daycare when having to determine who to release the child to. Sometimes when we modify current forms the order appears doctored and validity may be questioned.</p>	<p>No response required.</p>

<b>Form FL-312</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Harriett Buhai Center for Family Law Meredith Alexander</p>	<p>Page 2, item 5, we recommend substituting form FL-311 for form FL-341(A). This form, FL-312 is part of a Request for Order, not an order, whereas FL-341(A) is an actual court order. Thus, it is more appropriate that in the Request for Order, the FL-311 or some other statement or attachment be used for the supervised visitation order requests. Attaching an FL-341(A) to an RFO will be confusing and misleading.</p>	<p>The committee recommends revising item 5 as suggested by the commentator.</p>
	<p>*Page 2, item 10: I suggest wording changes just to clarify the meaning of this item.</p> <p>I ask for a court order:</p> <p>___ requiring the party to turn in all the children's passports <u>and</u></p>	<p>Item 10 is titled "Turn in and Do Not Apply for Passports and Other Vital Documents."</p> <p>The committee recommends revising the form to include</p>

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<b>Form FL-312</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><u>other travel documents</u> in his or her possession <u>or control</u>.</p> <p>__preventing the party from applying for passports or other documents (such as visas or birth certificates) that can be used for <u>international</u> travel.</p> <p>I also suggest that FL-341(B) <i>Child Abduction Prevention Order Attachment</i> be amended to have separate orders for (1) turning in children’s passports and other travel documents in his or her possession or control as follows (<i>specify</i>): (Ex: opposing counsel; minor’s counsel; etc] and (2) Must not apply for a new passport or any other travel document for the children.</p>	<p>a request to turn in other <i>vital</i> documents and provide an example of vital documents. The list of vital documents would include “documents used for travel.” The committee agrees to revise the check box to include the documents in the party’s possession or “control.”</p> <p>The committee prefers the wording “...documents that can be used to travel with the children,” instead of limiting the request to situations involving international travel.</p> <p>The committee recommends revising form FL-341(B) so that it is consistent with the recommended changes to form FL-312.</p>
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p><b>Page 2, Item (5):</b> Litigants do not know that their designated supervisor, whether professional or non-professional, must meet the requirements of Family Code 3200.5. It would be helpful if this was specified on this form under Item (5). We could add something like “The supervisor must meet the requirements of Family Code §3200.5. These requirements are listed on form FL-324 Declaration of Supervised Visitation Provider.” If litigants are informed of these requirements, it will assist them in proposing appropriate supervisors and/or in deciding whether to request supervised visitation at all before filling in the request under Item (3).</p>	<p>The committee does not recommends this statement as the requirements only apply in cases that involve domestic violence.</p>

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<b>Form FL-312</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Also, the litigants typically are already completing and filing an FL-311 (rather than the FL-341(A), so it would be helpful if this was a checkbox option on Item (5).	The committee recommends revising item 5 to include a check box for form FL-311 and delete the check box for form FL-341(A), which is a court order.
Superior Court of Los Angeles County	<b>Agree</b> with proposed changes  We like the changes made to the language at item 3 because it is much clearer and more direct. Great change to the form. Otherwise we have no comments on this form.	No response required.
Superior Court of San Joaquin County Erica A. Ochoa Court Records Manager	Form FL-312, Request for Child Abduction Prevention Orders – Add a notice box at the bottom of page 2 of 2 to indicate that Form FL-341(B), Child Abduction Prevention Order Attachment goes hand in hand with FL-312 (312 is Request and 341(B) is the Order). Similar to the notice box on form FL-337 or notice at the bottom of form FL-320, page 2 of 2.  We feel [that the proposed global revisions to form FL-312 to delete all references to “parents” and replace them with “parties”] will positively impact all court patrons who commonly have difficulties noting their correct role on pleadings or filings. For our clerks it will save clerk processing time as we currently need to modify forms to remove Father or Mother and impose correct party titles.	Form 341(B) is an attachment to form FL-341, which is then attached to a <i>Findings and Order After Hearing</i> (form FL-340), a <i>Stipulation and Order for Custody and/or Visitation of Children</i> (form FL-355), or a <i>Judgment</i> (form FL-180). Therefore, the committee prefers not to recommend revising the form as suggested by the commentator.  No response required.

**Form FL-320**

**Comments from proposal W14-12 (circulated in 2014)**

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Commentator	Comment	Committee Response
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p><b>Item (3):</b> At item (c), the party is potentially consenting to a guideline order. Again, at item (d)(1), the party is potentially consenting to a guideline order. This seems repetitive. Do we need Item (d)(1)?</p> <p><b>Item (4)(c):</b> This section states that the party does not consent to the requested order but does not ask him/her to clarify the order to which he/she does consent until Item (4)(d). The former three items pertaining to child custody, child visitation/parenting time, and child support follow a different format, combining these two options into one. It would be helpful to follow the same format for all items, making Item (4)(c) unnecessary.</p> <p><b>Item (5):</b> It would be helpful if the responding party was informed that the FL-158 Supporting Declaration for Attorney’s Fees and Costs Attachment can be used to provide necessary information.</p> <p>Additionally, Items (1) through (3) on this form pertaining to child custody, child visitation/parenting time, and child support follow a different format, combining the option to not consent to the requested order and not consenting but explaining the order to which he/she would consent into one option. It would be helpful to follow the same format for all items, making Item (5)(c) unnecessary.</p> <p><b>Item (6):</b> Items (1) through (3) on this form pertaining to child custody, child visitation/parenting time, and child support</p>	<p>The committee recommends extensive revisions to simply this form that should address the comment.</p> <p>Same as above response.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends extensive revisions to simply this form that should address the comment.</p> <p>Item 6 pertains to property restraint. The committee recommends revising the form to delete “Property</p>

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<b>Form FL-320</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>follow a different format, combining the option to not consent to the requested order and not consenting but explaining the order to which he/she would consent into one option. It would be helpful to follow the same format for all items, making Item (6)(b) unnecessary.</p> <p><b>Item (7):</b> Items (1) through (3) on this form pertaining to child custody, child visitation/parenting time, and child support follow a different format, combining the option to not consent to the requested order and not consenting but explaining the order to which he/she would consent into one option. It would be helpful to follow the same format for all items, making Item (6)(b) unnecessary.</p> <p><b>Item (8) (now item 9):</b> The other party often requests several orders under “Other Relief,” making it difficult to respond using Item (8) on this form. It may be helpful to specify “order or orders” for Items (8)(a) through (c). Also, Items (1) through (3) on this form pertaining to child custody, child visitation/parenting time, and child support follow a different format, combining the option to not consent to the requested order and not consenting but explaining the order to which he/she would consent into one option. It would be helpful to follow the same format for all items, making Item (8)(b) unnecessary.</p> <p>Affirmative Relief: Parties frequently wish to make a Request for Affirmative Relief in their responses, and it’s difficult to use this form for this purpose. Can we have an Item (10)</p>	<p>Restraint” from the form.</p> <p>Item 7 pertains to property control. The committee recommends revising the form at item 7 as suggested by the commentator.</p> <p>The committee recommends changing the item to state “Other Orders Requested.”</p> <p>California Rules of Court, rule 5.92 provides that “[t]he responding papers may request relief related to the orders requested in the moving papers. Unrelated relief</p>



**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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

<b>Form FL-320</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Request for Affirmative Relief added?	must be sought by filing a separate request for order as specified in (a).”
Superior Court of Los Angeles County	<p><b>Agree with proposed changes only if modified.</b></p> <p>We like the additions made to the FL-320 regarding the instruction that an FL-150 or FL-155 be attached.</p> <p>We recommend that any relevant code sections and rules of court be indicated at the bottom right hand corner of the form above the <a href="http://www.courts.ca.gov">www.courts.ca.gov</a> website address.</p> <p>Additionally, in the box at the upper right hand corner, please add the words “FOR COURT USE ONLY.”</p>	<p>No response required.</p> <p>The committee recommends revising the form to include the relevant Family Code sections. As a policy change, the Judicial Council no longer includes rules of court on forms.</p> <p>The committee recommends this correction.</p>

<b>Form FL-336</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Harriett Buhai Center for Family Law Meredith Alexander	Page 1, item 1.e seems redundant with item 1.d and should be removed.	The committee recommends revising the form at page 1 by deleting item 1.d. However, the committee also recommends adding an “Other (specify):” checkbox for the court to indicate if the proceeding was heard in any other matter besides as a default, by declaration, by trial, or on the party’s request for order.
Los Angeles Center for Law and Justice Suma Mathai, Esq.	On <b>FL-336, Order to Pay Waived Court Fees and Costs</b> , Page 2, Item 5, we suggest that the heading language be changed. As written, it is unclear whether the court is ordering that notice be provided to a party, by whom, by when, and by what method, or if the item was intended for something else.	The committee recommends revising the form at item 5 to provide greater clarity about the notice required to be given to a party ordered to pay the initial fee waiver recipients court fees. The committee recommends that page 2 of the form specify circumstances in which a party or the court must ensure service of the order by mail.

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-336</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Superior Court of Los Angeles County	<p>Agree with proposed changes only if modified.</p> <p>We have one minor formatting change to this form. At item 2a (first and second line), and items 5a and 5b, for consistency’s sake, please capitalize the words “Parent/Party.” In other forms, wherever Petitioner and Respondent are capitalized, all three words in Other Parent/Party are also capitalized. We ask that this form be consistent with that formatting decision.</p> <p>Additionally, in the box at the upper right hand corner, please add the words “FOR COURT USE ONLY.”</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>Same as above response.</p>

<b>Form FL-337</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Superior Court of Los Angeles County	Agree with proposed changes	No response required.

<b>Form FL-341(C)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
Harriett Buhai Center for Family Law Meredith Alexander	<p>Page 1, item 1, for Mother’s birthday and Father’s birthday include the date, so that it reads:  “Mother’s birthday (<i>date</i>):  Father’s birthday (<i>date</i>).”</p> <p>Page 2, item 1, continued, the first line in the grid, underneath the heading “Holidays” should indicate “Other (specify).”</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the table at item 1, page 2, so that the title reads “Other Holidays.” This will allow additional space for a party to list the specific holiday.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-341(C)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	Page 2, item 2.b(1), the open parenthesis is missing between the words “has” and “number.”	The committee recommends revising the form as suggested by the commentator.
Stacy Larson Family Law Facilitator Superior Court of Shasta County	<p>It’s a great idea to update this form. It serves a dual purpose for litigants as it can be used as a settlement tool, helping them to remember to address each of these holidays and reducing conflict later, as well as for requests for orders and orders after hearing.</p> <p><b>Christmas and Christmas Eve:</b> I’m assuming we omit these holidays in the interest of political correctness, but it’s not practical to leave them off. Specifying the “first half” and “second half” of “Winter Break” does not address the days most frequently litigated by parents—who will have the child/children on Christmas Eve and Christmas. Because these popular holidays are not listed, litigants frequently forget to address them in their pleadings and/or stipulations. Can we please add them in as separate items?</p> <p><b>Easter:</b> Ditto from former comment—Easter Sunday is a big holiday for many families. Parents frequently litigate who is going to have the child on Easter Sunday. It would be helpful to add his in as a separate item.</p> <p><b>Summer Break:</b> Typically, parents share summer break, at least to some extent. It would be helpful if we had more room here to give a few specifics.</p> <p><b>December/January School Break:</b> It is unclear how this is</p>	<p>No response required.</p> <p>The committee prefers to recommend revising the form to provide a blank holiday table so that parties can list the holidays that are observed in their families.</p> <p>Same as above response.</p> <p>The committee’s recommended revisions to provide a blank table for a party to include other holidays will address the commentator’s request for additional space.</p> <p>The committee recommends revising the entry, which</p>

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<b>Form FL-341(C)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>different from “Winter Break, first half” and Winter Break, second half.” I suggest we omit this entry to make room for more important entries.</p> <p><b>Child’s birthday:</b> If we need to make room for other holidays, such as Christmas, we could reduce them back to just one child, allowing parents who have multiple children or who want to address halvesiblings’ and step-siblings’ birthdays under “other.”</p> <p><b>Breaks for year-round schools:</b> Year-round school schedules are typically a bit complicated, and it would be helpful to have some room here to specify how the breaks would be apportioned. It would be somewhat rare for one parent to have ALL the breaks from year-round schools.</p> <p><b>Column for “Times”:</b> The beginning and ending time information often does not fit in the column provided. Many of the holidays require writing in the starting date/time and ending date/time (e. g., “Friday after school to Monday before school” or “Mother to have Christmas morning until noon and Father to have Christmas day noon to _____”). School breaks are often even more complicated (e. g., “Mother to have the first two weeks of summer vacation. Father to have remainder of summer vacation, returning the child two weeks before the first</p>	<p>circulated for comment as “Winter Break” so that it reads “President’s Week Recess, first half” and “President’s Week Recess, second half,” Although this recess is also referred to as “Ski Week” or “Winter Break” in some schools , the committee prefers “President’s Week Recess because of its proximity to President’s Day weekend and to avoid confusion with the entry for “December/January School Break”</p> <p>The committee believes that the additional table recommended in the form will cover the situations described by the commentator.</p> <p>Same as above response.</p> <p>The committee recommends revising the holiday table in item by widening it as much as possible while retaining the other columns, which may be useful to some parties.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-341(C)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>day of school for the next academic year.”) It would be helpful to make this column wider, so we could write in the appropriate information. To make room, we could omit the “every year” column. Parents who have a particular holiday every year could simply write their designation (“petitioner” or “respondent”) in both the “even numbered” and “odd numbered” columns. Litigants are frequently confused regarding how to fill out this form and lack room to provide the necessary information.</p> <p>It’s a wonderful idea to make this form a two-page form and add significant room on page 2 to “write in” additional holidays. This is SO needed.</p>	<p>No response required.</p>
<p>Superior Court of Los Angeles County</p>	<p><b>Agree with proposed changes <b>only if modified.</b></b></p> <p>On page 1, we recommend that under “Father’s birthday” a row be added for “Other Parent/Party’s birthday.”</p> <p>On page 2, we noticed a few formatting errors. First, under <b>2. Vacations</b>, the words “Parent/Party” should be capitalized for consistency’s sake.</p> <p>Under 2b(2)(B) and 2b(2)(C), we recommend making Petitioner, Respondent and Other Parent/Party all lower case to be consistent with other forms. Whenever these words are used in a sentence, they are usually lower case. See item 7 on the proposed FL-300 for an example.</p> <p>Additionally, please remove the colon at item 2b(2)(C) after “suggestions of” to be consistent with item 2b(2)(B), which</p>	<p>The committee recommends revising the form as requested by the commentator.</p> <p>The committee recommends revising the form as requested by the commentator.</p> <p>The committee recommends the formatting that is approved by the Judicial Council forms style guide.</p> <p>The committee recommends revising the form as requested by the commentator.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-341(C)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	does not include a colon.	
Superior Court of Santa Barbara County Deborah Mullin Family Law Facilitator	<b>FL-341(C):</b> I don't understand the difference between "Winter Break, first half/Winter Break, second half" and "December/January School Break."	The committee recommends revising these entries as "President's Week Recess, first half" and "President's Week Recess, second half," Although this recess is also referred to as "Ski Week" or "Winter Break" in some schools, the committee prefers "President's Week Recess" because of its proximity to President's Day weekend.
Superior Court of San Joaquin County	We feel [that the proposed global revisions to form FL-341(C) to delete all references to "parents" and replace them with "parties"] will positively impact all court patrons who commonly have difficulties noting their correct role on pleadings or filings. For our clerks it will save clerk processing time as we currently need to modify forms to remove Father or Mother and impose correct party titles.	No response required.

<b>Form FL-341(D)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
John Chemeleski Superior Court Commissioner Superior Court of Los Angeles County	Objections to proposed form FL-341(D): <b>ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT.</b> This form should be eliminated. Except for items 1 and 2, most of these "provisions" impose on the constitutionally protected custodial rights of fit parents to raise their children under US Supreme Court case law (including Troxell v. Granville) and should only be ordered by the court where there has been a finding based on the evidence that a parent is not fit or capable of making appropriate decisions on such issues or where the court has assumed jurisdiction in a dependency case or where	The committee does not recommend eliminating this form.  Effective January 1, 2004, the Judicial Council approved form FL-341(D) for optional use to address common issues in custody and visitation orders such as safety, child care, and phone contact. It is meant to allow (1) litigants to set out a parenting schedule and (2) judicial officers to specify the scope of, and incorporate common provisions regarding, physical custody.

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-341(D)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	the parties have knowingly and intelligently waived such rights by agreement in mediation. The family court is required to resolve disputes over child custodial arrangements based upon what arrangements appear to be in the children’s best interests and is not to Impose restrictions on parents in a family law	
Harriett Buhai Center for Family Law Meredith Alexander	<p>Page 1, the introductory paragraph seems confusing because each of the items below identifies whether it applies to the parties or the noncustodial party. It might make more sense to have options at each item to check to identify whether the order applies to Petitioner, Respondent or both.</p> <p>Page 1, item 1, we recommend including boxes to check for Petitioner and Respondent. It is not always appropriate that both parties provide current contact information, such as in cases that involve domestic violence. Litigants should be given an easy option to ensure the other party provides current contact information without having to disclose their contact information if it would be dangerous to do so. Additionally, we recommend including “cell” as an option under 1.b, and an option 1.c for email address.</p> <p>Page 1, item 5, we recommend keeping the word non-custodial to help clarify the orders. We also recommend including options under items 5.b and 5.c for including a specific timeframe.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends revising the form as suggested by the commentator.</p> <p>The committee recommends keeping the word noncustodial in this item and providing additional space to include a specific timeframe for items 5b and 5c.</p>
Stacy Larson Family Law Facilitator Superior Court of Shasta County	<b>Item (5):</b> It would be helpful to add a checkbox option for parents to request or agree that parents must be given the opportunity to “make up” missed visitation or parenting time that is cancelled by the other parent.	The committee prefers that such information be provided in the check box for “Other” instead of creating a new provision on the already-crowded form.

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<b>Form FL-341(D)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>A very common order requested is the request for drug testing. It would be helpful to add a checkbox item that requests drug testing by urinalysis with 24 hours notice with the results released to the requesting party, the cost of dirty tests to be reimbursed to the requesting party.</p> <p><b>Item (10):</b> The use of marijuana is increasingly more common. It may be helpful to add “or medical marijuana smoke.”</p> <p>It would be helpful to add a clause similar to Item (7) prohibiting the parents from discussing court proceedings and litigation pertaining to the child or parties with the child.</p>	<p>Same response as above.</p> <p>The committee agrees to recommends this revision to the form.</p> <p>The committee agrees to recommend this revision to the form with minor changes.</p>
Superior Court of Los Angeles County	<p><b>Agree with proposed changes <i>only if modified</i>.</b></p> <p>In the first sentence starting with “The additional provisions to physical custody apply to,” please capitalize “Parent/Party” to be consistent with formatting on other forms.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p>
Superior Court of Santa Barbara County Deborah Mullin Family Law Facilitator	<p><b>FL-341(D), top of the page:</b> Why is the sentence added: “The additional provisions to physical custody apply to...Petitioner...Respondent...Other?” Almost all the numbered items refer to “each party” or “the parties.” If one item is supposed to refer to just one party, perhaps that numbered item should have the appropriate party check boxes. The language is confusing as drafted. I think it’s an unnecessary addition.</p>	<p>The sentence “The additional provisions to physical custody apply to (specify parties): _Petitioner _ Respondent _ Other Parent/Party” was added to avoid duplicating the entry in each of the subsequent items. In addition, the recommendation is for a global revision to replace all references to “parents” with “parties.” The committee believes that these change improve the form by allowing for cases in which the petitioner may not be a parent, such as in actions involving a local child support agency (who may be listed as the petitioner in</p>



**Comments from proposal W14-12 (circulated in 2014)**

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<b>Form FL-341(D)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
		the case), or cases in which the court grants custody or visitation rights to a child’s grandparent or another relative.
Superior Court of San Joaquin County	We feel [that the proposed global revisions to form FL-341(D) to delete all references to “parents” and replace them with “parties”] will positively impact all court patrons who commonly have difficulties noting their correct role on pleadings or filings. For our clerks it will save clerk processing time as we currently need to modify forms to remove Father or Mother and impose correct party titles.	No response required.

<b>Form FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
John Chemeleski Superior Court Commissioner Superior Court of Los Angeles County	<p>This proposal contains a major change from the existing form that is not discussed in the proposal.</p> <p>The current form reads as follows in par. 2:</p> <p>In exercising joint legal custody, the parents will share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the children. The parents must confer in making decisions on the following matters:</p>	<p>The proposed change described by the commentator is not a major change to the form. The revisions are meant to conform the language to the form’s original purpose.</p> <p>The Judicial Council approved form FL-341E, <i>Joint Legal Custody Attachment</i>, effective January 1, 2004, to allow the court to specify the circumstances under which the <i>consent</i> of both parents is required to be obtained in order for them to exercise legal control of the child and</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>The proposed form reads as follows:                      In exercising joint legal custody, the parties will share in the responsibility and discuss in good faith matters concerning the health, education, and welfare of the children. The parents must discuss and CONSENT in making decisions on the following matters:</p> <p>This change (requiring consent) would now appear to prevent a parent from enrolling a child in school, taking to a child to a doctor, dentist, or other health care professional (except in emergency) or to a counselor or sign up for soccer simply because the other parent failed to consent or refused to reply to a request that the parent “consent” to such activity. Should a parent in such a situation risk contempt of court by doing so or should that parent wait 6 to 12 weeks to get a hearing date?                      Will the courts have additional expenses in appointing counsel for a contempt defendants or should the courts summarily dismiss such charges?</p> <p>Such a draconian order should only be made in rare circumstances and with other specific provisions for resolving such disputes and should not be in a general use form leading users of such form to think this is an order the court would normally make.</p>	<p>the consequences of the failure to obtain mutual consent as required by Family Code section 3083.<sup>17</sup></p> <p>Same as above response.</p> <p>Generally, under Family Code section 3003, in exercising joint legal custody, the parties may act alone, as long as the action does not conflict with any orders concerning the physical custody of the children. The committee recommends revising the form to better clarify that the provisions listed on the form are only</p>

<sup>17</sup> Judicial Council of Cal., Family and Juvenile Law Advisory Com.Rep., *Family Law: Child Custody and Visitation Orders (revise forms FL-311 and FL-341; approve forms FL-341C, FL-341D, FL-341E, and FL-355)* (Sept. 10, 2003), p. 3.

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
		meant to be used in special circumstances as describe in Family Code section 3083.
Harriett Buhai Center for Family Law Meredith Alexander	Item 4.b should not be listed under the heading “Special decision making designation.” It should be moved and renumber as item 6 and listed as “6. [ ] Access to Records. Each party will have access to the children’s school, medical, and dental records, and the right to consult with professionals who are providing services to the children.” This item is very important and, as it is currently listed, is easily missed or misinterpreted by litigants, schools, and other professionals. The items that follow items should be renumbered accordingly.	Due to space constraints on the form, the committee recommends revising the title of item 4 to include “access to child’s records.”
Stacy Larson Family Law Facilitator Superior Court of Shasta County	<b>Item (2):</b> A common area for discussion between the parents is the religious affiliation, if any, the child will be exposed to. This should be added to the list of checkbox items.  There should be a provision after Item (2) explaining what the parties should do if they are not able to agree on these issues (such as file papers with the Court to litigate disputed issues).	The committee recommends retaining the checkbox relating to religious affiliation as this a common area for discussion between parents.  Given the space limitations of this of this form, the committee is unable to revise the form as suggested.
Los Angeles County Bar Association Family Law Section Seth Kramer, Chair	This proposal contains a major change from the existing form that is not discussed in the proposal. The current form reads as follows in par. 2:  <i>In exercising joint legal custody, the parents will share in the responsibility and confer in good faith on matters</i>	Comments are duplicative of those submitted by John John Chemeleski. See above response.

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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<b>Form FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	<p><i>concerning the health, education, and welfare of the children. The parents must confer in making decisions on the following matters:</i></p> <p>The proposed form reads as follows:</p> <p><i>In exercising joint legal custody, the parties will share in the responsibility and discuss in good faith matters concerning the health, education, and welfare of the children. The parents must discuss and consent in making decisions on the following matters:</i></p> <p>This change would now appear to prevent a parent from enrolling a child in school, taking a child to a doctor, dentist, or other health care professional (except in emergency) or to a counselor or sign up for soccer simply because the other parent failed or refused to reply to a request that the parent "consent" to such activity. Should a parent in such a situation risk contempt of court by doing so or should that parent wait 6 to 12 weeks to get a hearing date? Will the courts have additional expenses in appointing counsel for a contempt defendants or should the courts summarily dismiss such charges?</p> <p>Such a draconian order should only be made in rare circumstances and with other specific provisions for resolving such disputes and should not be in a general use form leading users of such form to think this is an order the</p>	<p>See above response.</p> <p>See above response.</p>

**Comments from proposal W14-12 (circulated in 2014)**

**Family Law: Changes to Request for Order Rules and Forms** (Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94; 5.151, and 5.170; adopt form FL-303; and revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(A), FL-341(B), FL-341(C), FL-341(D), and FL-341(E))

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

<b>Form FL-341(E)</b>		
<b>Commentator</b>	<b>Comment</b>	<b>Committee Response</b>
	court would normally make.	
Superior Court of Los Angeles County	<p><b>Agree</b> with proposed changes <b>only if modified</b>.</p> <p><b>Item 1.</b> Please capitalize “Parent/Party” to be consistent with formatting on other forms.</p> <p><b>Item 2.</b> In the second sentence, please change the word “parents” to “parties” for consistency’s sake.</p>	<p>The committee recommends revising the form as suggested by the commentator.</p> <p>Same as above response.</p>
Superior Court of San Joaquin County	We feel [that the proposed global revisions to form FL-341(E) to delete all references to “parents” and replace them with “parties”] will positively impact all court patrons who commonly have difficulties noting their correct role on pleadings or filings. For our clerks it will save clerk processing time as we currently need to modify forms to remove Father or Mother and impose correct party titles.	No response required.



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2015

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Title	Agenda Item Type
Judicial Branch Administration: Changes to Rules, Standards, and Forms to Replace the Names “Administrative Office of the Courts” and “AOC”	Action Required
	Effective Date
	January 1, 2016
Rules, Forms, Standards, or Statutes Affected	Date of Report
Amend Cal. Rules of Court, titles 2, 3, 4, 5, 7, 8, and 10 and Appendixes D and F; and Cal. Stds. Jud. Admin., stds. 5.40, 5.45, 10.10, 10.11, 10.15, 10.16, and 10.80, and revise forms MC-700 and MC-704	September 4, 2015
	Contact
	Susan R. McMullan, 415-865-7990 <a href="mailto:susan.mcmullan@jud.ca.gov">susan.mcmullan@jud.ca.gov</a>
Recommended by	
Hon. Douglas P. Miller, Chair Executive and Planning Committee	
Hon. Kenneth K. So, Chair Policy Coordination and Liaison Committee	
Hon. Harry E. Hull, Jr., Chair Rules and Projects Committee	
Hon. David M. Rubin, Chair Litigation Management Committee	

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### Executive Summary

The chairs of the Judicial Council’s Executive and Planning, Policy Coordination and Liaison, Rules and Projects, and Litigation Management Committees recommend that the California Rules of Court and Standards of Judicial Administration be amended and Judicial Council forms be revised to replace the names “Administrative Office of the Courts” and “AOC” with “Judicial Council,” or “Judicial Council staff,” as appropriate, to further effectuate the name change that began

in July 2014 and to make other technical and minor substantive changes to the name of a Judicial Council advisory body, staff office, or staff position to accurately reflect the current name and to accurately state the number of internal committees and describe policymaking positions.

## **Recommendation**

The chairs of the Judicial Council’s Executive and Planning, Policy Coordination and Liaison, Rules and Projects, and Litigation Management Committees (internal chairs) recommend that the Judicial Council, effective January 1, 2016, take action to fully implement the change of the names “Administrative Office of the Courts” and “AOC” to “Judicial Council” or “Judicial Council staff” as appropriate, to shorten “Administrative Director of the Courts” to “Administrative Director,” and to make other technical and minor substantive changes by:

1. Amending titles 2, 3, 4, 5, 7, 8, and 10 and Appendixes D and F of the California Rules of Court;
2. Amending the California Standards of Judicial Administration standards 5.40, 5.45, 10.10, 10.11, 10.15, 10.16, and 10.80; and
3. Revising forms MC-700 and MC-704.

The text of the amended rules and standards and the revised forms are attached at pages 6–81.

## **Previous Council Action**

On July 22, 2014, the Judicial Council accepted the recommendation of the five internal chairs, acting at the direction of the Chief Justice, to amend the rules of court to retire the use of the names “Administrative Office of the Courts” and “AOC” for the Judicial Council staff.<sup>1</sup> At that time, the council amended rules 10.1, 10.80, and 10.81 and accepted other recommendations concerning the name change, including: “Direct the [internal committee] chairs to undertake a systematic review of the California Rules of Court and to propose additional rules amendments in the future to eliminate the references to ‘Administrative Office of the Courts’ and ‘AOC,’ replacing them with references to ‘Judicial Council,’ ‘Judicial Council staff,’ or ‘Administrative Director,’ as appropriate.”

## **Rationale for Recommendation**

The July 2014 report to the council explained the rationale for these changes. The council concluded that, as a matter of sound policy, it was desirable and beneficial to unite the Judicial Council and its staff under the single name “Judicial Council of California” by retiring the separate name “Administrative Office of the Courts” or “AOC.” For years, the Chief Justice and Judicial Council members had encountered confusion among those unfamiliar with the judicial branch about the role and relationship of the AOC to the council. It was a common

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<sup>1</sup> Judicial Council of Cal., *Judicial Branch Administration: Retirement of the Names “Administrative Office of the Courts” and “AOC”* (July 22, 2014), available at: <http://www.courts.ca.gov/documents/jc-20140729-itemB.pdf>.

misperception that the AOC was an entity that was separate from, and in some way independent of, the council, with its own policymaking authority. In reality, the AOC was not a separate entity. It was a name that many years ago had been conferred on staff to the Judicial Council by the council itself. Unfortunately, while unintended, that act of naming the staff had confused many members of the public and other branches of government about the true roles and responsibilities of the council. This confusion was impeding the council in advancing the interests of the judicial branch with both the legislative and executive branches. Accordingly, the council determined that a change in nomenclature was desirable to bring the council into conformity with other state government entities and offices that do not give separate names to their staff.

The California Rules of Court are amended throughout to replace “Administrative Office of the Courts” and “AOC,” with “Judicial Council,” “Judicial Council staff,” or another appropriate reference. In addition, references to “Administrative Director of the Courts” are shortened to “Administrative Director.” As referenced in the title of rule 10.80, “Administrative Director” is a shortened version of “Administrative Director of the Courts.” The Administrative Director is appointed by the Judicial Council under article VI, section 6 of the California Constitution and performs those functions prescribed by the Constitution and laws of the state, or delegated to the director by the Judicial Council or the Chief Justice. (Cal. Rules of Court, rule 10.80(a).) These rule amendments would implement the changes initiated in July 2014 and will carry out the directive of the council.<sup>2</sup> The amendments are not intended to make any substantive changes, unless specifically identified as minor substantive changes.

### **Replacing “Administrative Office of the Courts” with “Judicial Council”**

The words “Administrative Office of the Courts” and “AOC” in the existing rules and standards are used to describe both (1) individual and groups of staff with specific responsibilities and (2) the entire staff of the Judicial Council. Most references in the rules and standards replace “Administrative Office of the Courts” with “Judicial Council staff.”

In some rules and standards, it is appropriate to substitute “Judicial Council” without “staff” in place of “Administrative Office of the Courts.” Thus, for example, rule 2.1050(c), on public access to Judicial Council jury instructions, is amended to provide that the Judicial Council, rather than the Administrative Office of the Courts, must provide copies and updates of approved jury instructions to the public on the California Courts website. Standard 10.16 currently provides that a model code of ethical behavior for court staff is published by the Administrative Office of the Courts. Because there is no need to specify that this code is published by staff, the rule is amended to replace “Administrative Office of the Courts” with “Judicial Council.”

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<sup>2</sup> Since the council’s action in July 2014 to eliminate the names “Administrative Office of the Courts” and “AOC,” various specific rules have already been amended to use the new nomenclature when they have been amended for other purposes. The name change is also included in a separate proposal (to amend rule 10.620) that is on this meeting’s agenda. The purpose of the present proposal is to implement a comprehensive revision of the California Rules of Court so that there will be consistent terminology used throughout the rules.



In rule 10.30(b)(3), concerning the functions of council advisory bodies, “Administrative Director” replaces “Administrative Office of the Courts” in a provision stating that the council may assign policy-implementation and programmatic responsibilities to an advisory body and may request that the body make recommendations to the Administrative Director (formerly “Administrative Office of the Courts”) on implementation of council policy or programs. Because the Administrative Director, under rule 10.80, is responsible for accomplishing the council’s goals and priorities and for allocating resources for advisory bodies to achieve branch goals and policies adopted by the council, it is appropriate that this rule be amended to use “Administrative Director” rather than “Judicial Council staff.”

### **Other amendments**

Other amendments are made to reflect the current name of smaller units within the Judicial Council staff. For example, in rule 10.14(c) and elsewhere, “the Office of the General Counsel” is amended to read “Judicial Council Legal Services.” Rules that refer to the Finance Division and Human Resources Division have been amended to replace the word “Division” with “office” and rules that refer to “the AOC Education Division” have been amended to delete that name, and add “Judicial Council’s” before “Center for Judicial Education and Research.” Similar changes substitute “Chief Counsel” for “General Counsel.”

Minor substantive changes have been made to reflect current responsibilities of council groups and management staff. Rule 10.2 is amended to acknowledge the addition of the Judicial Council Technology Committee as an internal committee of the Judicial Council. Subdivision (b) of that rule is amended to state that the council has five (rather than four) internal committees and eight (rather than seven) officers, including the chairs of the internal committees. Rule 10.104(c) is amended to delete “the Chief Deputy Director,” a position that no longer exists, and to add Chief of Staff, Chief Operating Officer, and Chief Administrative Officer to the list of those who are in policymaking positions.

Rule 10.172 is amended to replace the name “Working Group on Court Security,” which no longer exists, with “Court Security Advisory Committee,” which has the responsibilities described in this rule that were formerly held by the working group.<sup>3</sup> Subdivision (d) of that rule is amended to provide that a superior court must “give notice to the council” of whether it has made any changes to its court security plan.

### **Form Revisions**

Two forms, *Prefiling Order—Vexatious Litigant* (MC-700) and *Order on Application to Vacate Prefiling Order and Remove Plaintiff/Petitioner From Judicial Council Vexatious Litigant List* (MC-704), are revised to replace “Administrative Office of the Courts” with “Judicial Council” in the address box at the bottom of the page.

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<sup>3</sup> This proposal is not intended to make any substantive changes to advisory bodies’ names and responsibilities.

## **Comments, Alternatives Considered, and Policy Implications**

The proposal circulated for public comment from April 17 to June 17, 2015. Two commentators submitted comments: the Superior Courts of Riverside and San Diego Counties.<sup>4</sup> Both agreed with the proposal without providing any narrative comments.

### **Alternatives**

The internal committee chairs did not consider alternatives because the council directed these changes be made, and they complete the amendment of rules to reflect the name change from “Administrative Office of the Courts” to “Judicial Council” and “Judicial Council staff.” Other technical and minor substantive changes were needed to update the name of a council advisory body, staff office, or staff position that has changed and to accurately state the number of internal committees and describe policymaking positions.

### **Implementation Requirements, Costs, and Operational Impacts**

Costs will be minimal. Following council adoption, publishers will publish the amended rules and standards and revised forms and they will be posted on the California Courts website.

### **Attachments and Links**

1. Cal. Rules of Court, titles 2, 3, 4, 5, 7, 8, and 10, at pages 6–64
2. Cal Stds. Jud. Admin., stds. 5.40, 5.45, 10.10, 10.11, 10.15, 10.16, and 10.80, at pages 65–69
3. Cal. Rules of Court, Appendixes D and F, at pages 70–79
4. Judicial Council forms MC-700 and MC-704, at pages 80–81
4. Chart of comments, at page 82

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<sup>4</sup> The comments received and committee responses are included in a comment chart attached at page 82.

Rules 2.503, 2.892, 2.894, 2.952, 2.954, 2.1050, 3.221, 3.500, 3.501, 3.550, 3.869, 4.102, 4.152, 4.153, 5.210, 5.225, 5.230, 5.505, 5.518, 5.655, 7.1101, 8.300, 8.405, 8.825, 8.831, 8.851, 8.852, 8.901, 8.904, and 8.930 of the California Rules of Court, are amended, effective January 1, 2016, to read:

1 **Rule 2.503. Public access**

2  
3 (a)–(i) \* \* \*

4 **Advisory Committee Comment**

5  
6 The rule allows a level of access by the public to all electronic records that is at least equivalent  
7 to the access that is available for paper records and, for some types of records, is much greater. At  
8 the same time, it seeks to protect legitimate privacy concerns.

9  
10 **Subdivision (c).** \*\*\*

11  
12 **Subdivisions (f) and (g).** These subdivisions limit electronic access to records (other than the  
13 register, calendars, or indexes) to a case-by-case basis and prohibit bulk distribution of those  
14 records. These limitations are based on the qualitative difference between obtaining information  
15 from a specific case file and obtaining bulk information that may be manipulated to compile  
16 personal information culled from any document, paper, or exhibit filed in a lawsuit. This type of  
17 aggregate information may be exploited for commercial or other purposes unrelated to the  
18 operations of the courts, at the expense of privacy rights of individuals.

19  
20 Courts must send a copy of the order permitting remote electronic access in extraordinary  
21 criminal cases to: ~~Secretariat, Executive Office Programs Division, Administrative Office of the~~  
22 ~~Courts~~ Criminal Justice Services, Judicial Council of California, 455 Golden Gate Avenue, San  
23 Francisco, CA 94102-3688 or ~~secretariat@jud.ca.gov~~.

24  
25 **Rule 2.892. Guidelines for approval of certification programs for interpreters for**  
26 **deaf and hard-of-hearing persons**

27  
28 Each organization, agency, or educational institution that administers tests for  
29 certification of court interpreters for deaf and hard-of-hearing persons under Evidence  
30 Code section 754 must comply with the guidelines adopted by the Judicial Council  
31 effective February 21, 1992, and any subsequent revisions, and must hold a valid, current  
32 approval by the Judicial Council to administer the tests as a certifying organization. The  
33 guidelines are stated in the *Judicial Council Guidelines for Approval of Certification*  
34 *Programs for Interpreters for Deaf and Hard-of-Hearing Persons*, published by the  
35 ~~Administrative Office of the Courts~~ Judicial Council.

36  
37 **Rule 2.894. Reports on appointments of certified and registered interpreters and**  
38 **noncertified and nonregistered interpreters**

39  
40 Each superior court must report to the Judicial Council on:

1 (1) The appointment of certified and registered interpreters under Government Code  
2 section 71802, as required by the ~~Administrative Office of the Courts~~ Judicial  
3 Council; and

4  
5 (2) \* \* \*

6  
7 **Rule 2.952. Electronic recording as official record of proceedings**

8  
9 (a)–(i) \* \* \*

10  
11 (j) **Record on appeal**

12  
13 (1)–(2) \* \* \*

14  
15 (3) *Preparation of transcript*

16  
17 On receiving directions to have a transcript prepared, the clerk may have the  
18 material transcribed by a court employee, but should ordinarily send the reels  
19 in question to a professional recording service that has been certified by the  
20 federal court system or the ~~Administrative Office of the Courts~~ Judicial  
21 Council or verified by the clerk to be skilled in producing transcripts.  
22

23 **Rule 2.954. Specifications for electronic recording equipment**

24  
25 (a)–(d) \* \* \*

26  
27 (e) **Previous equipment**

28  
29 The ~~Administrative Director of the Courts~~ is authorized to approve any electronic  
30 recording devices and equipment acquired before the adoption or amendment of  
31 this rule that has been found by the court to produce satisfactory recordings of  
32 proceedings.  
33

34 **Rule 2.1050. Judicial Council jury instructions**

35  
36 (a)–(b) \* \* \*

37  
38 (c) **Public access**

39  
40 The ~~Administrative Office of the Courts~~ Judicial Council must provide copies and  
41 updates of the approved jury instructions to the public on the California Courts  
42 website. The ~~Administrative Office of the Courts~~ Judicial Council may contract  
43 with an official publisher to publish the instructions in both paper and electronic

1 formats. The Judicial Council intends that the instructions be freely available for  
2 use and reproduction by parties, attorneys, and the public, except as limited by this  
3 subdivision. The ~~Administrative Office of the Courts~~ Judicial Council may take  
4 steps necessary to ensure that publication of the instructions by commercial  
5 publishers does not occur without its permission, including, without limitation,  
6 ensuring that commercial publishers accurately publish the Judicial Council’s  
7 instructions, accurately credit the Judicial Council as the source of the instructions,  
8 and do not claim copyright of the instructions. The ~~Administrative Office of the~~  
9 ~~Courts~~ Judicial Council may require commercial publishers to pay fees or royalties  
10 in exchange for permission to publish the instructions. As used in this rule,  
11 “commercial publishers” means entities that publish works for sale, whether for  
12 profit or otherwise.

13  
14 **(d) Updating and amendments**

15  
16 The Judicial Council instructions will be regularly updated and maintained through  
17 its advisory committees on jury instructions. Amendments to these instructions will  
18 be circulated for public comment before publication. Trial judges and attorneys  
19 may submit for the advisory committees’ consideration suggestions for improving  
20 or modifying these instructions or creating new instructions, with an explanation of  
21 why the change is proposed. Suggestions should be sent to the ~~Administrative~~  
22 ~~Office of the Courts, Office of the General Counsel~~ Judicial Council of California,  
23 Legal Services.

24  
25 **(e) \* \* \***

26  
27 **Rule 3.221. Information about alternative dispute resolution**

28  
29 **(a) Court to provide information package**

30  
31 Each court must make available to the plaintiff, at the time the complaint is filed in  
32 all general civil cases, an alternative dispute resolution (ADR) information package  
33 that includes, at a minimum, all of the following:

- 34  
35 (1) General information about the potential advantages and disadvantages of  
36 ADR and descriptions of the principal ADR processes. ~~The Administrative~~  
37 ~~Office of the Courts has~~ Judicial Council staff have prepared model language  
38 that the courts may use to provide this information.

39  
40 (2)–(4) \* \* \*

41  
42 **(b)–(c) \* \* \***

1  
2 **Rule 3.500. Transfer and consolidation of noncomplex common-issue actions filed**  
3 **in different courts**

4  
5 (a)–(f) \* \* \*

6  
7 (g) **Conflicting orders**

8  
9 The Judicial Council’s coordination staff ~~in the Administrative Office of the Courts~~  
10 must review all transfer orders submitted under (e) and must promptly confer with  
11 the presiding judges of any courts that have issued conflicting orders under Code of  
12 Civil Procedure section 403. The presiding judges of those courts must confer with  
13 each other and with the judges who have issued the orders to the extent necessary  
14 to resolve the conflict. If it is determined that any party to a case has failed to  
15 disclose information concerning pending motions, the court may, after a duly  
16 noticed hearing, find that the party’s failure to disclose is an unlawful interference  
17 with the processes of the court.  
18

19 (h) \* \* \*

20  
21 **Rule 3.501. Definitions**

22  
23 As used in this chapter, unless the context or subject matter otherwise requires:

24  
25 (1)–(5) \* \* \*

26  
27 (6) “Coordination attorney” means an attorney ~~in the Administrative Office of the~~  
28 ~~Courts~~ with the Judicial Council staff appointed by the Chair of the Judicial  
29 Council to perform such administrative functions as may be appropriate under the  
30 rules in this chapter, including but not limited to the functions described in rules  
31 3.524 and 3.550.  
32

33 (7)–(19) \* \* \*

34  
35 **Rule 3.550. General administration by ~~the Administrative Office of the~~**  
36 **Courts Judicial Council staff**

37  
38 (a) **Coordination attorney**

39  
40 Except as otherwise provided in the rules in this chapter, all necessary  
41 administrative functions under this chapter will be performed at the direction of the  
42 Chair of the Judicial Council by a coordination attorney ~~in the Administrative~~  
43 ~~Office of the Courts.~~

1  
2 (b)–(c) \* \* \*

3  
4 **Rule 3.869. General requirements for complaint procedures and complaint**  
5 **proceedings**

6  
7 (a)–(g) \* \* \*

8  
9 **Advisory Committee Comment**

10  
11 ~~The Administrative Office of the Courts has~~ Judicial Council staff have developed model local  
12 rules that satisfy the requirements of this rule. These model local rules were developed with input  
13 from judicial officers, court administrators, alternative dispute resolution (ADR) program  
14 administrators, court-program mediators, and public commentators and are designed so that they  
15 can be readily adapted to the circumstances of individual courts and specific complaints. Courts  
16 are encouraged to adopt rules that follow the model rules, to the extent feasible. Courts can obtain  
17 copies of these model rules from the Judicial Council’s civil ADR program staff ~~at the~~  
18 ~~Administrative Office of the Courts.~~

19  
20 **Subdivision (a).** \* \* \*

21  
22 **Subdivision (c).** \* \* \*

23  
24 **Subdivision (d).** \* \* \*

25  
26 **Rule 4.102. Uniform bail and penalty schedules—traffic, boating, fish and game,**  
27 **forestry, public utilities, parks and recreation, business licensing**

28  
29 The Judicial Council of California has established the policy of promulgating uniform  
30 bail and penalty schedules for certain offenses in order to achieve a standard of  
31 uniformity in the handling of these offenses.

32  
33 In general, bail is used to ensure the presence of the defendant before the court. Under  
34 Vehicle Code sections 40512 and 13103, bail may also be forfeited and forfeiture may be  
35 ordered without the necessity of any further court proceedings and be treated as a  
36 conviction for specified Vehicle Code offenses. A penalty in the form of a monetary sum  
37 is a fine imposed as all or a portion of a sentence imposed.

38  
39 To achieve substantial uniformity of bail and penalties throughout the state in traffic,  
40 boating, fish and game, forestry, public utilities, parks and recreation, and business  
41 licensing cases, the trial court judges, in performing their duty under Penal Code section  
42 1269b to annually revise and adopt a schedule of bail and penalties for all misdemeanor  
43 and infraction offenses except Vehicle Code infractions, must give consideration to the

1 Uniform Bail and Penalty Schedules approved by the Judicial Council. The Uniform Bail  
2 and Penalty Schedule for infraction violations of the Vehicle Code will be established by  
3 the Judicial Council in accordance with Vehicle Code section 40310. Judges must give  
4 consideration to requiring additional bail for aggravating or enhancing factors.

5  
6 After a court adopts a countywide bail and penalty schedule, under Penal Code section  
7 1269b, the court must, as soon as practicable, mail a copy of the schedule to the Judicial  
8 Council with a report stating how the revised schedule differs from the council’s uniform  
9 traffic bail and penalty schedule, uniform boating bail and penalty schedule, uniform fish  
10 and game bail and penalty schedule, uniform forestry bail and penalty schedule, uniform  
11 public utilities bail and penalty schedule, uniform parks and recreation bail and penalty  
12 schedule, or uniform business licensing bail and penalty schedule.

13  
14 The purpose of this uniform bail and penalty schedule is to:

- 15  
16 (1) Show the standard amount for bail, which for Vehicle Code offenses may also be  
17 the amount used for a bail forfeiture instead of further proceedings; and  
18  
19 (2) Serve as a guideline for the imposition of a fine as all or a portion of the penalty for  
20 a first conviction of a listed offense where a fine is used as all or a portion of the  
21 penalty for such offense. The amounts shown for the misdemeanors on the boating,  
22 fish and game, forestry, public utilities, parks and recreation, and business licensing  
23 bail and penalty schedules have been set with this dual purpose in mind.

24  
25 Unless otherwise shown, the maximum penalties for the listed offenses are six months in  
26 the county jail or a fine of \$1,000, or both. The penalty amounts are intended to be used  
27 to provide standard fine amounts for a first offense conviction of a violation shown where  
28 a fine is used as all or a portion of the sentence imposed.

29  
30 **Note:**

31 Courts may obtain copies of the Uniform Bail and Penalty Schedules by contacting:

32 ~~Office of the General Counsel~~

33 ~~Administrative Office of the Courts~~

34 Criminal Justice Services

35 Judicial Council of California

36 455 Golden Gate Avenue

37 San Francisco, CA 94102-3688

38 (415) 865-7611 or

39 ~~www.courts.ca.gov/reference~~ <http://www.courts.ca.gov/7532.htm>

40  
41 **Rule 4.152. Selection of court and trial judge**



1 When a judge grants a motion for change of venue, he or she must inform the presiding  
2 judge of the transferring court. The presiding judge, or his or her designee, must:

3  
4 (1) Notify the Administrative Director ~~of the Courts~~ of the change of venue. After  
5 receiving the transferring court’s notification, the Administrative Director, in order  
6 to expedite judicial business and equalize the work of the judges, must advise the  
7 transferring court which courts would not be unduly burdened by the trial of the  
8 case.

9  
10 (2) \* \* \*

11  
12 **Rule 4.153. Order on change of venue**

13  
14 After receiving the list of courts from the Administrative Director ~~of the Courts~~, the  
15 presiding judge, or his or her designee, must:

16  
17 (1)–(3) \* \* \*

18  
19 **Rule 5.210. Court-connected child custody mediation**

20  
21 (a)–(f) \* \* \*

22  
23 (g) **Education and training providers**

24  
25 Only education and training acquired from eligible providers meet the requirements  
26 of this rule. “Eligible providers” includes the ~~Administrative Office of the Courts~~  
27 Judicial Council and may include educational institutions, professional  
28 associations, professional continuing education groups, public or private for-profit  
29 or not-for-profit groups, and court-connected groups.

30  
31 (1) \* \* \*

32  
33 (2) Effective July 1, 2005, all education and training programs must be approved  
34 by ~~the Administrative Office of the Courts~~ Judicial Council staff in  
35 consultation with the Family and Juvenile Law Advisory Committee.

36  
37 (h) \* \* \*

38  
39 **Rule 5.225. Appointment requirements for child custody evaluators**

40  
41 (a)–(m) \* \* \*

1 (n) **Education and training providers**

2  
3 “Eligible providers” includes the ~~Administrative Office of the Courts~~ Judicial  
4 Council and may include educational institutions, professional associations,  
5 professional continuing education groups, public or private for-profit or not-for-  
6 profit groups, and court-connected groups. Eligible providers must:

7  
8 (1)–(6) \* \* \*

9  
10 (o) **Program approval required**

11  
12 All education and training programs must be approved by ~~the Administrative~~  
13 ~~Office of the Courts~~ Judicial Council staff in consultation with the Family and  
14 Juvenile Law Advisory Committee. Education and training courses that were taken  
15 between January 1, 2000, and July 1, 2003, may be applied toward the  
16 requirements of this rule if they addressed the subjects listed in (d) and either were  
17 certified or approved for continuing education credit by a professional provider  
18 group or were offered as part of a related postgraduate degree or licensing program.

19  
20 **Rule 5.230. Domestic violence training standards for court-appointed child custody**  
21 **investigators and evaluators**

22  
23 (a)–(c) \* \* \*

24  
25 (d) **Mandatory training**

26  
27 Persons appointed as child custody investigators under Family Code section 3110  
28 or Evidence Code section 730, and persons who are professional staff or trainees in  
29 a child custody or visitation evaluation or investigation, must complete basic  
30 training in domestic violence issues as described in Family Code section 1816 and,  
31 in addition:

32  
33 (1) *Advanced training*

34  
35 Sixteen hours of advanced training must be completed within a 12-month  
36 period. The training must include the following:

37  
38 (A) Twelve hours of instruction, as approved by ~~the Administrative Office~~  
39 ~~of the Courts~~ Judicial Council staff, in:

40  
41 (i)–(v) \* \* \*

42  
43 (B) \* \* \*

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(2) \* \* \*

**(e) Education and training providers**

Only education and training acquired from eligible providers meets the requirements of this rule. “Eligible providers” includes the ~~Administrative Office of the Courts~~ Judicial Council and may include educational institutions, professional associations, professional continuing education groups, public or private for-profit or not-for-profit groups, and court-connected groups.

(1) \* \* \*

(2) Effective July 1, 2005, all education and training programs must be approved by ~~the Administrative Office of the Courts~~ Judicial Council staff in consultation with the Family and Juvenile Law Advisory Committee.

**(f)–(g)** \* \* \*

**Rule 5.505. Juvenile dependency court performance measures**

**(a)–(b)** \* \* \*

**(c) Data collection**

(1) \* \* \*

(2) Before implementation of the CCMS family and juvenile law module, each local court must collect and submit to the ~~AOC~~ Judicial Council the subset of juvenile dependency data described in (b) and further delineated in the *Implementation Guide to Juvenile Dependency Court Performance Measures* that it is reasonably capable of collecting and submitting with its existing court case management system and resources.

(3) On implementation of the CCMS family and juvenile law module in a local court, and as the necessary data elements become electronically available, the local court must collect and submit to the ~~AOC~~ Judicial Council the juvenile dependency data described in (b) and further delineated in the *Implementation Guide to Juvenile Dependency Court Performance Measures*. For the purposes of this subdivision, “implementation of the CCMS family and juvenile law module” in a local court means that the CCMS family and juvenile law module has been deployed in that court, is

1 functioning, and has the ability to capture the required data elements and that  
2 local court staff has been trained to use the system.

3  
4 **(d) Use of data and development of measures before CCMS implementation**

5  
6 Before CCMS implementation, the ~~AOC~~ Judicial Council must:

7  
8 (1) \* \* \*

9  
10 (2) Establish a procedure to assist the local courts in submitting the required data  
11 to the ~~AOC~~ Judicial Council;

12  
13 (3)–(5) \* \* \*

14  
15 **(e) Use of data after CCMS implementation**

16  
17 On implementation of CCMS, the ~~AOC~~ Judicial Council must:

18  
19 (1)–(4) \* \* \*

20  
21 **Rule 5.518. Court-connected child protection/dependency mediation**

22  
23 **(a)–(h) \* \* \***

24  
25 **(i) Education and training providers**

26  
27 Only education and training acquired from eligible providers meet the requirements  
28 of this rule. “Eligible providers” includes the ~~Administrative Office of the Courts~~  
29 Judicial Council and may include educational institutions, professional  
30 associations, professional continuing education groups, public or private for-profit  
31 or not-for-profit groups, and court-connected groups.

32  
33 (1) \* \* \*

34  
35 (2) Effective July 1, 2005, all education and training programs must be approved  
36 by the ~~Administrative Office of the Courts~~ Judicial Council staff in  
37 consultation with the Family and Juvenile Law Advisory Committee.

38  
39 **(j) \* \* \***

40  
41 **Rule 5.655. Program requirements for Court Appointed Special Advocate programs**

1 (a) \* \* \*

2

3 (b) **Definitions**

4

5 (1) \* \* \*

6

7 (2) ~~The Judicial Council's Administrative Office of the Courts (AOC) staff~~ may  
8 create a *CASA Program Policies and Procedures Manual* containing  
9 recommended program policies and procedures. If ~~the AOC~~ Judicial Council  
10 staff creates a manual, it will be developed in collaboration with the  
11 California CASA Association and California CASA program directors. The  
12 protocols will address program and fiscal management, and the recruitment,  
13 screening, selection, training, and supervision of lay volunteers.

14

15 (3)–(5) \* \* \*

16

17 (c)–(j) \* \* \*

18

19 (k) **CASA program administration and management**

20

21 A CASA program must adopt and adhere to a written plan for program governance  
22 and evaluation that includes the following as applicable:

23

24 (1) Articles of incorporation, bylaws, and a board of directors. Any CASA  
25 program that functions under the auspices of a public agency or private entity  
26 must specify in its plan a clear administrative relationship with the parent  
27 organization and clearly delineated delegations of authority and  
28 accountability. No CASA program may function under the auspices of a  
29 probation department or department of social services. CASA programs may  
30 receive funds from probation departments, local child welfare agencies, and  
31 the California Department of Social Services if:

32

33 (A)–(B) \* \* \*

34

35 (C) Any MOU or contract between a CASA program and the contributing  
36 agency is submitted to and approved by ~~AOC~~ Judicial Council staff.

37

38 (2)–(5) \* \* \*

39

40 (l) **Finance, facility, and risk management**

41

42 (1) A CASA program must adopt a written plan for fiscal control. The fiscal plan  
43 must include an annual audit, conducted by a qualified professional, that is

1 consistent with generally accepted accounting principles and the audit  
2 protocols in the program’s contract with the ~~Administrative Office of the~~  
3 Courts Judicial Council.

4  
5 (2)–(7) \* \* \*

6  
7 (m) \* \* \*

8  
9 **Rule 7.1101. Qualifications and continuing education required of counsel appointed**  
10 **by the court in guardianships and conservatorships**

11  
12 (a) **Definitions**

13  
14 As used in this rule, the following terms have the meanings stated below:

15  
16 (1)–(5) \* \* \*

17  
18 ~~(6) “AOC” is the Administrative Office of the Courts.~~

19  
20 (7) (6) “Counsel in private practice” includes attorneys employed by or performing  
21 services under contracts with nonprofit organizations.

22  
23 (b)–(h) \* \* \*

24  
25 (i) **Reporting**

26  
27 The ~~AOC~~ Judicial Council may require courts to report appointed counsel’s  
28 qualifications and completion of continuing education required by this rule to  
29 ensure compliance with Probate Code section 1456.

30  
31 **Rule 8.300. Appointment of appellate counsel by the Court of Appeal**

32  
33 (a)–(e) \* \* \*

34  
35 **Advisory Committee Comment**

36  
37 **Subdivision (b).** The “designated oversight committee” referred to in subdivision (b)(2) is  
38 currently the Appellate Indigent Defense Oversight Advisory Committee. The criteria approved  
39 by this committee can be found on the judicial branch’s public website at ~~www.courtsinfo.ca.gov~~  
40 <http://www.courts.ca.gov/4206.htm>

41  
42 **Rule 8.405. Filing the appeal**

1 (a)–(b) \* \* \*

2  
3 **Advisory Committee Comment**  
4

5 **Subdivision (a).** *Notice of Appeal—Juvenile (California Rules of Court, Rule 8.400)* (form JV-  
6 800) may be used to file the notice of appeal required under this rule. This form is available at  
7 any courthouse or county law library or online at [www.courtsinfo.ca.gov/forms](http://www.courtsinfo.ca.gov/forms).  
8

9 **Rule 8.825. Abandonment, voluntary dismissal, and compromise**

10  
11 (a)–(c) \* \* \*

12  
13 **Advisory Committee Comment**  
14

15 *Abandonment of Appeal (Limited Civil Case)* (form APP-1067) may be used to file an  
16 abandonment under this rule. This form is available at any courthouse or county law library or  
17 online at [www.courtsinfo.ca.gov/forms](http://www.courtsinfo.ca.gov/forms).  
18

19 **Rule 8.831. Notice designating the record on appeal**

20  
21 (a)–(b) \* \* \*

22  
23 **Advisory Committee Comment**  
24

25 *Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103) may be  
26 used to file the designation required under this rule. This form is available at any courthouse or  
27 county law library or online at [www.courtsinfo.ca.gov/forms](http://www.courtsinfo.ca.gov/forms). To assist parties in making  
28 appropriate choices, courts are encouraged to include information about whether the proceedings  
29 were recorded by a court reporter or officially electronically recorded in any information that the  
30 court provides to parties concerning their appellate rights.  
31

32 If the appellant designates a clerk’s transcript or reporter’s transcript under this rule, the  
33 respondent will have an opportunity to designate additional documents to be included in the  
34 clerk’s transcript under rule 8.832(b)(1)(2) or additional proceedings to be included in the  
35 reporter’s transcript under rule 8.834(a)(3).  
36

37 **Rule 8.851. Appointment of appellate counsel**

38  
39 (a)–(c) \* \* \*

40  
41 **Advisory Committee Comment**  
42

1 *Request for Court-Appointed Lawyer in Misdemeanor Appeal* (form CR-133) may be used to  
2 request that appellate counsel be appointed in a misdemeanor case. If the appellant was not  
3 represented by the public defender or other appointed counsel in the trial court, the appellant must  
4 use *Defendant's Financial Statement on Eligibility for Appointment of Counsel and*  
5 *Reimbursement and Record on Appeal at Public Expense* (form MC-210) to show indigency.  
6 These forms are available at any courthouse or county law library or online at  
7 [www.courtsinfo.ca.gov/forms](http://www.courtsinfo.ca.gov/forms).

8  
9 **Rule 8.852. Notice of appeal**

10  
11 **(a)–(b) \* \* \***

12  
13 **Advisory Committee Comment**

14  
15 *Notice of Appeal (Misdemeanor)* (form CR-132) may be used to file the notice of appeal required  
16 under this rule. This form is available at any courthouse or county law library or online at  
17 [www.courtsinfo.ca.gov/forms](http://www.courtsinfo.ca.gov/forms).

18  
19 **Subdivision (a).** The only orders that a defendant can appeal in a misdemeanor case are (1)  
20 orders granting or denying a motion to suppress evidence (Penal Code section 1538.5(j)); and (2)  
21 orders made after the final judgment that affects the substantial rights of the defendant (Penal  
22 Code section 1466).

23  
24 **Rule 8.901. Notice of appeal**

25  
26 **(a)–(b) \* \* \***

27  
28  
29 **Advisory Committee Comment**

30  
31 *Notice of Appeal and Record of Oral Proceedings on Appeal (Infraction)* (form CR-142) may be  
32 used to file the notice of appeal required under this rule. This form is available at any courthouse  
33 or county law library or online at [www.courtsinfo.ca.gov/forms](http://www.courtsinfo.ca.gov/forms).

34  
35 **Rule 8.904. Abandoning the appeal**

36  
37 **(a)–(c) \* \* \***

38  
39 **Advisory Committee Comment**

40  
41 *Abandonment of Appeal (Infraction)* (form CR-145) may be used to file an abandonment under  
42 this rule. This form is available at any courthouse or county law library or online at  
43 [www.courtsinfo.ca.gov/forms](http://www.courtsinfo.ca.gov/forms).



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**Rule 8.930. Application**

**(a)–(b) \* \* \***

**Advisory Committee Comment**

*Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases* (form APP-150-INFO) provides additional information about proceedings for writs in the appellate division of the superior court. This form is available at any courthouse or county law library or online at [www.courtsinfo.ca.gov/forms](http://www.courtsinfo.ca.gov/forms).

**Subdivision (b).** The superior courts, not the appellate divisions, have original jurisdiction in habeas corpus proceedings (see Cal. Const., art. VI, §10). Habeas corpus proceedings in the superior courts are governed by rules 4.550 et seq.

Rules 10.2, 10.5, 10.6, 10.10, 10.11, 10.12, 10.13, 10.14, 10.16, 10.20, 10.21, 10.22, 10.30, 10.34, 10.46, 10.48, 10.50, 10.51, 10.52, 10.56, 10.102, 10.103, 10.104, 10.105, 10.106, 10.172, 10.180, 10.181, 10.182, 10.183, 10.184, 10.201, 10.202, 10.203, 10.350, 10.452, 10.455, 10.461, 10.462, 10.468, 10.469, 10.478, 10.481, 10.491, 10.500, 10.501, 10.502, 10.601, 10.630, 10.660, 10.670, 10.742, 10.761, 10.762, 10.776, 10.777, 10.781, 10.782, 10.800, 10.801, 10.805, 10.811, 10.815, 10.820, 10.830, 10.854, 10.870, and 10.960 of the California Rules of Court is amended, effective January 1, 2016, to read:

1 **TITLE 10. JUDICIAL ADMINISTRATION RULES**

2  
3 **Rule 10.2. Judicial Council membership and terms**

4  
5 (a) \* \* \*

6  
7 (b) **Council officers and duties**

8  
9 (1) \* \* \*

10  
11 (2) *Chairs and vice-chairs of the internal committees*

12  
13 The Judicial Council has ~~four~~ five internal committees composed of Judicial  
14 Council members, as specified in rule 10.10. The Chief Justice appoints for a  
15 one-year term the chair and vice-chair of each of the council's internal  
16 committees. Chairs call meetings, as necessary, and provide reports to the  
17 council on the activities of the internal committees.

18  
19 (3) *Officers*

20  
21 The Judicial Council has ~~seven~~ eight officers: the chair, vice-chair, secretary,  
22 and the chairs of the council's ~~four~~ five internal committees.

23  
24 (4) *Administrative Director ~~of the Courts~~*

25  
26 The Administrative Director ~~of the Courts~~ is the secretary to the Judicial  
27 Council and performs administrative and policymaking functions as provided  
28 by the Constitution and the laws of the State of California and as delegated  
29 by the Judicial Council and the Chief Justice. The secretary is not a voting  
30 member of the council.

31  
32 (c)–(e) \* \* \*

33  
34 **Rule 10.5. Notice and agenda of council meetings**

35  
36 (a) \* \* \*

37  
38 (b) **Meeting schedule**

39

1 The ~~Administrative Office of the Courts~~ Judicial Council must publish a regular  
2 annual schedule that states the planned date, ~~purpose~~, and location of each meeting.  
3 Additional meetings may be scheduled as necessary.  
4

5 **(c) Notice of business meetings**  
6

7 “Business meetings” are council meetings at which a majority of voting members  
8 are present to discuss and decide matters within the council’s jurisdiction. The  
9 ~~Administrative Office of the Courts~~ Judicial Council must give public notice of the  
10 date, location, and agenda of each business meeting at least seven days before the  
11 meeting. The notice must state whether the meeting is open or closed. If the  
12 meeting is partly closed, the notice must indicate which agenda items are closed. A  
13 meeting may be conducted without notice in case of an emergency requiring  
14 prompt action.  
15

16 **(d) Budget meetings**  
17

18 A “budget meeting” is that portion of any business meeting at which trial court  
19 budgets are to be discussed. The ~~Administrative Office of the Courts~~ Judicial  
20 Council must provide notice of a budget meeting in the same manner as any other  
21 business meeting. Budget meetings normally are scheduled as follows:  
22

23 (1)–(4) \* \* \*

24  
25 **(e) Form of notice**  
26

27 The notice and agenda for council meetings must be posted ~~at the Administrative~~  
28 ~~Office of the Courts~~ and on the California Courts ~~Web site~~ website  
29 ([www.courtsinfo.ca.gov](http://www.courtsinfo.ca.gov)). In addition, the notice and agenda for budget meetings  
30 must be provided to designated employee representatives who have submitted a  
31 written request to the ~~Administrative Office of the Courts~~ Judicial Council  
32 (attention ~~Secretariat~~ Judicial Council Support).  
33

34 **(f) \* \* \***  
35

36 **(g) Meeting materials**  
37

38 (1) \* \* \*

39  
40 (2) *Budget materials*

41  
42 (A) \* \* \*

43  
44 (B) *Distribution*  
45

46 Materials must be made available by posting on the California Courts

1 ~~Web site~~ website and by distribution to designated employee  
2 representatives who have submitted a written request to the  
3 ~~Administrative Office of the Courts~~ Judicial Council of California  
4 (attention ~~Secretariat~~ Judicial Council Support).

5  
6 (C) \* \* \*

7  
8 (h) \* \* \*

9  
10 **Rule 10.6. Judicial Council meetings**

11  
12 (a)–(c) \* \* \*

13  
14 (d) **Requests to speak—general**

15  
16 The Executive and Planning Committee, in its discretion, may allow a member of  
17 the public to speak at a business meeting. Unless the Chief Justice waives this  
18 requirement, any member of the public who wishes to speak at a business meeting  
19 must submit a request of no more than two pages to the chair of the Executive and  
20 Planning Committee by delivering it to the ~~Administrative Office of the Courts~~  
21 Judicial Council (attention Judicial Council Support) at least four business days  
22 before the meeting.

23  
24 (1)–(2) \* \* \*

25  
26 (e) **Presentation of information on trial court budget matters**

27  
28 (1) \* \* \*

29  
30 (2) *Oral presentation*

31  
32 Any designated employee representative who wishes to make an oral  
33 presentation to the Judicial Council must make a written request to the  
34 ~~Administrative Office of the Courts~~ Judicial Council of California (attention  
35 ~~Secretariat~~ Judicial Council Support) no later than 24 hours before the  
36 meeting unless the issue has arisen within the last five business days before  
37 the meeting, in which case the written request may be made on the day of the  
38 meeting.

39  
40 (3) \* \* \*

41  
42 (f)–(g) \* \* \*

43  
44 **Rule 10.10. Judicial Council internal committees**

1 (a)–(c) \* \* \*

2  
3 (d) **Meetings**

4  
5 Each internal committee meets as often as necessary to perform its responsibilities.  
6 The Administrative Director ~~of the Courts~~, as secretary of the Judicial Council,  
7 may attend and participate in the meetings of each internal committee. ~~Internal~~  
8 ~~committee meetings are closed to the public but may be opened at the committee~~  
9 ~~chair’s discretion.~~

10  
11 (e)–(g) \* \* \*

12  
13 **Rule 10.11. Executive and Planning Committee**

14  
15 (a)–(e) \* \* \*

16  
17 (f) **Topics for making policy and receiving updates**

18  
19 The committee develops a schedule of topics that the council intends to consider  
20 for making policy and receives updates from the Administrative Director ~~of the~~  
21 ~~Courts~~ or ~~Administrative Office of the Courts~~ Judicial Council staff.

22  
23 (g)–(j) \* \* \*

24  
25 **Rule 10.12. Policy Coordination and Liaison Committee**

26  
27 (a) **Legislative activities**

28  
29 The Policy Coordination and Liaison Committee performs the following functions:

30  
31 (1) Taking a position on behalf of the council on pending legislative bills, after  
32 evaluating input from the council advisory bodies and ~~the Administrative~~  
33 ~~Office of the Courts~~ Judicial Council staff, and any other input received from  
34 the courts, provided that the position is consistent with the council’s  
35 established policies and precedents;

36  
37 (2) Making recommendations to the council on all proposals for council-  
38 sponsored legislation and on an annual legislative agenda after evaluating  
39 input from council advisory bodies and ~~the Administrative Office of the~~  
40 ~~Courts~~ Judicial Council staff, and any other input received from the courts;  
41 and

42  
43 (3) \* \* \*

44  
45 (b)–(d) \* \* \*

1 **Rule 10.13. Rules and Projects Committee**

2  
3 (a)–(e) \* \* \*

4  
5 (f) **Responsibility of the Administrative Director of the Courts**

6  
7 The Administrative Director is responsible for ensuring that items submitted to the  
8 committee for circulation for comment and the council’s agenda comply with the  
9 committee’s procedures and its guidelines on format and style.

10  
11 **Rule 10.14. Litigation Management Committee**

12  
13 (a) **Litigation oversight**

14  
15 The Litigation Management Committee oversees litigation and claims against trial  
16 court judges, appellate court justices, the Judicial Council, ~~the Administrative~~  
17 ~~Office of the Courts~~ its staff, the trial and appellate courts, and the employees of  
18 those bodies in which the likely monetary exposure is \$100,000 or more or that  
19 raise issues of significance to the judicial branch by:

20  
21 (1) \* \* \*

22  
23 (2) Consulting with the Administrative Director or ~~General~~ Chief Counsel, on  
24 request, regarding important strategy issues.

25  
26 (b) \* \* \*

27  
28 (c) **Strategic decisions**

29  
30 The committee resolves written objections described in rule 10.202(d) presented by  
31 ~~the Office of the General Counsel~~ Legal Services.

32  
33 **Rule 10.16. Technology Committee**

34  
35 (a) \* \* \*

36  
37 (b) **Coordination**

38  
39 The committee coordinates the activities of the Administrative Director ~~of the~~  
40 ~~Courts~~, council internal committees and advisory committees, the courts, justice  
41 partners, and stakeholders on matters relating to court information technology. The  
42 committee also, in collaboration or consultation with the Policy Coordination and  
43 Liaison Committee, coordinates with other branches of government on information  
44 technology issues.

1 (c)–(e) \* \* \*

2  
3 **Rule 10.20. Proposals for new or amended rules, standards, or forms; rule-making**  
4 **process in general**

5  
6 (a) \* \* \*

7  
8 (b) **Proposals**

9  
10 The council will consider proposals that are submitted to it by an internal  
11 committee, an advisory committee, a task force, or ~~the Administrative Office of the~~  
12 ~~Courts~~ Judicial Council staff, in accordance with rule 10.22 and any policies and  
13 procedures established by the Rules and Projects Committee.

14  
15 (c) \* \* \*

16  
17 **Rule 10.21. Proposals from members of the public for changes to rules, standards,**  
18 **or forms**

19  
20 (a) **Application**

21  
22 This rule applies to proposals for changes to rules, standards, or forms by a member  
23 of the public (any person or organization other than a Judicial Council internal  
24 committee, advisory committee, or task force, or ~~the Administrative Office of the~~  
25 ~~Courts~~ Judicial Council staff).

26  
27 (b) **Submission and content of proposals**

28  
29 Proposals must be submitted in writing to: Judicial Council of California,  
30 Attention: ~~General~~ Chief Counsel. Proposals should include:

31  
32 (1)–(8) \* \* \*

33  
34 (c) **Advisory committee’s review of proposal**

35  
36 The ~~General~~ Chief Counsel must refer each proposal from a member of the public  
37 to an appropriate advisory committee for consideration and recommendation, or, if  
38 no appropriate advisory committee exists, to the Rules and Projects Committee. ~~An~~  
39 ~~Administrative Office of the Courts~~ Judicial Council staff member may  
40 independently review the proposal and present an analysis and a recommendation  
41 to the committee. The committee may take one of the following actions:

42  
43 (1)–(3) \* \* \*

44  
45 **Rule 10.22. Rule-making procedures**

1 (a) **Who may make proposals**

2  
3 A Judicial Council internal committee, advisory committee, task force, or ~~the~~  
4 ~~Administrative Office of the Courts~~ Judicial Council staff may recommend that the  
5 council adopt, amend, or repeal a rule or standard or adopt, approve, revise, or  
6 revoke a form.

7  
8 (b) **Legal and advisory committee review**

9  
10 The internal committee, advisory committee, task force, or ~~Administrative Office~~  
11 ~~of the Courts~~ Judicial Council staff (the proponent) must first submit its proposal to  
12 ~~the Office of the General Counsel~~ Legal Services for legal and drafting review. If  
13 the proponent is not an advisory committee, and an appropriate advisory committee  
14 exists, the proponent must also submit the proposal to that advisory committee for  
15 review.

16  
17 (c) **Recommendation to Rules and Projects Committee**

18  
19 After the proposal has been reviewed by ~~the Office of the General Counsel~~ Legal  
20 Services and any appropriate advisory committee, the proponent must submit the  
21 proposal to the Rules and Projects Committee with a recommendation that it be (1)  
22 circulated for public comment or (2) submitted to the council for approval without  
23 public comment.

24  
25 (d)–(g) \* \* \*

26  
27 **Rule 10.30. Judicial Council advisory bodies**

28  
29 (a) \* \* \*

30  
31 (b) **Functions**

32  
33 The advisory bodies:

34  
35 (1)–(2) \* \* \*

36  
37 (3) Generally do not implement policy. The council may, however, assign  
38 policy-implementation and programmatic responsibilities to an advisory body  
39 and may request it make recommendations to the ~~Administrative Office of~~  
40 ~~the Courts~~ Director on implementation of council policy or programs;

41  
42 (4) \* \* \*

43  
44 (5) Are responsible, through ~~the Administrative Office of the Courts~~ Judicial  
45 Council staff, for gathering stakeholder perspectives on policy  
46 recommendations they plan to present to the council.



1  
2 (c)–(e) \* \* \*

3  
4 (f) **Role of the Administrative Director of the Courts**

5  
6 The Administrative Director of the Courts sits as an ex officio member of each  
7 advisory body.

8  
9 (g) \* \* \*

10  
11 **Rule 10.34. Duties and responsibilities of advisory committees**

12  
13 (a) \* \* \*

14  
15 (b) **Annual charges**

16  
17 (1) \* \* \*

18  
19 (2) Advisory committees have limited discretion to pursue matters in addition to  
20 those specified in each committee's annual charge, as long as the matters are  
21 consistent with a committee's general charge, within the limits of resources  
22 available to the committee, and within any other limits specified by the  
23 council, the designated internal committee, or the Administrative Director of  
24 the Courts.

25  
26 (c) \* \* \*

27  
28 (d) **Role of the Administrative Director of the Courts**

29  
30 (1)–(2) \* \* \*

31  
32 (e) **Role of staff**

33  
34 (1) Advisory committees are assisted by the Judicial Council staff of the  
35 Administrative Office of the Courts. The duties of staff members include  
36 drafting committee annual agendas, managing the committee's budget and  
37 resources, coordinating committee activities, providing legal and policy  
38 analysis to the committee, organizing and drafting reports, selecting and  
39 supervising consultants, providing technical assistance, and assisting  
40 committee chairs in presenting the committee's recommendations to the  
41 Judicial Council. Staff may provide independent legal or policy analysis of  
42 issues that is different from the committee's position, if authorized to do so  
43 by the Administrative Director of the Courts.

44  
45 (2) Staff report to the Administrative Director of the Courts. The decisions or  
46 instructions of an advisory body or its chair are not binding on the staff

1                   except in instances when the council or the Administrative Director has  
2                   specifically authorized such exercise of authority.

3  
4 **(f) Review of annual agendas**

5  
6 (1)–(2) \* \* \*

7  
8 (3) To pursue matters in addition to those specified in its annual charge, an  
9 advisory committee must have the approval of the internal committee with  
10 oversight responsibility for the advisory committee. The matters must be  
11 consistent with the advisory committee’s general charge, as set forth in the  
12 rules of court, its approved annual agenda, and the council’s long-range  
13 strategic plan. The additional matters must also be within the committee’s  
14 authorized budget and available resources, as specified by the council or the  
15 Administrative Director ~~of the Courts~~.

16  
17 **Rule 10.46. Trial Court Presiding Judges Advisory Committee**

18  
19 **(a) \* \* \***

20  
21 **(b) Additional duties**

22  
23 In addition to the duties specified in rule 10.34, the committee may:

24  
25 (1) \* \* \*

26  
27 (2) Respond and provide input to the Judicial Council, appropriate advisory  
28 committees, or ~~the Administrative Office of the Courts~~ Judicial Council staff  
29 on pending policy proposals and offer new recommendations on policy  
30 initiatives in the areas of legislation, rules, forms, standards, studies, and  
31 recommendations concerning court administration; and

32  
33 (3) Provide for liaison between the trial courts and the Judicial Council, its  
34 advisory committees, task forces, and working groups, and ~~the~~  
35 Administrative Office of the Courts Judicial Council staff.

36  
37 **(c)–(f) \* \* \***

38  
39 **Rule 10.48. Court Executives Advisory Committee**

40  
41 **(a) \* \* \***

42  
43 **(b) Additional duties**

44  
45 In addition to the duties specified in rule 10.34, the committee must:

1 (1)–(4) \* \* \*

2

3 (5) Meet periodically with the ~~Administrative Office of the Courts~~ Judicial  
4 Council's executive team to enhance branch communications.

5

6 (c)–(g) \* \* \*

7

8 **Rule 10.50. Governing Committee of the Center for Judicial Education and**  
9 **Research**

10

11 (a) **Establishment and purpose**

12

13 In 1973, the Judicial Council of California and the California Judges Association  
14 created the Center for Judicial Education and Research (CJER), ~~which~~  
15 ~~subsequently became the Education Division of the Administrative Office of the~~  
16 ~~Courts~~. The Governing Committee of CJER was made an advisory committee to  
17 the council in 1993 through the adoption of former rule 1029. In 2001, the rule that  
18 specifies the CJER Governing Committee's duties was made consistent with the  
19 rules pertaining to other Judicial Council advisory committees, but it continues to  
20 acknowledge the historic participation of the California Judges Association.

21

22 (b)–(f) \* \* \*

23

24 **Rule 10.51. Court Interpreters Advisory Panel**

25

26 (a) \* \* \*

27

28 (b) **Additional duty**

29

30 The advisory panel is charged with reviewing and making recommendations to the  
31 council on the findings of the study of language and interpreter use and need for  
32 interpreters in court proceedings that is conducted by ~~the Administrative Office of~~  
33 ~~the Courts~~ Judicial Council every five years under Government Code section  
34 68563.

35

36 (c)–(d) \* \* \*

37

38 **Rule 10.52. Administrative Presiding Justices Advisory Committee**

39

40 (a) \* \* \*

41

42 (b) **Additional duties**

43

44 In addition to the duties described in rule 10.34, the committee must:

45

46 (1)–(3) \* \* \*

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(4) Comment on and make recommendations to the council about appellate court operations, including:

(A) Initiatives to be pursued by the council or ~~the Administrative Office of the Courts~~ its staff; and

(B) \* \* \*

(c) \* \* \*

**(d) Funding**

Each year, the committee must recommend budget change proposals to be submitted to the Chief Justice for legislative funding to operate the appellate courts. These proposals must be consistent with the budget management guidelines of the Judicial Council's Finance Division office ~~of the Administrative Office of the Courts~~.

(e) \* \* \*

**(f) Administrative Director of the Courts**

\* \* \*

**Rule 10.56. Collaborative Justice Courts Advisory Committee**

(a) \* \* \*

**(b) Additional duties**

In addition to the duties described in rule 10.34, the committee must:

(1)–(4) \* \* \*

(5) Make recommendations regarding grant funding programs that are administered by ~~the Administrative Office of the Courts~~ Judicial Council staff for drug courts and other treatment courts; and

(6) \* \* \*

(c) \* \* \*

**Rule 10.102. Acceptance of gifts**

1 (a) **Administrative Director's ~~of the Courts~~' authority to accept gifts**

2  
3 The Administrative Director ~~of the Courts~~ may accept on behalf of any entity listed  
4 in (b) any gift of real or personal property if the gift and any terms and conditions  
5 are found to be in the best interest of the state. Any applicable standards used by  
6 the Director of Finance under Government Code section 11005.1 may be  
7 considered in accepting gifts.

8  
9 (b) **Delegation of authority**

10  
11 The Administrative Director may delegate the authority to accept gifts to the  
12 following, under any guidelines established by the Administrative ~~Office of the~~  
13 Courts Director:

14  
15 (1)–(3) \* \* \*

16  
17 (4) The Judicial Council's director of ~~the Finance Division of the Administrative~~  
18 Office of the Courts, for gifts to the Judicial Council ~~and the Administrative~~  
19 Office of the Courts.

20  
21 **Rule 10.103. Limitation on intrabranch contracting**

22  
23 (a) **Definitions**

24  
25 For purposes of this rule, “judicial branch entity” includes a trial court, a Court of  
26 Appeal, the Supreme Court, and the ~~Administrative Office of the Courts~~ Judicial  
27 Council.

28  
29 (b)–(d) \* \* \*

30  
31 **Rule 10.104. Limitation on contracting with former employees**

32  
33 (a) **Trial and appellate court contracts with former employees**

34  
35 A trial or appellate court may not enter into a contract for goods or services for  
36 which compensation is paid with a person previously employed by that court or by  
37 the ~~Administrative Office of the Courts~~ Judicial Council:

38  
39 (1) \* \* \*

40  
41 (2) For a period of 24 months following the date of the former employee's  
42 retirement, dismissal, or separation from service, if he or she engaged in any  
43 of the negotiations, transactions, planning, arrangements, or any part of the  
44 decision-making process relevant to the contract while employed in any  
45 capacity by the court or the ~~Administrative Office of the Courts~~ Judicial  
46 Council.

1  
2 **(b) ~~Administrative Office of the Courts~~ Judicial Council contracts with former**  
3 **employees**

4  
5 The ~~Administrative Office of the Courts~~ Judicial Council may not enter into a  
6 contract for goods or services for which compensation is paid with a person  
7 previously employed by it:  
8

- 9 (1) For a period of 12 months following the date of the former employee’s  
10 retirement, dismissal, or separation from service, if he or she was employed  
11 in a policymaking position at the ~~Administrative Office of the Courts~~ Judicial  
12 Council in the same general subject area as the proposed contract within the  
13 12-month period before his or her retirement, dismissal, or separation; or  
14  
15 (2) For a period of 24 months following the date of the former employee’s  
16 retirement, dismissal, or separation from service, if he or she engaged in any  
17 of the negotiations, transactions, planning, arrangements, or any part of the  
18 decision-making process relevant to the contract while employed in any  
19 capacity by the ~~Administrative Office of the Courts~~ Judicial Council.  
20

21 **(c) Policymaking position**

22 “Policymaking position” includes:  
23

24  
25 (1)–(2) \* \* \*

- 26  
27 (3) In the ~~Administrative Office of the Courts~~ Judicial Council, the  
28 ~~Administrative Director of the Courts, the Chief Deputy Director, Chief of~~  
29 ~~Staff, Chief Operating Officer, Chief Administrative Officer,~~ any director,  
30 and any other position designated by the Administrative Director as a  
31 policymaking position.  
32

33 **(d) Scope**

34  
35 This rule does not prohibit any court or the ~~Administrative Office of the Courts~~  
36 Judicial Council from (1) employing any person or (2) contracting with any former  
37 judge or justice.  
38

39 **Rule 10.105. Allocation of new fee, fine, and forfeiture revenue**

40  
41 **(a) \* \* \***

42  
43 **(b) Methodology**

44  
45 ~~The Administrative Office of the Courts~~ Judicial Council staff must recommend a  
46 methodology for the allocation and must recommend an allocation based on this

1 methodology. On approval of a methodology by the Judicial Council, ~~the~~  
2 ~~Administrative Office of the Courts~~ Judicial Council staff must issue a Finance  
3 Memo stating the methodology adopted by the Judicial Council.  
4

5 **Rule 10.106. Judicial branch travel expense reimbursement policy**  
6

7 (a) \* \* \*

8  
9 (b) **Applicability**

10  
11 The judicial branch travel expense reimbursement policy applies to official state  
12 business travel by:

13  
14 (1) \* \* \*

15  
16 (2) Officers, employees, retired annuitants, and members of the Supreme Court,  
17 the Courts of Appeal, superior courts, the Judicial Council and its staff, ~~the~~  
18 ~~Administrative Office of the Courts~~, the Habeas Corpus Resource Center, and  
19 the Commission on Judicial Performance; and  
20

21 (3) Members of task forces, working groups, commissions, or similar bodies  
22 appointed by the Chief Justice, the Judicial Council, or the Administrative  
23 Director ~~of the Courts~~.  
24

25 (c) **Amendments**  
26

27 The Judicial Council delegates to the Administrative Director ~~of the Courts~~, under  
28 article VI, section 6(c) of the California Constitution and other applicable law, the  
29 authority to make technical changes and clarifications to the judicial branch travel  
30 expense reimbursement policy. The changes and clarifications must be fiscally  
31 responsible, provide for appropriate accountability, and be in general compliance  
32 with the policy initially adopted by the Judicial Council.  
33

34 **Rule 10.172. Court security plans**  
35

36 (a)–(c) \* \* \*

37  
38 (d) **Submission of court a plan to the ~~Administrative Office of the Courts~~ Judicial**  
39 **Council**  
40

41 On or before November 1, 2009, each superior court must submit a court security  
42 plan to the ~~Administrative Office of the Courts (AOC)~~ Judicial Council. On or  
43 before February 1, 2011, and each succeeding February 1, each superior court must  
44 report give notice to the ~~AOC~~ Judicial Council whether it has made any changes to  
45 the court security plan and, if so, identify each change made and provide copies of  
46 the current court security plan and current assessment report. In preparing any

1 submission, a court may request technical assistance from ~~the AOC Judicial~~  
2 Council staff.

3  
4 **(e) Plan review process**

5  
6 ~~The AOC Judicial Council staff~~ will evaluate for completeness submissions  
7 identified in (d). Annually, the submissions and evaluations will be provided to the  
8 ~~Working Group on Court Security Advisory Committee~~. Any submissions  
9 determined by the ~~working group advisory committee~~ to be incomplete or deficient  
10 must be returned to the submitting court for correction and completion. ~~No later~~  
11 ~~than July 1 of each year, the working group must submit to the Judicial Council a~~  
12 ~~summary of the submissions for the Judicial Council's report to the Legislature.~~

13  
14 **(f) \* \* \***

15  
16 **Advisory Committee Comment**

17  
18 This rule is adopted to comply with the mandate in Government Code section 69925, which  
19 requires the Judicial Council to provide for the areas to be addressed in a court security plan and  
20 to establish a process for the review of such plans. ~~The Working Group on Court Security is~~  
21 ~~authorized by Government Code section 69927 and established by rule 10.170 for the purpose of~~  
22 ~~studying and making recommendation to the Judicial Council regarding court security matters.~~  
23 ~~For the assistance of the courts and sheriffs in preparing and submitting their court security plans,~~  
24 ~~the Working Group on Court Security has prepared *Court Security Plan Guidelines* with respect~~  
25 ~~to each of the subject areas identified in subsections (b)(1) and (b)(2). The courts and sheriffs~~  
26 ~~may obtain copies of the *Court Security Plan Guidelines* from the Administrative Office of the~~  
27 ~~Courts' Emergency Response and Security unit.~~

28  
29 **Rule 10.180. Court facilities standards**

30  
31 **(a) Development of standards**

32  
33 ~~The Administrative Office of the Courts~~ Judicial Council staff is responsible for  
34 developing and maintaining standards for the alteration, remodeling, renovation,  
35 and expansion of existing court facilities and for the construction of new court  
36 facilities.

37  
38 **(b) Adoption by the Judicial Council**

39  
40 The standards developed by ~~the Administrative Office of the Courts~~ Judicial  
41 Council staff must be submitted to the Judicial Council for review and adoption as  
42 the standards to be used for court facilities in the state. Nonsubstantive changes to  
43 the standards may be made by the ~~Administrative Office of the Courts~~ Judicial  
44 Council staff; substantive changes must be submitted to the Judicial Council for  
45 review and adoption.  
46



1 (c) Use of standards

2  
3 The Judicial Council ~~and its staff, the Administrative Office of the Courts,~~ affected  
4 courts, and advisory groups on court facilities issues created under these rules must  
5 use the standards adopted under (b) in reviewing or recommending proposed  
6 alteration, remodeling, renovation, or expansion of an existing court facility or new  
7 construction. Courts and advisory groups must report deviations from the standards  
8 to ~~the Administrative Office of the Courts,~~ Judicial Council staff through a process  
9 established for that purpose.

10  
11 **Rule 10.181. Court facilities policies, procedures, and standards**

12  
13 (a) **Responsibilities of ~~the Administrative Office of the Courts,~~ Judicial Council**  
14 **staff**

15  
16 ~~The Administrative Office of the Courts~~ Judicial Council staff, after consultation  
17 with the Court Facilities Transitional Task Force, must prepare and present to the  
18 Judicial Council recommendations for policies, procedures, and standards  
19 concerning the operation, maintenance, alteration, remodeling, renovation,  
20 expansion, acquisition, space programming, design, and construction of appellate  
21 and trial court facilities under Government Code sections 69204(c) and 70391(e).

22  
23 (b) \* \* \*

24  
25 **Rule 10.182. Operation and maintenance of court facilities**

26  
27 (a) **Intent**

28  
29 The intent of this rule is to allocate responsibility and decision making for the  
30 operation and maintenance of court facilities among the courts and ~~the~~  
31 ~~Administrative Office of the Courts,~~ Judicial Council staff.

32  
33 (b) **Responsibilities of ~~the Administrative Office of the Courts,~~ Judicial Council**  
34 **staff**

35  
36 (1) In addition to those matters expressly authorized by statute, ~~the~~  
37 ~~Administrative Office of the Courts is~~ Judicial Council staff are responsible  
38 for:

- 39  
40 (A) Taking action on the operation of court facilities, including the day-to-  
41 day operation of a building and maintenance of a facility. ~~The~~  
42 ~~Administrative Office of the Courts~~ Judicial Council staff must, in  
43 cooperation with the court, perform its responsibilities concerning  
44 operation of the court facility to effectively and efficiently support the  
45 day-to-day operation of the court system and services of the court.  
46 These actions include maintaining proper heating, ventilation, and air

1 conditioning levels; providing functional electrical, fire safety, vertical  
2 transportation, mechanical, and plumbing systems through preventive  
3 maintenance and responsive repairs; and maintaining structural,  
4 nonstructural, security, and telecommunications infrastructures.

5  
6 (B)–(C) \* \* \*

7  
8 (2) ~~The Administrative Office of the Courts~~ Judicial Council staff must consult  
9 with affected courts concerning the annual operations and maintenance needs  
10 assessment, development of annual priorities, and fiscal planning for the  
11 operational and maintenance needs of court facilities.

12  
13 (3) ~~The Administrative Office of the Courts~~ Judicial Council staff may, when  
14 appropriate, delegate its responsibilities for ongoing operation and  
15 management to the court for some or all of the existing court facilities used  
16 by that court. Any delegation of responsibility must ensure that:

17  
18 (A)–(D) \* \* \*

19  
20 (4) ~~The Administrative Office of the Courts~~ Judicial Council staff must,  
21 whenever feasible, seek review and recommendations from the Court  
22 Facilities Transitional Task Force, before recommending action on appellate  
23 and trial court facilities issues to the Judicial Council.

24  
25 **(c) Responsibilities of the courts**

26  
27 (1) The affected courts must consult with ~~the Administrative Office of the Courts~~  
28 Judicial Council staff concerning the annual operations and maintenance  
29 needs assessment, development of annual priorities, and fiscal planning for  
30 the operational and maintenance needs of court facilities, including  
31 contingency planning for unforeseen facility maintenance needs.

32  
33 (2) Each court to which responsibility is delegated under (b)(3) must report to ~~the~~  
34 ~~Administrative Office of the Courts~~ Judicial Council staff quarterly or more  
35 often, as provided in the delegation. The report must include the activities  
36 and expenditures related to the delegation that are specified for reporting in  
37 the delegation. Each court must also account to ~~The Administrative Office of~~  
38 ~~the Courts~~ Judicial Council staff for all expenditures related to the delegation.  
39 ~~The Administrative Office of the Courts~~ Judicial Council staff may conduct  
40 an internal audit of any receipts and expenditures.

41  
42 **Rule 10.183. Decision making on transfer of responsibility for trial court facilities**

43  
44 **(a) Intent**

1 The intent of this rule is to allocate among the Judicial Council, the trial courts, and  
2 ~~the Administrative Office of the Courts~~ Judicial Council staff, responsibility and  
3 decision making for the transfer of responsibility for trial court facilities from the  
4 counties to the Judicial Council.

5

6 (b)–(c) \* \* \*

7

8 (d) **Responsibilities of ~~the Administrative Office of the Courts~~ Judicial Council**  
9 **staff**

10

11 ~~The Administrative Office of the Courts~~ Judicial Council staff are responsible for  
12 the following matters related to transfer of responsibility for court facilities, in  
13 addition to matters expressly authorized by statute:

14

15 (1)–(4) \* \* \*

16

17 (e) **Appeal of county facilities payment amount**

18

19 The Administrative Director ~~of the Courts~~ must obtain the approval of the  
20 Executive and Planning Committee before pursuing correction of a county facilities  
21 payment amount under Government Code section 70367. This provision does not  
22 preclude the Administrative Director ~~of the Courts~~ from submitting a declaration as  
23 required by Government Code section 70367(a). The Administrative Director ~~of the~~  
24 ~~Courts~~ must report to the Executive and Planning Committee any decision not to  
25 appeal a county facilities payment amount.

26

27 **Rule 10.184. Acquisition, space programming, construction, and design of court**  
28 **facilities**

29

30 (a) **Intent**

31

32 The intent of this rule is to allocate responsibility and decision making for  
33 acquisition, space programming, construction, and design of court facilities among  
34 the courts, ~~and the Administrative Office of the Courts~~ Judicial Council, and its  
35 staff.

36

37 (b) **Responsibilities of ~~the Administrative Office of the Courts~~ Judicial Council**  
38 **staff**

39

40 (1) In addition to those matters expressly provided by statute, ~~the Administrative~~  
41 ~~Office of the Courts~~ Judicial Council staff are responsible for the  
42 acquisition, space programming, construction, and design of a court facility,  
43 consistent with the facilities policies and procedures adopted by the Judicial  
44 Council and the California Rules of Court.

45

1 (2) ~~The Administrative Office of the Courts~~ Judicial Council staff must prepare  
2 and submit to the Judicial Council separate annual capital outlay proposals  
3 for the appellate courts and the trial courts, as part of the yearly judicial  
4 branch budget development cycle, specifying the amounts to be spent for  
5 these purposes. The capital outlay proposal for the trial courts must specify  
6 the money that is proposed to be spent from the State Court Facilities  
7 Construction Fund and from other sources. The annual capital outlay  
8 proposals must be consistent with the Five-Year Capital Infrastructure Plan  
9 or must recommend appropriate changes in the Five-Year Capital  
10 Infrastructure Plan. ~~The Administrative Office of the Courts~~ Judicial Council  
11 staff must, whenever feasible, seek review and recommendations from the  
12 Court Facilities Transitional Task Force before recommending action to the  
13 Judicial Council on these issues.

14  
15 (3) ~~The Administrative Office of the Courts~~ Judicial Council staff must consult  
16 with the affected courts concerning the annual capital needs of the courts.  
17

18 **(c) Responsibilities of the courts**  
19

20 (1) Affected courts must consult with ~~the Administrative Office of the Courts~~  
21 Judicial Council staff concerning the courts' annual capital needs.  
22

23 (2) \* \* \*  
24

25 **(d) Advisory group for construction projects**  
26

27 ~~The Administrative Office of the Courts~~ Judicial Council staff, in consultation with  
28 the leadership of the affected court, must establish and work with an advisory  
29 group for each court construction or major renovation project. The advisory group  
30 consists of court judicial officers, other court personnel, and others affected by the  
31 court facility. The advisory group must work with ~~the Administrative Office of the~~  
32 ~~Courts~~ Judicial Council staff on issues involved in the construction or renovation,  
33 from the selection of a space programmer and architect through occupancy of the  
34 facility.  
35

36 **Rule 10.201. Claim and litigation procedure**  
37

38 **(a) Definitions**  
39

40 As used in this chapter:

41  
42 (1)–(2) \* \* \*  
43

44 (3) “~~Office of the General Counsel~~ Legal Services” means the ~~Office of the~~  
45 ~~General Counsel of the Administrative Office of the Courts~~ Judicial  
46 Council’s Legal Services office; and

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(4) \* \* \*

**(b) Procedure for action on claims**

To carry out the Judicial Council’s responsibility under Government Code section 912.7 to act on a claim, claim amendment, or application for leave to present a late claim against a judicial branch entity or a judge, ~~the Office of the General Counsel~~ Legal Services, under the direction of the Administrative Director ~~of the Courts~~, must:

(1)–(2) \* \* \*

(3) If determined by ~~the Office of the General Counsel~~ Legal Services to be appropriate, refer a claim or claim amendment for further investigation to a claims adjuster or other investigator under contract with the ~~Administrative Office of the Courts~~ Judicial Council;

(4) \* \* \*

(5) Allow a claim in the amount justly due as determined by ~~the Office of the General Counsel~~ Legal Services if it is a proper charge against the judicial branch entity and the amount is less than \$100,000; and

(6) \* \* \*

**(c) Allowance and payment of claims**

The following may allow and authorize payment of any claim arising out of the activities of a judicial branch entity or judge:

(1) ~~The Office of the General Counsel~~ Legal Services, under the direction of the Administrative Director ~~of the Courts~~, if the payment is less than \$100,000; or

(2) \* \* \*

**(d) Settlement of lawsuits and payment of judgments**

The following may settle lawsuits, after consultation with the affected entity and any judge or employee being defended by the Judicial Council, and authorize payment of judgments arising out of the activities of a judicial branch entity or judge:

1 (1) ~~The Office of the General Counsel~~ Legal Services, under the direction of the  
2 Administrative Director ~~of the Courts~~, if the payment is less than \$100,000  
3 and the lawsuit does not raise issues of significance to the judicial branch; or  
4

5 (2) \* \* \*

6  
7 **Rule 10.202. Claims and litigation management**

8  
9 (a) \* \* \*

10  
11 (b) **Duties of ~~the Office of the General Counsel~~ Legal Services**

12  
13 To carry out the duty of the Judicial Council to provide for the representation,  
14 defense, and indemnification of justices of the Courts of Appeal or the Supreme  
15 Court, judges, subordinate judicial officers, court executive officers and  
16 administrators, and trial and appellate court employees under part 1 (commencing  
17 with section 810) to part 7 (commencing with section 995), inclusive, of the  
18 Government Code, ~~the Office of the General Counsel~~ Legal Services, under the  
19 direction of the Administrative Director ~~of the Courts~~ and the ~~General Chief~~  
20 Counsel, must:

21  
22 (1)–(8) \* \* \*

23  
24 (c) **Duties of trial and appellate courts**

25  
26 The trial and appellate courts must:

27  
28 (1) Notify ~~the Office of the General Counsel~~ Legal Services promptly on receipt  
29 of notice of a dispute that is likely to result in a claim or lawsuit, or of a claim  
30 or lawsuit filed, against the court, a justice, a judge or subordinate judicial  
31 officer, a court executive officer or administrator, or a court employee, and  
32 forward the claim and lawsuit to ~~the Office of the General Counsel~~ Legal  
33 Services for handling; and

34  
35 (2) Consult with ~~the Office of the General Counsel~~ Legal Services regarding  
36 strategic and settlement decisions in claims and lawsuits.

37  
38 (d) **Disagreements about major strategic decisions**

39  
40 Following consultation with ~~the Office of the General Counsel~~ Legal Services, a  
41 presiding judge or administrative presiding justice may object to a proposed  
42 decision of ~~the Office of the General Counsel~~ Legal Services about major strategic  
43 decisions, such as retention of counsel and proposed settlements, by presenting to  
44 ~~the Office of the General Counsel~~ Legal Services a written statement of the  
45 objection. ~~The Office of the General Counsel~~ Legal Services must present the

1 written objection to the Litigation Management Committee, which will resolve the  
2 objection.

3  
4 **Rule 10.203. Contractual indemnification**

5  
6 **(a) Intent**

7  
8 The intent of this rule is to facilitate the use of contractual indemnities that allocate  
9 legal risk and liability to parties that contract with a superior court or Court of  
10 Appeal, the Supreme Court, or the Judicial Council, ~~or the Administrative Office of~~  
11 ~~the Courts~~ (a “judicial branch entity” as defined in Gov. Code, § 900.3).

12  
13 **(b) Defense and indemnification provisions**

14  
15 Notwithstanding rule 10.14, 10.201, or 10.202, a judicial branch entity may enter  
16 into a contract that requires the contractor or the contractor’s insurer to indemnify,  
17 defend, and hold harmless the entity and its officers, agents, and employees against  
18 claims, demands, liability, damages, attorney fees, costs, expenses, or losses arising  
19 from the performance of the contract. Upon receipt of notice of a claim or lawsuit  
20 that may be subject to contractual indemnities, the judicial branch entity must  
21 notify ~~the Office of the General Counsel~~ Legal Services, which will manage the  
22 claim or lawsuit to obtain the benefits of the contractual indemnities to the extent  
23 consistent with the interests of the public and the judicial branch.

24  
25 **Rule 10.350. Workers’ compensation program**

26  
27 **(a) Intent**

28  
29 The intent of this rule is to:

30  
31 (1) Establish procedures for the ~~Administrative Office of the Courts~~ Judicial  
32 Council’s workers’ compensation program for the trial courts; and

33  
34 (2) \* \* \*

35  
36 **(b) Duties of ~~the Administrative Office of the Courts~~ Judicial Council staff**

37  
38 To carry out the duty of the Judicial Council to establish a workers’ compensation  
39 program for the trial courts, ~~the Administrative Office of the Courts~~ the council’s  
40 Human Resources Division ~~office~~ must:

41  
42 (1)–(4) \* \* \*

43  
44 (5) Make personnel available by telephone to consult with trial courts regarding  
45 the cost and benefits of the plan being offered by the ~~Administrative Office of~~  
46 ~~the Courts~~ Judicial Council; and

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(6) \* \* \*

**(c) Duties of the trial courts**

(1) Each trial court that elects to participate in the program made available through the ~~Administrative Office of the Courts~~ Judicial Council must:

(A) Timely notify the Human Resources ~~Division~~ office of its decision to participate in the workers' compensation program being offered through the ~~Administrative Office of the Courts~~ Judicial Council;

(B) Timely complete and return necessary paperwork to the Human Resources ~~Division~~ office; and

(C) \* \* \*

(2) Each trial court that elects not to participate in the workers' compensation program available through the ~~Administrative Office of the Courts~~ Judicial Council must:

(A) \* \* \*

(B) Timely submit to the Human Resources ~~Division~~ office for its approval the information necessary to evaluate the workers' compensation program identified by the trial court to provide benefits for its employees; and

(C) \* \* \*

**Rule 10.452. Minimum education requirements, expectations, and recommendations**

**(a)–(c) \* \* \***

**(d) Responsibilities of Chief Justice and administrative presiding justices**

The Chief Justice and each administrative presiding justice:

(1)–(2) \* \* \*

(3) In addition to the educational leave required under (d)(1)–(2), should grant leave to a justice, clerk/administrator, or managing attorney to serve on education committees and as a faculty member at education programs when the individual's services have been requested for these purposes by ~~the Administrative Office of the Courts~~ Judicial Council staff, the California



1 Judges Association, or the court. If a court's calendar would not be adversely  
2 affected, the court should grant additional leave for a justice, the  
3 clerk/administrator, or the managing attorney to serve on an educational  
4 committee or as a faculty member for judicial branch education;

5  
6 (4) \* \* \*

7  
8 (5) Must ensure that justices, the clerk/administrator, and the managing attorney  
9 are reimbursed by their court in accordance with the travel policies issued by  
10 the ~~Administrative Office of the Courts~~ Judicial Council for travel expenses  
11 incurred in attending in-state education programs as a participant, except to  
12 the extent that: (i) certain expenses are covered by the ~~Administrative Office~~  
13 ~~of the Courts~~ Judicial Council; or (ii) the education provider or sponsor of the  
14 program pays the expenses. Provisions for these expenses must be part of  
15 every court's budget. The Chief Justice or the administrative presiding justice  
16 may approve reimbursement of travel expenses incurred by justices, the  
17 clerk/administrator, and the managing attorney in attending out-of-state  
18 education programs as a participant; and

19  
20 (6) Must retain the records and cumulative histories of participation provided by  
21 justices. These records and cumulative histories are subject to periodic audit  
22 by the ~~Administrative Office of the Courts~~ Judicial Council staff. The Chief  
23 Justice and the administrative presiding justice must report the data from the  
24 records and cumulative histories on an aggregate basis to the Judicial  
25 Council, on a form provided by the Judicial Council, within six months after  
26 the end of each three-year period.

27  
28 **(e) Responsibilities of presiding judges**

29 Each presiding judge:

30  
31  
32 (1)–(2) \* \* \*

33  
34 (3) In addition to the educational leave required or authorized under rule 10.603  
35 or (e)(1)–(2), should grant leave to a judge or subordinate judicial officer or  
36 the executive officer to serve on education committees and as a faculty  
37 member at education programs when the judicial officer's or executive  
38 officer's services have been requested for these purposes by ~~the~~ Judicial  
39 Council staff, the California Judges Association, or the court. If a court's  
40 calendar would not be adversely affected, the presiding judge should grant  
41 additional leave for a judge or subordinate judicial officer or executive officer  
42 to serve on an educational committee or as a faculty member for judicial  
43 branch education;

44  
45 (4)–(5) \* \* \*

- 1 (6) Must ensure that judges, subordinate judicial officers, and the court executive  
2 officer are reimbursed by their court in accordance with the Trial Court  
3 Financial Policies and Procedures Manual for travel expenses incurred in  
4 attending in-state education programs as a participant, except to the extent  
5 that: (i) certain expenses are covered by the ~~Administrative Office of the~~  
6 ~~Courts~~ Judicial Council; or (ii) the education provider or sponsor of the  
7 program pays the expenses. Provisions for these expenses must be part of  
8 every court's budget. The presiding judge may approve reimbursement of  
9 travel expenses incurred by judges, subordinate judicial officers, and the  
10 court executive officer in attending out-of-state education programs as a  
11 participant; and  
12
- 13 (7) Must retain the records and cumulative histories of participation provided by  
14 judges. These records and cumulative histories are subject to periodic audit  
15 by the ~~Administrative Office of the Courts~~ Judicial Council staff. The  
16 presiding judge must report the data from the records and cumulative  
17 histories on an aggregate basis to the Judicial Council, on a form provided by  
18 the Judicial Council, within six months after the end of each three-year  
19 period.  
20

21 **(f) Responsibilities of Supreme Court and Court of Appeal justices,**  
22 **clerk/administrators, managing attorneys, and supervisors**  
23

24 Each court's justices, clerk/administrator, managing attorney, and supervisors:  
25

- 26 (1)–(2) \* \* \*
- 27
- 28 (3) Should allow and encourage court personnel, in addition to participating as  
29 students in educational activities, to serve on court personnel education  
30 committees and as faculty at court personnel education programs when an  
31 employee's services have been requested for these purposes by ~~the~~  
32 ~~Administrative Office of the Courts~~ Judicial Council staff or the court;  
33
- 34 (4) \* \* \*
- 35
- 36 (5) Must ensure that supervisors and other court personnel are reimbursed by  
37 their court in accordance with the travel policies issued by the ~~Administrative~~  
38 ~~Office of the Courts~~ Judicial Council for travel expenses incurred in attending  
39 in-state education programs as a participant, except to the extent that: (i)  
40 certain expenses are covered by the ~~Administrative Office of the Courts~~  
41 Judicial Council; or (ii) the education provider or sponsor of the program  
42 pays the expenses. Provisions for these expenses must be part of every  
43 court's budget. The clerk/administrator or the managing attorney may  
44 approve reimbursement of travel expenses incurred by supervisors and other  
45 court personnel in attending out-of-state education programs as a participant.  
46

1 (g) **Responsibilities of trial court executive officers, managers, and supervisors**

2  
3 Each trial court’s executive officer, managers, and supervisors:

4  
5 (1)–(2) \* \* \*

6  
7 (3) Should allow and encourage court personnel, in addition to participating as  
8 students in education activities, to serve on court personnel education  
9 committees and as faculty at court personnel education programs when an  
10 employee’s services have been requested for these purposes by ~~the~~ Judicial  
11 Council staff or the court;

12  
13 (4) \* \* \*

14  
15 (5) Must ensure that managers, supervisors, and other court personnel are  
16 reimbursed by their court in accordance with the Trial Court Financial  
17 Policies and Procedures Manual for travel expenses incurred in attending in-  
18 state education programs as a participant, except to the extent that: (i) certain  
19 expenses are covered by the ~~Administrative Office of the Courts~~ Judicial  
20 Council; or (ii) the education provider or sponsor of the program pays the  
21 expenses. Provisions for these expenses must be part of every court’s budget.  
22 The court executive officer may approve reimbursement of travel expenses  
23 incurred by managers, supervisors, and other court personnel in attending  
24 out-of-state education programs as a participant.  
25

26 **Rule 10.455. Ethics orientation for Judicial Council members and for judicial**  
27 **branch employees required to file a statement of economic interests**

28  
29 (a) \* \* \*

30  
31 (b) **Definitions**

32  
33 For purposes of this rule, “judicial branch employee” includes an employee of a  
34 trial or appellate court or the ~~Administrative Office of the Courts~~ Judicial Council,  
35 but does not include court commissioners or referees.  
36

37 (c) **Judicial Council members and judicial branch employees**

38  
39 (1) ~~The Administrative Office of the Courts~~ Judicial Council staff must provide  
40 an ethics orientation course for Judicial Council members and for judicial  
41 branch employees who are required to file a statement of economic interests.  
42

43 (2)–(3) \* \* \*

1 **Rule 10.461. Minimum education requirements for Supreme Court and Court of**  
2 **Appeal justices**

3  
4 (a) \* \* \*

5  
6 (b) **Content-based requirement**

7  
8 Each new Court of Appeal justice, within two years of confirmation of  
9 appointment, must attend a new appellate justice orientation program sponsored by  
10 a national provider of appellate orientation programs or by the ~~Administrative~~  
11 ~~Office of the Courts’ Judicial Council’s Education Division/Center for Judicial~~  
12 Education and Research.

13  
14 (c)–(e) \* \* \*

15  
16 **Advisory Committee Comment**

17  
18 The requirements formerly contained in subdivision (e)(2) of rule 970, which has been repealed,  
19 are carried forward without change in rule 10.461(b).

20  
21 ~~The Administrative Office of the Courts (AOC) has~~ Judicial Council staff have developed both a  
22 manual format and an automated format of the individual justice’s recording and reporting form  
23 referenced in rule 10.461(e) that gathers all the information needed by the Chief Justice or the  
24 administrative presiding justice to complete the aggregate report to the Judicial Council required  
25 under rule 10.452(d)(6). The Chief Justice or the administrative presiding justice may determine  
26 which form should be used in his or her court and may provide the manual or automated format  
27 of the ~~AOC council-~~developed form (available from the ~~AOC’s council’s Education~~  
28 ~~Division/Center for Judicial Education and Research~~) or may provide another appropriate form  
29 that has been developed by his or her court or by another court that gathers all the information  
30 needed by the Chief Justice or the administrative presiding justice to complete the aggregate  
31 report to the Judicial Council.

32  
33 **Rule 10.462. Minimum education requirements and expectations for trial court**  
34 **judges and subordinate judicial officers**

35  
36 (a)–(b) \* \* \*

37  
38 (c) **Content-based requirements**

39  
40 (1) Each new trial court judge and subordinate judicial officer must complete the  
41 “new judge education” provided by the ~~Administrative Office of the Courts’~~  
42 ~~Judicial Council’s Education Division/Center for Judicial Education and~~  
43 Research (CJER) as follows:

44  
45 (A)–(C) \* \* \*

46  
47 (2)–(4) \* \* \*

1 (d)–(g) \* \* \*

2  
3 **Advisory Committee Comment**

4  
5 The minimum judicial education requirements in rule 10.462 do not apply to retired judges  
6 seeking to sit on regular court assignment in the Assigned Judges Program. Retired judges who  
7 seek to serve in the Assigned Judges Program must comply with the Chief Justice's Standards and  
8 Guidelines for Judges Who Serve on Assignment, which includes education requirements.

9  
10 ~~The Administrative Office of the Courts (AOC) has~~ Judicial Council staff have developed both a  
11 manual format and an automated format of the individual judge's recording and reporting form  
12 referenced in rule 10.462(f) that gathers all the information needed by the presiding judge to  
13 complete the aggregate report to the Judicial Council required under rule 10.452(e)(7). The  
14 presiding judge may determine which form should be used in his or her court and may provide  
15 the manual or automated format of the ~~AOC~~ council-developed form (available from the ~~AOC's~~  
16 ~~Education Division/~~ Judicial Council's Center for Judicial Education and Research) or may  
17 provide another appropriate form that has been developed by his or her court or by another court  
18 that gathers all the information needed by the presiding judge to complete the aggregate report to  
19 the Judicial Council.

20  
21 **Rule 10.468. Content-based and hours-based education for superior court judges**  
22 **and subordinate judicial officers regularly assigned to hear probate**  
23 **proceedings**

24  
25 **(a) Definitions**

26  
27 As used in this rule, the following terms have the meanings stated below:

28  
29 (1)–(5) \* \* \*

30  
31 ~~(6) “AOC” is the Administrative Office of the Courts.~~

32  
33 ~~(7) “CJER” is the AOC Education Division/~~ Judicial Council's Center for  
34 Judicial Education and Research.

35  
36 ~~(8) “CJA” is the California Judges Association.~~

37  
38 **(b) \* \* \***

39  
40 **(c) Hours-based continuing education**

41  
42 (1)–(5) \* \* \*

43  
44 (6) A judicial officer may fulfill the education requirement in (1) or (2) through  
45 ~~AOC~~ council-sponsored education, an approved provider (see rule  
46 10.481(a)), or education approved by the judicial officer's presiding judge as  
47 meeting the education criteria specified in rule 10.481(b).

1 (7) \* \* \*

2

3 (d) \* \* \*

4

5 (e) **Record keeping and reporting**

6

7 (1) \* \* \*

8

9 (2) Presiding judges' records of judicial officer participation in the education  
10 required by this rule are subject to audit by ~~the AOC~~ Judicial Council staff  
11 under rule 10.462. ~~The AOC~~ Judicial Council staff may require courts to  
12 report participation by judicial officers in the education required by this rule  
13 to ensure compliance with Probate Code section 1456.

14

15 **Rule 10.469. Judicial education recommendations for justices, judges, and**  
16 **subordinate judicial officers**

17

18 (a) \* \* \*

19

20 (b) **Jury trial assignment**

21

22 Each judge or subordinate judicial officer assigned to jury trials should regularly  
23 use the ~~Administrative Office of the Courts' Education Division~~ Judicial Council  
24 CJER educational materials or other appropriate materials and should regularly  
25 complete CJER or other appropriate educational programs devoted to the conduct  
26 of jury voir dire and the treatment of jurors.

27

28 (c)–(e) \* \* \*

29

30 **Rule 10.478. Content-based and hours-based education for court investigators,**  
31 **probate attorneys, and probate examiners**

32

33 (a) **Definitions**

34

35 As used in this rule, the following terms have the meanings specified below, unless  
36 the context or subject matter otherwise require:

37

38 (1)–(4) \* \* \*

39

40 ~~(5) "AOC" is the Administrative Office of the Courts;~~

41

42 ~~(6-5) "CJER" is the AOC Education Division~~ Judicial Council's Center for Judicial  
43 Education and Research.

44

45 (b) **Content-based requirements for court investigators**

46

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45

(1) \* \* \*

(2) A court investigator may fulfill the education requirement in (1) through ~~AOC council~~-sponsored education, an approved provider (see rule 10.481(a)), or education approved by the court executive officer or the court investigator’s supervisor as meeting the education criteria specified in rule 10.481(b).

(3)–(4) \* \* \*

**(c) Content-based education for probate attorneys**

(1) \* \* \*

(2) A probate attorney may fulfill the education requirement in (1) through ~~AOC council~~-sponsored education, an approved provider (see rule 10.481(a)), or education approved by the court executive officer or the probate attorney’s supervisor as meeting the education criteria specified in rule 10.481(b).

(3)–(4) \* \* \*

**(d) Content-based education for probate examiners**

(1) \* \* \*

(2) A probate examiner may fulfill the education requirement in (1) through ~~AOC council~~-sponsored education, an approved provider (see rule 10.481(a)), or education approved by the court executive officer or the probate examiner’s supervisor as meeting the education criteria specified in rule 10.481(b).

(3)–(4) \* \* \*

**(e) Hours-based education for court investigators**

(1) \* \* \*

(2) A court investigator may fulfill the education requirement in (1) through ~~AOC council~~-sponsored education, an approved provider (see rule 10.481(a)), or education approved by the court executive officer or the court investigator’s supervisor as meeting the education criteria specified in rule 10.481(b).

(3)–(4) \* \* \*

1 **(f) Hours-based education for probate attorneys**

2  
3 (1) \* \* \*

4  
5 (2) A probate attorney may fulfill the education requirement in (1) through ~~AOC~~  
6 council-sponsored education, an approved provider (see rule 10.481(a)), or  
7 education approved by the court executive officer or the probate attorney's  
8 supervisor as meeting the education criteria specified in rule 10.481(b).

9  
10 (3)-(4) \* \* \*

11  
12 **(g) Hours-based education for probate examiners**

13  
14 (1) \* \* \*

15  
16 (2) A probate examiner may fulfill the education requirement in (1) through  
17 ~~AOC~~council-sponsored education, an approved provider (see rule  
18 10.481(a)), or education approved by the court executive officer or the  
19 probate examiner's supervisor as meeting the education criteria specified in  
20 rule 10.481(b).

21  
22 (3)-(4) \* \* \*

23  
24 **(h) \* \* \***

25  
26 **(i) Record keeping and reporting**

27  
28 (1) \* \* \*

29  
30 (2) ~~The AOC~~ Judicial Council staff may require courts to report participation by  
31 court investigators, probate attorneys, and probate examiners in the education  
32 required by this rule as necessary to ensure compliance with Probate Code  
33 section 1456.

34  
35 **Rule 10.481. Approved providers; approved course criteria**

36  
37 **(a) Approved providers**

38  
39 ~~The Administrative Office of the Courts' Judicial Council's Education~~  
40 ~~Division/Center for~~ Judicial Education and Research (CJER) is responsible for  
41 maintaining a current list of approved providers. The list of approved providers  
42 must include the ~~Administrative Office of the Courts~~ Judicial Council, the  
43 California Judges Association, and all California state courts and should include  
44 other reputable national and state organizations that regularly offer education  
45 directed to justices, judges, and court personnel. The director of ~~the Education~~  
46 ~~Division/CJER~~ may add or remove organizations from the list of approved



1 providers as appropriate according to these criteria. Any education program offered  
2 by any of the approved providers that is relevant to the work of the courts or  
3 enhances the individual participant's ability to perform his or her job may be  
4 applied toward the education requirements and expectations stated in rules 10.461–  
5 10.479, except for the requirements stated in rules 10.461(b), 10.462(c), and  
6 10.473(b), for which specific providers are required.

7  
8 (b) \* \* \*

9  
10 **Advisory Committee Comment**

11  
12 **Subdivision (b).** The director of ~~the Education Division~~/CJER is available to assist those  
13 authorized to approve a request to apply education offered by a non-approved provider in  
14 determining whether the education meets the listed criteria.

15  
16 **Rule 10.491. Minimum education requirements for ~~Administrative Office of the~~  
17 Courts Judicial Council executives, managers, supervisors, and other  
18 employees**

19  
20 (a) **Applicability**

21  
22 All ~~Administrative Office of the Courts (AOC)~~ Judicial Council executives,  
23 managers, supervisors, and other employees must complete these minimum  
24 education requirements.

25  
26 (b) **Content-based requirements**

- 27  
28 (1) Each new manager or supervisor must complete the ~~AOC's~~ New  
29 Manager/Supervisor Orientation within six months of being hired or assigned  
30 as a manager or supervisor.  
31  
32 (2) Each new employee, including each new manager or supervisor, must  
33 complete ~~the AOC's~~ New Employee Orientation within six months of being  
34 hired and should complete it as soon as possible after being hired.  
35  
36 (3) The Administrative Director ~~of the Courts~~ may require new managers,  
37 supervisors, and other employees to complete specific ~~AOC~~ compliance  
38 courses in addition to the required orientation courses.

39  
40 (c) **Hours-based requirements**

41  
42 (1)–(5) \* \* \*

- 43  
44 (6) Each hour of participation in traditional (live, face-to-face) education;  
45 distance education such as broadcasts, videoconference courses, and online  
46 coursework; and faculty service counts toward the requirement on an hour-  
47 for-hour basis. The Administrative Director ~~of the Courts~~ or an executive,

1 manager, or supervisor, if delegated by the Administrative Director, has  
2 discretion to determine the number of hours, if any, of traditional (live, face-  
3 to-face) education required to meet the continuing education requirement.

4  
5 (7) \* \* \*

6  
7 (8) The Administrative Director ~~of the Courts~~ may require executives, managers,  
8 supervisors, and other employees to complete specific ~~AOC~~ compliance  
9 courses as part of the continuing education requirements.

10  
11 **(d) Extension of time**

12  
13 (1) For good cause, the Administrative Director ~~of the Courts~~ or an executive,  
14 manager, or supervisor, if delegated by the Administrative Director, may  
15 grant a one-year extension of time to complete the education requirements in  
16 this rule. If an extension is granted, the subsequent two-year compliance  
17 period begins immediately after the extended compliance period ends, unless  
18 otherwise determined by the Administrative Director.

19  
20 (2) \* \* \*

21  
22 **(e) \* \* \***

23  
24 **(f) Responsibilities of Administrative Director ~~of the Courts~~ and of AOC Judicial**  
25 **Council executives, managers, and supervisors**

26  
27 The Administrative Director ~~of the Courts~~ and each AOC Judicial Council  
28 executive, manager, and supervisor:

29  
30 (1)–(3) \* \* \*

31  
32 (4) Must ensure that executives, managers, supervisors, and other employees are  
33 reimbursed ~~by the AOC~~ in accordance with the travel policies issued by the  
34 ~~Administrative Office of the Courts~~ Judicial Council for travel expenses  
35 incurred in attending in-state education programs as a participant in order to  
36 complete the minimum education requirements in (b)–(c). Provisions for  
37 these expenses must be part of the ~~AOC's~~ Judicial Council's budget. The  
38 Administrative Director ~~of the Courts~~ may approve reimbursement of travel  
39 expenses incurred by executives, managers, supervisors, and other employees  
40 in attending out-of-state education programs as participants.

41  
42 **Rule 10.500. Public access to judicial administrative records**

43  
44 **(a)–(b) \* \* \***  
45

1 (c) **Definitions**

2  
3 As used in this rule:

4  
5 (1)–(2) \* \* \*

6  
7 (3) “Judicial branch entity” means the Supreme Court, each Court of Appeal,  
8 each superior court, and the Judicial Council, ~~and the Administrative Office~~  
9 ~~of the Courts.~~

10  
11 (4)–(6) \* \* \*

12  
13 (d) \* \* \*

14  
15 (e) **Public access**

16  
17 (1) \* \* \*

18  
19 (2) *Examples*

20  
21 Judicial administrative records subject to inspection and copying unless  
22 exempt from disclosure under subdivision (f) include, but are not limited to,  
23 the following:

24  
25 (A) Budget information submitted to the ~~Administrative Office of the~~  
26 Courts-Judicial Council after enactment of the annual Budget Act;

27  
28 (B)–(F) \* \* \*

29  
30 (3)–(12) \* \* \*

31  
32 (f)–(i) \* \* \*

33  
34 (j) **Public access disputes**

35  
36 (1) Unless the petitioner elects to proceed under (2) below, disputes and appeals  
37 of decisions with respect to disputes with the Judicial Council,  
38 ~~Administrative Office of the Courts~~, or a superior court regarding access to  
39 budget and management information required to be maintained under rule  
40 10.501 are subject to the process described in rule 10.803.

41  
42 (2)–(6) \* \* \*

43  
44 **Advisory Committee Comment**

45  
46 **Subdivision (a).** \* \* \*

1 **Subdivisions (b)(1) and (b)(2).** \* \* \*

2  
3 **Subdivision (c)(2).** \* \* \*

4  
5 **Subdivision (e)(4).** \* \* \*

6  
7 **Subdivision (f)(3).** \* \* \*

8  
9 **Subdivision (f)(10).** \* \* \*

10  
11 **Subdivision (f)(11).** \* \* \*

12  
13 **Subdivision (j)(1).** Under current rule 10.803 a petitioner may file a writ in a superior court  
14 regarding a dispute with a superior court or the ~~Administrative Office of the Courts~~ Judicial  
15 Council with respect to disclosure of records and information required to be maintained under  
16 current rule 10.802. The writ petition must be heard on an expedited basis and includes a right to  
17 an appeal. The statutory authority for the hearing process set forth in current rule 10.803,  
18 Government Code section 71675(b), does not extend this procedure to other disputes with respect  
19 to public access. The rule provides that petitioners with a dispute with any other judicial branch  
20 entity, or with respect to records that are not required to be maintained under rule 10.802, may  
21 follow the procedure set forth in (j)(2) through (j)(6), which is equivalent to the dispute resolution  
22 procedure of the California Public Records Act. A petitioner eligible for the dispute resolution  
23 process set out in current rule 10.803 may also elect to proceed with his or her dispute under the  
24 procedure set forth in (j)(2) through (j)(6).

25  
26 **Rule 10.501. Maintenance of budget and management information**

27  
28 **(a) Maintenance of information by the superior court**

29  
30 Each superior court must maintain for a period of three years from the close of the  
31 fiscal year to which the following relate:

- 32  
33 (1) Official documents of the superior court pertaining to the approved superior  
34 court budget allocation adopted by the Judicial Council and actual final year-  
35 end superior court revenue and expenditure reports as required in budget  
36 procedures issued by ~~the Administrative Office of the Courts~~ Judicial Council  
37 staff to be maintained or reported to the council, including budget allocation,  
38 revenue, and expenditure reports;

39  
40 (2)–(3) \* \* \*

41  
42 **(b) Maintenance of information by ~~the Administrative Office of the Courts~~**  
43 **Judicial Council staff**

44  
45 ~~The Administrative Office of the Courts~~ Judicial Council staff must maintain for a  
46 period of three years from the close of the fiscal year to which the following relate:

- 47  
48 (1) \* \* \*

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(2) Actual final year-end superior court revenue and expenditure reports required by budget procedures issued by ~~the Administrative Office of the Courts~~ Judicial Council staff to be maintained or reported to the council that are received from the courts, including budget revenues and expenditures for each superior court;

(3)–(4) \* \* \*

**Rule 10.502. Judicial sabbatical pilot program**

(a)–(b) \* \* \*

**(c) Application**

(1) An eligible judge may apply for a sabbatical by submitting a sabbatical proposal to the Administrative Director ~~of the Courts~~ with a copy to the presiding judge or justice.

(2) \* \* \*

**(d) Judicial Sabbatical Review Committee**

A Judicial Sabbatical Review Committee will be appointed to make recommendations to the Judicial Council regarding sabbatical requests.

(1) \* \* \*

(2) *Staffing*

The committee will be staffed by the Judicial Council's Human Resources Division ~~office of the Administrative Office of the Courts~~ and may elect its chair and vice-chair.

**(e) Evaluation**

(1) The Administrative Director ~~of the Courts~~ must forward all sabbatical requests that comply with (c) to the Judicial Sabbatical Review Committee.

(2)–(3) \* \* \*

(f)–(j) \* \* \*

**Rule 10.601. Superior court management**

1 (a) \* \* \*

2  
3 (b) **Goals**

4  
5 The rules in this division are intended to ensure the authority and responsibility of  
6 the superior courts to do the following, consistent with statutes, rules of court, and  
7 standards of judicial administration:

8  
9 (1)–(4) \* \* \*

10  
11 (5) Provide input to the Judicial Council, the Trial Court Budget ~~Working Group~~  
12 Advisory Committee, and ~~the Administrative Office of the Courts~~ Judicial  
13 Council on the trial court budget process; and

14  
15 (6) \* \* \*

16  
17 (c) \* \* \*

18  
19 **Rule 10.630. Reporting of reciprocal assignment orders**

20  
21 A “reciprocal assignment order” is an order issued by the Chief Justice that permits  
22 judges in courts of different counties to serve in each other’s courts. A court must report  
23 to ~~the Administrative Office of the Courts~~ Judicial Council staff, on a monthly basis, each  
24 assignment of a judge from another county to its court under a reciprocal assignment  
25 order.

26  
27 **Rule 10.660. Enforcement of agreements—petitions (Gov. Code, §§ 71639.5,**  
28 **71825.2)**

29  
30 (a) \* \* \*

31  
32 (b) **Assignment of Court of Appeal justice to hear the petition**

33  
34 (1) \* \* \*

35  
36 (2) When the petition is filed, the clerk of the court must immediately request of  
37 the Judicial Council’s ~~Judicial Assignments Unit~~ Assigned Judges Program  
38 ~~of the Administrative Office of the Courts~~ the assignment of a hearing judge  
39 from the panel established under (e).

40  
41 (3) \* \* \*

42  
43 (c)–(e) \* \* \*

44  
45 **Rule 10.670. Trial court personnel plans**

1 (a)–(d) \* \* \*

2  
3 (e) **Submission of personnel plans**

4  
5 The superior court of each county must submit to the Judicial Council a personnel  
6 plan in compliance with these provisions by March 1, 1999. The superior court of  
7 each county must submit to the Judicial Council any changes to this plan by March  
8 1 of every following year. If requested by a superior court, ~~the Administrative~~  
9 ~~Office of the Courts~~ Judicial Council staff must review the court’s personnel plan  
10 and provide the court with technical assistance in preparing the plan.  
11

12 **Rule 10.742. Use of attorneys as court-appointed temporary judges**

13  
14 (a)–(b) \* \* \*

15  
16 (c) **Record and report of uses**

17  
18 Each trial court that uses attorneys as temporary judges must record and report to  
19 ~~the Administrative Office of the Courts~~ Judicial Council staff on a quarterly basis  
20 information concerning its use of them. The report must state:  
21

22 (1)–(3) \* \* \*

23  
24  
25 **Rule 10.761. Regional Court Interpreter Employment Relations Committees**

26  
27 (a) \* \* \*

28  
29 (b) **Membership**

30  
31 (1)–(3) \* \* \*

32  
33 (4) Each Regional Court Interpreter Employment Relations Committee may  
34 appoint a chief negotiator to bargain with recognized employee  
35 organizations. The chief negotiator may be Judicial Council staff ~~of the~~  
36 ~~Administrative Office of the Courts~~.  
37

38 (5) \* \* \*

39  
40 (c)–(d) \* \* \*

41  
42 (e) ~~Administrative Office of the Courts~~ Judicial Council staff

43  
44 ~~The~~ Judicial Council staff ~~of the Administrative Office of the Courts~~ will assist  
45 each Regional Court Interpreter Employment Relations Committee in performing  
46 its functions.

1  
2 **Rule 10.762. Cross-assignments for court interpreter employees**

3  
4 (a) \* \* \*

5  
6 (b) **Definitions**

7  
8 As used in this rule:

9  
10 (1)–(3) \* \* \*

11  
12 (4) “Regional court interpreter coordinator” means ~~an~~ a Judicial Council  
13 ~~employee of the Administrative Office of the Courts~~ whose duty it is to  
14 locate, assign, and schedule available court interpreter employees for courts  
15 within and across regions, which are described under Government Code  
16 section 71807(a).

17  
18 (5) \* \* \*

19  
20 (c) \* \* \*

21  
22 (d) **Payment for cross-assignments**

23  
24 The home court must issue payment to the court interpreter for all cross-  
25 assignments, including per diem compensation and mileage reimbursement. ~~The~~  
26 ~~Administrative Office of the Courts~~ Judicial Council staff will administer funding  
27 to the home court for payments associated with cross-assignments.

28  
29 (e)–(f) \* \* \*

30  
31 **Rule 10.776. Definitions**

32  
33 As used in the rules in this chapter, the following terms have the meanings stated below:

34  
35 (1)–(4) \* \* \*

36  
37 (5) An “accredited educational institution” is a college or university, including a  
38 community or junior college, accredited by a regional accrediting organization  
39 recognized by the Council for Higher Education Accreditation; ~~and~~.

40  
41 (6) ~~—“AOC” is the Administrative Office of the Courts.~~

42  
43 **Rule 10.777. Qualifications of court investigators, probate attorneys, and probate**  
44 **examiners**

45  
46 (a)–(e) \* \* \*



1  
2 **(f) Record keeping and reporting**  
3

4 The ~~AOC~~Judicial Council may require courts to report on the qualifications of the  
5 court investigators, probate attorneys, or probate examiners hired or under contract  
6 under this rule, and on waivers made under (e), as necessary to ensure compliance  
7 with Probate Code section 1456.  
8

9 **Rule 10.781. Court-related ADR neutrals**  
10

11 **(a) Qualifications of mediators for general civil cases**  
12

13 Each superior court that makes a list of mediators available to litigants in general  
14 civil cases or that recommends, selects, appoints, or compensates mediators to  
15 mediate any general civil case pending in the court must establish minimum  
16 qualifications for the mediators eligible to be included on the court's list or to be  
17 recommended, selected, appointed, or compensated by the court. A court that  
18 approves the parties' agreement to use a mediator who is selected by the parties and  
19 who is not on the court's list of mediators or that memorializes the parties'  
20 agreement in a court order has not thereby recommended, selected, or appointed  
21 that mediator within the meaning of this rule. In establishing these qualifications,  
22 courts are encouraged to consider the Model Qualification Standards for Mediators  
23 in Court-Connected Mediation Programs for General Civil Cases issued by the  
24 ~~Administrative Office of the Courts~~Judicial Council staff.  
25

26 **(b)–(d) \* \* \***  
27

28 **Rule 10.782. ADR program information**  
29

30 **(a) Report to Judicial Council**  
31

32 Each court must report information on its ADR programs to the Judicial Council, as  
33 requested by the ~~Administrative Office of the Courts~~Judicial Council staff.  
34

35 **(b) \* \* \***  
36

37 **Rule 10.800. Superior court budgeting**  
38

39 **(a) \* \* \***  
40

41 **(b) Development of budget requests**  
42

43 Each superior court must prepare and submit to the ~~Administrative Office of the~~  
44 ~~Courts~~Judicial Council a budget according to the schedule and procedures  
45 established by the Judicial council.  
46

1 (c) \* \* \*

2  
3 **Rule 10.801. Superior court budget procedures**

4  
5 (a) **Adoption of budget procedures by ~~the Administrative Office of the Courts~~**  
6 **Judicial Council staff**

7  
8 ~~The Administrative Office of the Courts~~ Judicial Council staff must adopt superior  
9 court budget procedures to be included in the *Trial Court Financial Policies and*  
10 *Procedures Manual*, the annual Baseline Budget Development Package, and the  
11 annual *Budget Change Request Package*. These procedures include the following:

12  
13 (1)–(9) \* \* \*

14  
15 (b) **Technical assistance**

16  
17 ~~The Administrative Office of the Courts~~ Judicial Council staff, on request, provides  
18 technical assistance and ongoing training in budget development and  
19 implementation to the superior courts.

20  
21 **Rule 10.805. Notice of change in court-county relationship**

22  
23 If, under Government Code section 77212, the county gives notice to the superior court  
24 that the county will no longer provide a specific county service or the court gives notice  
25 to the county that the court will no longer use a specific county service, the court must,  
26 within 10 days of receiving or giving such notice, provide a copy of this notice to the  
27 Judicial Council’s Finance Division office of the Administrative Office of the Courts.

28  
29 **Rule 10.811. Reimbursement of costs associated with homicide trials**

30  
31 (a)–(b) \* \* \*

32  
33 (c) **Submission**

34  
35 A request for reimbursement must be submitted by the court’s presiding judge or  
36 executive officer to ~~the Administrative Office of the Courts~~ Judicial Council staff.  
37 All requests for reimbursement must comply with guidelines approved by the  
38 Judicial Council and include a completed *Request for Reimbursement of*  
39 *Extraordinary Homicide Trial Costs* form.

40  
41 **Rule 10.815. Fees to be set by the court**

42  
43 (a)–(d) \* \* \*

44  
45 (e) **Reporting requirement**

1 Each court that charges a fee under this rule must provide ~~the Administrative Office~~  
2 ~~of the Courts~~ Judicial Council staff with a description of the fee, how the amount of  
3 the fee was determined, and how the fee is applied.  
4

5 (f)–(g) \* \* \*

6  
7 **Rule 10.820. Acceptance of credit cards by the superior courts**

8  
9 (a) **Delegation of authority to Administrative Director ~~of the Courts~~**

10  
11 The Administrative Director ~~of the Courts~~ is authorized, under rule 10.80, to  
12 approve on behalf of the Judicial Council requests from the superior courts to  
13 accept credit cards for the payment of court fees or to impose a charge for the use  
14 of credit cards. The authority is given to the Judicial Council by Government Code  
15 section 6159.  
16

17 (b) **Standards for use of credit cards**

18  
19 The Administrative Director ~~of the Courts~~ is authorized to approve requests under  
20 (a) for acceptance of credit cards if all of the following are true:

21  
22 (1)–(3) \* \* \*

23  
24 (c) **Standards for charge for the use of credit cards**

25  
26 The Administrative Director ~~of the Courts~~ is authorized to approve requests under  
27 (a) for the imposition of a charge for the use of credit cards if both of the following  
28 are true:

29  
30 (1)–(2) \* \* \*

31  
32 (d) **Referral to Judicial Council**

33  
34 The Administrative Director ~~of the Courts~~ may refer any request under (a) to the  
35 Judicial Council for its action.  
36

37 (e) \* \* \*

38  
39 **Rule 10.830. Disposal of surplus court personal property**

40  
41 (a) \* \* \*

42  
43 (b) **Exception for disposal of technology equipment acquired on or after July 1,**  
44 **2000**  
45

1 A superior court that wishes to dispose of surplus technology equipment to which  
2 the court acquired title on or after July 1, 2000 must provide a written description  
3 of such technology equipment to the Administrative Director ~~of the Courts~~. If,  
4 within 60 days of receipt of the description, the Administrative Director determines  
5 that another court of record of the State of California is in need of the surplus  
6 technology equipment, the court holding title to the equipment must donate it to the  
7 court determined to be in need. If the Administrative Director determines that no  
8 other court needs the equipment or makes no determination within 60 days of  
9 receiving the written description of it, the court holding title to the equipment may  
10 dispose of it as provided in (a), (c), and (d). The Administrative Director must  
11 provide to the courts a definition of the term “technology equipment” as used in  
12 this rule and must provide 30 days’ notice of any amendment to the definition.

13  
14 (c)–(d) \* \* \*

15  
16  
17 **Rule 10.854. Standards and guidelines for trial court records**

18  
19 (a) **The standards and guidelines**

20  
21 ~~The Administrative Office of the Courts~~ Judicial Council staff, in collaboration  
22 with trial court presiding judges and court executives, must prepare, maintain, and  
23 distribute a manual providing standards and guidelines for the creation,  
24 maintenance, and retention of trial court records (the *Trial Court Records Manual*),  
25 consistent with the Government Code and the rules of court and policies adopted by  
26 the Judicial Council. The manual should assist the courts and the public to have  
27 complete, accurate, efficient, and accessible court records. Before the manual is  
28 issued, it must be made available for comment from the trial courts.

29  
30 (b) \* \* \*

31  
32 (c) **Updating the manual**

33  
34 ~~The Administrative Office of the Courts~~ Judicial Council staff, in collaboration  
35 with trial court presiding judges and court executives, must periodically update the  
36 *Trial Court Records Manual* to reflect changes in technology that affect the  
37 creation, maintenance, and retention of court records. Except for technical changes,  
38 corrections, or minor substantive changes not likely to create controversy, proposed  
39 changes in the manual must be made available for comment from the courts before  
40 the manual is updated or changed. Courts must be notified of any changes in the  
41 standards or guidelines, including all those relating to the permanent retention of  
42 records.

43  
44 (d) \* \* \*

1 **Rule 10.870. Trial court automation standards**

2  
3 Each superior court that acquires, develops, enhances, or maintains automated accounting  
4 or case management systems through funding provided under Government Code section  
5 68090.8 must comply with the standards approved by the Judicial Council. The approved  
6 standards are stated in *Judicial Council Trial Court Automation Standards* published by  
7 ~~the Administrative Office of the Courts.~~

8  
9 **Rule 10.960. Court self-help centers**

10  
11 **(a)–(e) \* \* \***

12  
13 **(f) Budget and funding**

14  
15 A court must include in its annual budget funding necessary for operation of its  
16 self-help center. In analyzing and making recommendations on the allocation of  
17 funding for a court self-help center, ~~the Administrative Office of the Courts~~ Judicial  
18 Council staff will consider the degree to which individual courts have been  
19 successful in meeting the guidelines and procedures for the operation of the self-  
20 help center.

Standards 5.40, 5.45, 10.10, 10.11, 10.15, 10.16, and 10.80 of the Standards of Judicial Administration are amended, effective January 1, 2016, to read:

1 **Standard 5.40. Juvenile court matters**

2  
3 **(a)–(h)**\* \* \*

4  
5 **Advisory Committee Comment**

6  
7 **Subdivision (a).** \* \* \*

8  
9 **Subdivision (b)(2).** \* \* \*

10  
11 **Subdivision (c)(4).** \* \* \*

12  
13 **Subdivision (d)(4).** Juvenile court law is a specialized area of the law that requires dedication and  
14 study. The juvenile court judge has a responsibility to maintain high quality in the practice of law  
15 in the juvenile court. The quality of representation in the juvenile court depends in good part on  
16 the education of the lawyers who appear there. In order to make certain that all parties receive  
17 adequate representation, it is important that attorneys have adequate training before they begin  
18 practice in juvenile court and on a continuing basis thereafter. The presiding judge of the juvenile  
19 court should mandate such training for all court-appointed attorneys and urge leaders of public  
20 law offices to provide at least comparable training for attorneys assigned to juvenile court.

21  
22 A minimum of six hours of continuing legal education is suggested; more hours are  
23 recommended. Education methods can include lectures and tapes that meet the legal education  
24 requirements.

25  
26 In addition to basic legal training in juvenile dependency and delinquency law, evidentiary issues,  
27 and effective trial practice techniques, training should also include important related issues,  
28 including child development, alternative resources for families, effects and treatment of substance  
29 abuse, domestic violence, abuse, neglect, modification and enforcement of all court orders,  
30 dependency, delinquency, guardianships, conservatorships, interviewing children, and  
31 emancipation. Education may also include observational experience such as site visits to  
32 institutions and operations critical to the juvenile court.

33  
34 A significant barrier to the establishment and maintenance of well-trained attorneys is a lack of  
35 educational materials relating to juvenile court practice. Law libraries, law offices, and court  
36 systems traditionally do not devote adequate resources to the purchase of such educational  
37 materials.

38  
39 Effective January 1, 1993, guidelines and training material will be available from ~~the~~  
40 ~~Administrative Office of the Courts~~ Judicial Council staff.

41  
42 **Subdivision (e)(11).** \* \* \*

1  
2 **Standard 5.45. Resource guidelines for child abuse and neglect cases**

3  
4 (a) \* \* \*

5  
6 (b) **Distribution of guidelines**

7  
8 ~~The Administrative Office of the Courts~~ Judicial Council staff will distribute a  
9 copy of the resource guidelines to each juvenile court and will provide individual  
10 copies to judicial officers and court administrators on written request.

11  
12 **Advisory Committee Comment**

13  
14 Child abuse and neglect cases impose a special obligation on juvenile court judges to oversee  
15 case progress. Case oversight includes monitoring the agency's fulfillment of its responsibilities  
16 and parental cooperation with the case plan. Court involvement in child welfare cases occurs  
17 simultaneously with agency efforts to assist the family. Federal and state legal mandates assign to  
18 the juvenile court a series of interrelated and complex decisions that shape the course of state  
19 intervention and determine the future of the child and family.

20  
21 Unlike almost all other types of cases in the court system, child abuse and neglect cases deal with  
22 an ongoing and changing situation. In a child welfare case, the court must focus on agency  
23 casework and parental behavior over an extended period of time. In making a decision, the court  
24 must take into account the agency's plan to help the family and anticipated changes in parental  
25 behavior. At the same time, the court must consider the evolving circumstances and needs of each  
26 child.

27  
28 The purpose of these resource guidelines is to specify the essential elements of properly  
29 conducted court hearings. The guidelines describe the requirements of juvenile courts in fulfilling  
30 their oversight role under federal and state laws, and they specify the necessary elements of a fair,  
31 thorough, and speedy court process in child abuse and neglect cases. The guidelines cover all  
32 stages of the court process, from the initial removal hearing to the end of juvenile court  
33 involvement. These guidelines assume that the court will remain involved until after the child has  
34 been safely returned home, has been placed in another permanent home, or has reached  
35 adulthood.

36  
37 Currently, juvenile courts in California operate under the same juvenile court law and rules, and  
38 yet the rules are implemented with considerable variation throughout the state. In part, this is due  
39 to the lack of resource guidelines. The adoption of the proposed resource guidelines will help  
40 encourage more consistent juvenile court procedures in the state.

41  
42 The guidelines are meant to be goals, and, as such, some of them may appear out of reach  
43 because of fiscal constraints or lack of judicial and staff resources. The Judicial Council Family

1 and Juvenile Law Advisory Committee and Judicial Council staff of the ~~Administrative Office of~~  
2 ~~the Courts~~ are committed to providing technical assistance to each juvenile court to aid in  
3 implementing these goals.

4  
5 **Standard 10.10. Judicial branch education**

6  
7 **(a) Purpose**

8  
9 Judicial branch education for all trial and appellate judicial officers and court  
10 employees is essential to improving the fair, effective, and efficient administration  
11 of justice. Judicial branch education is acknowledged as a vital component in  
12 achieving the goals of the Judicial Council’s Long-Range Strategic Plan, including  
13 access and fairness, branch independence, modernization, and quality of justice.  
14 The Judicial Council has charged the Governing Committee of the Center for  
15 Judicial Education and Research (CJER), an advisory committee to the council,  
16 with developing and maintaining a comprehensive and quality education program  
17 on behalf of the Judicial Council for the California judicial branch.

18  
19 **(b)–(c) \* \* \***

20  
21 **(d) Elements of comprehensive education program**

22  
23 The Governing Committee of CJER is responsible for developing and maintaining  
24 a comprehensive and quality education program for the judicial branch. This  
25 program is to be implemented by CJER as ~~the Education Division of the~~  
26 ~~Administrative Office of the Courts~~. The program should be designed to meet the  
27 educational needs and requirements of judicial officers and court employees as  
28 stated in standards 10.11 and 10.15 and should include the following elements:

29  
30 **(1)–(10) \* \* \***

31  
32 **Standard 10.11. General judicial education standards**

33  
34 **(a)–(i) \* \* \***

35  
36 **Advisory Committee Comment**

37  
38 **Subdivision (a).** This provision recognizes that judicial officers must develop, maintain, and  
39 improve their professional competence by participating in judicial orientation and training  
40 programs when they first assume their judicial positions, and thereafter in continuing education  
41 programs throughout their judicial careers.



1 The judiciary will assess its own educational needs and establish appropriate programs and tools  
2 for meeting those needs. Various judicial organizations in this state, such as the ~~Administrative~~  
3 ~~Office of the Courts~~ Judicial Council, the California Judges Association, and the Center for  
4 Judicial Education and Research, provide judicial officers with comprehensive educational  
5 opportunities in all areas of their judicial responsibilities. These organizations typically use  
6 experienced judicial officers to plan, conduct, oversee, and evaluate the effectiveness of their  
7 programs. Judicial officers determine all aspects of the programs offered by the California Judges  
8 Association. The Center for Judicial Education and Research is governed by an 11-member  
9 governing committee appointed by the Chief Justice of California as Chair of the Judicial  
10 Council. Four of the judicial members are nominated by the California Judges Association and  
11 four are appointed on behalf of the Judicial Council; three court administrator members are  
12 appointed on behalf of the Judicial Council. Subject to the Judicial Council’s authority, the  
13 committee is responsible for determining matters relating to the center’s judicial branch education  
14 policies and for making recommendations to the Judicial Council for action. The center’s  
15 educational activities are planned, conducted, and overseen by a broad base of judicial officers  
16 and administrators serving on planning committees under the governing committee’s supervision.

17  
18 **Subdivision (b).** \* \* \*

19  
20 **Subdivision (d).** \* \* \*

21  
22 **Subdivision (g).** \* \* \*.

23  
24 **Standard 10.15. General court employee education standards**

25  
26 **(a)** \* \* \*

27  
28 **(b) Responsibilities of executive and administrative officers**

29  
30 Executive and administrative officers should develop, as a part of the annual budget  
31 process for their courts, annual education plans that facilitate employees’  
32 participation as both students and faculty in judicial branch education programs, as  
33 prescribed by this standard. The plans may designate, either locally or regionally, a  
34 training specialist to coordinate the implementation of the plans. The plans should  
35 include methods of measuring the effectiveness of education programs. A copy of  
36 the locally developed education plans should be forwarded to the Center for  
37 Judicial Education and Research (CJER), which will serve as a depository.

38  
39 **(c)** \* \* \*

40  
41 **(d) Executive and administrative officer education**

42  
43 **(1)–(4)** \* \* \*

1  
2  
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30

(5) Executive and administrative officers should make training available to their employees on a local or regional level. This training should include an orientation program for all new employees on the background, history, and structure of the judicial branch, including the Judicial Council and the ~~Administrative Office of the Courts~~.

(6) \* \* \*

(e)-(j) \* \* \*

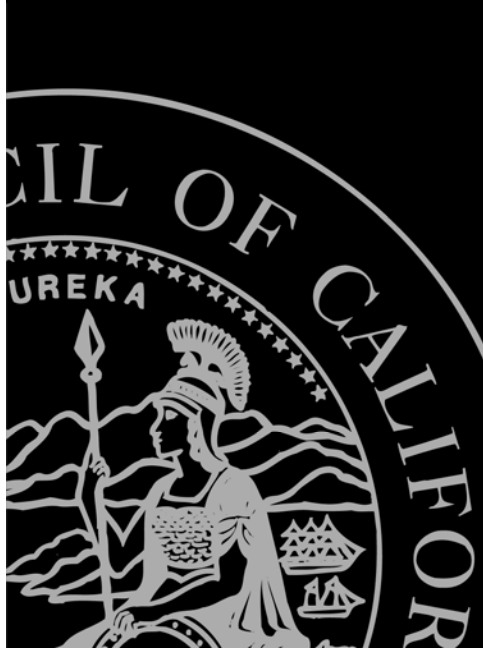
**Standard 10.16. Model code of ethics for court employees**

Each trial and appellate court should adopt a code of ethical behavior for its support staff, and in doing so should consider rule 10.670(c)(12) of the California Rules of Court, and the model Code of Ethics for the Court Employees of California approved by the Judicial Council on May 17, 1994, and any subsequent revisions. The approved model code is published by the ~~Administrative Office of the Courts~~ Judicial Council.

**Standard 10.80. Court records management standards**

Each court should develop records management practices consistent with the standards approved by the Judicial Council. The approved standards are specified in Judicial Council Court Records Management Standards, published by the ~~Administrative Office of the Courts~~ Judicial Council.

Implementation of these standards, which cover creation, use, maintenance, and destruction of records, should lead to more efficient court administration, better protection and preservation of records, and improved public access to records.



# Judicial Council Governance Policies

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~~JUNE 2008~~ JANUARY 2016



JUDICIAL COUNCIL  
OF CALIFORNIA



# Judicial Council Governance Policies

## I. Governance Process

### A. The Judicial Council

1.-3. \* \* \*

#### 4. Judicial Branch Goals

The Judicial Council develops judicial branch goals in its strategic and operational plans. At six-year intervals, the council develops and approves a long-range strategic plan. At three-year intervals, the council develops and approves an operational plan for the implementation of the strategic plan. Each plan is developed in consultation with branch stakeholders and justice system partners. The goals and priorities of the council are set forth in the *Justice in Focus: The Strategic Plan for the California's Judicial Branch 2006-2012*:

5. \* \* \*

#### 6. Council Officers and Duties

The Judicial Council has ~~seven~~ eight officers: the Chair, Vice-Chair, Secretary, and the chairs of the council's ~~four~~ five internal committees: Executive and Planning, Litigation Management, Policy Coordination and Liaison, ~~and~~ Rules and Projects, and Judicial Council Technology.

The Chief Justice serves as Chair of the council and performs those functions prescribed by the Constitution and the laws of the State of California. The Chair is a voting member of the council.

The Chief Justice appoints a Vice-Chair from among the judicial members of the council. When the Chair is absent, unable to serve, or so directs, the Vice-Chair performs all of the duties of the Chair.

The Chief Justice appoints a Judicial Council member to serve as chair of the council in the event that both the Chief Justice and the council's Vice-Chair are absent or unable to serve. The Chief Justice determines the individuals to serve as chair from among the internal committee chairs and vice-chairs.

The Chief Justice appoints the chairs and vice-chairs of the council's ~~four~~ five internal committees from among the members of the council. Internal committee chairs are appointed for a one-year term. Committee chairs call meetings, as necessary, and provide reports to the council on the activities of the internal committees. ~~Meetings of the internal committees are closed to the public but may be opened at the chair's discretion.~~

The Administrative Director ~~of the Courts~~ serves as Secretary to the council and performs administrative and policymaking functions as provided by the Constitution and the laws of the State of California and as delegated by the council and the Chief Justice (see II.B, *infra*, for duties of the Administrative Director). The Secretary is not a voting member of the council.

Together, the Chief Justice and the Administrative Director, on behalf of the Judicial Council and with regard to the budgets of the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and the ~~Administrative Office of the Courts~~ Judicial Council staff, may: (1) make technical changes to the proposed budget, and (2) participate in budget negotiations with the legislative and executive branches consistent with the goals and priorities of the council.

The Chief Justice and the Administrative Director, on behalf of the Judicial Council, also may allocate funding appropriated in the State Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, the Habeas Corpus Resource Center, and the ~~Administrative Office of the Courts~~ Judicial Council staff.

After the end of each fiscal year, the Administrative Director reports to the Judicial Council on actual expenditures in the budgets of the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and the ~~Administrative Office of the Courts~~ Judicial Council staff.

7. \* \* \*

## **B. Council Internal Committees**

The internal committees of the Judicial Council assist the full membership of the council in its responsibilities by providing recommendations in their assigned areas including rules for court administration, practice, and procedure, and by performing duties delegated by the council. Internal committees generally work at the same policy level as the council, focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.

### **1. Executive and Planning Committee**

The Executive and Planning Committee has the following functions and makes regular reports to the full council on its actions:

a.-e. \* \* \*

f. Developing a schedule of topics about which the council wishes to consider making policy or to receive updates from the Administrative Director or ~~Administrative Office of the Courts~~ Judicial Council staff.

g.-j. \* \* \*

2.-3. \* \* \*

#### **4. Litigation Management Committee**

The Litigation Management Committee has the following functions and takes the following actions:

- a. Overseeing litigation and claims against trial court judges, appellate court justices, the Judicial Council, ~~the Administrative Office of the Courts~~, the trial and appellate courts, and the employees of those bodies that seek recovery of \$100,000 or more, or raise important policy or court operations issues, by: (1) reviewing and approving any proposed settlement, stipulated judgment, or offer of judgment; and (2) consulting with the Administrative Director or ~~General~~ Chief Counsel on important strategy issues. Important policy or court operations issues may include whether to initiate litigation on behalf of a court, when to defend a challenged court practice, or how to resolve disputes where the outcome might have statewide implications.
- b. \* \* \*
- c. When necessary, resolving written objections to major strategic decisions, such as retention of counsel and proposed settlements, presented by the ~~General~~ Chief Counsel.

#### **C. Council Advisory Bodies**

Council advisory bodies are typically advisory committees and task forces. They use the individual and collective experience, opinions, and wisdom of their members to provide policy recommendations and advice to the council on topics the Chief Justice or the council specifies. The council and its internal committees provide direction to the advisory bodies.

Council advisory bodies work at the same policy level as the council, developing recommendations that focus on strategic goals and long-term impacts that align with judicial branch goals.

Council advisory bodies generally do not implement policy. The council may, however, assign policy-implementation and programmatic responsibilities to an advisory body and may request it make recommendations to staff on implementation of council policy or programs.

Council advisory bodies do not speak or act for the council except when formally given such authority for specific and time-limited purposes.

Council advisory bodies, through staff, are responsible for gathering stakeholder perspectives on policy recommendations they plan to present to the council.

The Chief Justice assigns oversight of each council advisory body to an internal committee. The council gives a general charge to each advisory body specifying the body's subject matter jurisdiction.

### **1. Council Advisory Committees**

a.-b. \* \* \*

c. Advisory committees have limited discretion to pursue matters in addition to those specified by the council in each committee's annual charge, as long as the matters are consistent with a committee's general charge, within the limits of resources available to the committee, and within any other limits specified by the council, the designated internal committee, or the Administrative Director ~~of the Courts~~.

d.-e. \* \* \*

f. Staff report to the Administrative Director ~~of the Courts~~. Decisions or instructions of an advisory body or its leader are not binding on the staff except in instances when the council or the Administrative Director has specifically authorized such exercise of authority.

### **2. Council Task Forces and Other Advisory Bodies**

The Chief Justice, Judicial Council, or the Administrative Director ~~of the Courts~~ may establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council's standing advisory committees. These task forces and other advisory bodies may be required to report to one of the council's internal committees or the Administrative Director, as designated in the charge.

## **II. Council-Staff Relationship**

### **A. Unity of Control**

1. The Judicial Council appoints an Administrative Director ~~of the Courts~~ who serves at the pleasure of the council and performs functions prescribed by the California Constitution and delegated by the council and the Chief Justice. Adopting rules of court administration, practice, and procedure is not delegated to the Administrative Director.

2. \* \* \*

3. The Administrative Director, under the supervision of the Chief Justice, employs, organizes, and directs a staff agency, ~~known as the Administrative Office of the Courts~~. The ~~Administrative Office of the Courts~~ Judicial Council staff assists the



council and its Chair in carrying out their duties under the Constitution and laws of the State of California.

4. The Administrative Director is responsible for staff performance and has sole authority to assign, supervise, and direct staff. The Administrative Director is responsible for ensuring the completeness and quality of reports and other work product presented to the council. Council members may from time to time request information or assistance from staff, unless in the Director's opinion such requests require an unreasonable amount of staff time or become disruptive. Council members and advisory body members may individually provide information to the Administrative Director on the performance of the Judicial Council staff ~~and the Administrative Office of the Courts~~.

The Administrative Director is responsible for allocating financial and other resources of the ~~Administrative Office of the Courts~~ Judicial Council staff to achieve the goals of the Judicial Council and to implement the council's policies.

#### **B. Relationship of the Administrative Director to the Council's Internal Committees and Advisory Bodies**

\* \* \*

#### **C. Accountability of the Administrative Director**

The Administrative Director is accountable to the council and the Chair for the performance of the ~~Administrative Office of the Courts~~ Judicial Council staff. The Administrative Director's charge is to accomplish the council's goals and priorities, while avoiding the use of illegal, imprudent, or unethical means.

The Administrative Director reports to the Judicial Council at least once annually on the progress made toward achieving the council's goals. When the council sets the direction on projects or programs that require more than one year to complete, the Administrative Director will report back to the council at regular intervals on status and significant developments.

#### **D. Delegation to the Administrative Director**

The Administrative Director may use any reasonable interpretation of Judicial Council policies to achieve the council's goals, consistent with the limitations from the council and the Chief Justice.

In carrying out these duties, the Administrative Director is responsible for allocating the financial and other resources of the ~~Administrative Office of the Courts~~ Judicial Council staff (including, for example, funding the operation of advisory bodies and other activities) to achieve the branch goals and policies adopted by the Judicial Council of California.

Appendix F of the California Rules of Court would be amended, effective January 1, 2016, to read:

**Appendix F**

**Guidelines for the Juvenile Dependency Counsel Collections Program**

**1-4 \* \* \***

**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). 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) \* \* \***

**(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 [serranus.jud.ca.gov](http://serranus.jud.ca.gov) or from [jdccp@jud.ca.gov](mailto: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.

**(c) \* \* \***

**6-9 \* \* \***

**10. Collection Services**

**(a) \* \* \***

**(b) Outside Collection Services Providers**

When appropriate and consistent with policy FIN 10.01, a court may use an outside collection services provider.

(1) *Collection Services Provided by County*

1 If collection services are provided by the county, the agreement should  
2 be formalized by a memorandum of understanding (MOU) between the  
3 court and county. ~~AOC~~ Judicial Council staff will provide a sample  
4 MOU on request. An electronic copy of the MOU, including a scanned  
5 copy of the completed signature page, must be sent to  
6 jdccp@jud.ca.gov.

7  
8 (2) *Collection Services Provided by Private Vendor*

9  
10 A court that uses a private collection service should use a vendor that  
11 has entered into a master agreement with the ~~AOC~~ Judicial Council to  
12 provide comprehensive collection services. A court that uses such a  
13 vendor should complete a participation agreement and send it to ~~the~~  
14 ~~AOC~~ Judicial Council staff via e-mail to jdccp@jud.ca.gov.

15  
16 (3) *Court Option for ~~AOC~~ Judicial Council Agreement with Collection*  
17 *Services Provider*

18  
19 At a court's request, the ~~AOC~~ Judicial Council may directly enter into  
20 an MOU with the county or an agreement with a private collection  
21 services vendor for dependency counsel reimbursement collection  
22 services.

23  
24 **11. \* \* \***

25  
26 **12. Remittance and Reporting of Collected Revenue**

27  
28 Courts will remit collected revenue to the ~~AOC~~ Judicial Council, less costs  
29 recoverable under section 903.47(a)(1)(B), in the same manner as required under  
30 Government Code section 68085.1 and will report this revenue on row 130 of  
31 *Court Remittance Advice* (form TC-145). The ~~AOC~~ Judicial Council will deposit  
32 the revenue received under these guidelines into the Trial Court Trust Fund.

33  
34 **(a) ~~AOC~~ Judicial Council Collections Agreement Option**

35  
36 Where the ~~AOC~~ Judicial Council has entered into an MOU or agreement with  
37 a county or a private collection services vendor under section 10(b)(3) of  
38 these guidelines, funds will be remitted directly to the ~~AOC~~ Judicial Council  
39 under the terms of the MOU or the agreement.

40  
41 **13. Program Data Reporting**

1 Each court should report collections program data to ~~the AOC~~ Judicial Council  
2 staff to ensure implementation of the Legislature’s intent by determining the cost-  
3 effectiveness of the program and confirming that efforts to collect reimbursement  
4 do not negatively impact reunification; to provide a basis for projecting the amount  
5 of future reimbursements; and to evaluate the effectiveness of the reimbursement  
6 program at both statewide and local levels.

7  
8 (a) \* \* \*

9  
10 **14. Technical Assistance**

11  
12 ~~AOC staff to the~~ Judicial Council staff will provide technical assistance on request  
13 to courts that do not yet have a dependency counsel reimbursement program in  
14 place or that wish to coordinate with other courts in establishing a regional  
15 reimbursement program. Courts may send requests by e-mail to [jdccp@jud.ca.gov](mailto:jdccp@jud.ca.gov)  
16 to receive technical assistance, which can include (but is not limited to) services  
17 such as:

18  
19 (a)–(c) \* \* \*

20  
21 (d) Working with current collection services providers who have entered into  
22 master agreements with the ~~AOC~~ Judicial Council to ensure compliance with  
23 the JDCCP reporting requirements.

ATTORNEY OR PARTY WITHOUT ATTORNEY: <i>(To be completed only if a party is making the motion)</i> NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):	<b>FOR COURT USE ONLY</b>
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<p align="center"><b>PREFILING ORDER—VEXATIOUS LITIGANT</b></p>	CASE NUMBER:

Name and address of each plaintiff or cross-complainant or other party subject to this prefiling order:

This prefiling order is entered pursuant to a motion made by  the court  party (name):

The person or persons identified in item 1, unless represented by an attorney, are prohibited from filing any new litigation in the courts of California without approval of the presiding justice or presiding judge of the court in which the action is to be filed.

4.

Vexatious Litigant Prefiling Orders Judicial Council of California 455 Golden Gate Avenue San Francisco, California 94102-3688
---

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: ATTORNEY FOR (Name): _____	<i>FOR COURT USE ONLY</i>
<input type="checkbox"/> <b>COURT OF APPEAL, APPELLATE DISTRICT, DIVISION</b> <input type="checkbox"/> <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____	
<b>ORDER ON APPLICATION TO VACATE PREFILING ORDER AND REMOVE PLAINTIFF/PETITIONER FROM JUDICIAL COUNCIL VEXATIOUS LITIGANT LIST</b>	CASE NUMBER: _____

Plaintiff/Petitioner \_\_\_\_\_ requests that this court vacate the prefilng order and remove the vexatious litigant's name from the statewide list in the following case or cases (*if more than one, list each separately*):

Court: _____	Court: _____
Case Name: _____	Case Name: _____
Case Number: _____	Case Number: _____
Date prefilng order entered: _____	Date prefilng order entered: _____

Continued on *Attachment* (form MC-025)

Granted

Denied

Date: \_\_\_\_\_ \_\_\_\_\_ PRESIDING JUSTICE OR JUDGE

The clerk is ordered to provide this order to the Judicial Council of California by fax at 415-865-4329 or by mail at the address below.

Vexatious Litigant Prefiling Orders  
 Judicial Council of California  
 455 Golden Gate Avenue  
 San Francisco, California 94102-3688

**SPR15-33****Judicial Branch Administration: Changes to Replace the Names “Administrative Office of the Courts” and “AOC”**

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Superior Court of Riverside County	A	No specific comment.	No response necessary.
2.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	No additional comments.	No response necessary.



JUDICIAL COUNCIL  
OF CALIFORNIA

RULES AND PROJECTS  
COMMITTEE

[www.courts.ca.gov/ruprometings.htm](http://www.courts.ca.gov/ruprometings.htm)  
[ruprometings@jud.ca.gov](mailto:ruprometings@jud.ca.gov)

RULES AND PROJECTS COMMITTEE

MINUTES OF OPEN MEETING

September 8, 2015

Teleconference

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**Advisory Body Members Present:** Hon. Harry E. Hull (chair), Hon. Brian L. McCabe (vice-chair), Hon. Brian J. Back, Mr. Richard D. Feldstein, Mr. James P. Fox, Hon. David E. Gunn, Ms. Debra Elaine Pole, Hon. David Rosenberg, and Hon. Martin J. Tangeman.

**Advisory Body Members Absent:** Hon. David De Alba and Hon. Joan P. Weber.

**Others Present:** Ms. Heather Anderson, Mr. Arturo Castro, Ms. Kerry Doyle, Ms. Audrey Fancy, Ms. Nicole Giacinti, Ms. Ann Gilmour, Mr. Bruce Greenlee, Ms. Camilla Kieliger, Ms. Tracy Kenny, Ms. Tara Lundstrom, Ms. Susan McMullan, Mr. Douglas C. Miller, Ms. Debora Morrison, Mr. Patrick O'Donnell, Ms. Claudia Ortega, Ms. Anne Ronan, Ms. Katherine Sher, Mr. Corby Sturges, Ms. Julia Weber, and Ms. Kyanna Williams.

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DISCUSSION AND ACTION ITEMS

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**Item 1**

**Criminal Procedure: Petition and Order for Dismissal; Human Trafficking Victims** (revise forms CR-180 and CR-181)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 2**

**Criminal Procedure: Petition and Order for Dismissal (Military Personnel)** (approve forms CR-183 and CR-184)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 3**

**Probate Conservatorship: Judicial Council forms to implement the California Conservatorship Jurisdiction Act** (revise form GC-310; adopt forms GC-360, GC-361, and GC-362)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.



**Item 4**

**Special Immigrant Juvenile Predicate Findings** (adopt rule 7.1020; adopt forms FL-317, FL-357/GC-224/JV-357, GC-220, and JV-317; revoke forms GC-224 and JV-224)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 5**

**Family and Juvenile Law: Juvenile Court Final Child Custody Orders** (amend rules 5.475, 5.620, 5.700, 5.790; approve form JV-206; revise forms JV-200 and JV-205)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 6**

**Family Law: New Form and Revised Forms for Stepparent and Additional-Parent Adoptions** (approve form ADOPT-205; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 7**

**Juvenile Law: Extended Foster Care** (amend rules 5.555, 5.707, 5.812, and 5.906; revise forms JV-367, JV-464-INFO, JV-466, JV-470, and JV-472)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date, with the following modifications:

Revise the Judicial Council report on page 3 to delete footnote 3 because the referenced legislation did not move forward.

**Item 8**

**Juvenile Delinquency: Documenting Wobbler Determination** (revise form JV-665)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 9**

**Juvenile Law: Proceedings Before a Referee** (amend rule 5.538)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 10**

**Juvenile Law: Detention** (amend rules 5.502, 5.760, and 5.790; revise forms JV-642 and JV-667)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 11**

**Juvenile Law: Substance Abuse Treatment Facilities and Placement** (amend rules 5.674, 5.676, 5.678, and 5.708)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 12**

**Juvenile Law: Sibling Visitation** (amend rules 5.570, 5.708, and 5.810; revise forms JV-183, JV-185, and JV-403)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s October 27, 2015, consent agenda, for a January 1, 2016, effective date with the following modifications:

Rule 5.570(f)(2): Revise to read “order a hearing for the parties to argue whether an evidentiary hearing on the petition should be granted or denied.”

Form JV-183, item 3: Revise to read “grant or deny evidentiary hearing”;

**Item 13**

**Family and Juvenile Law: Transfers to Tribal Court Under the Indian Child Welfare Act** (amend Cal. Rules of Court, rules 5.483 and 5.590; revise forms ICWA-060 and JV-800)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s October 27, 2015, consent agenda, for a January 1, 2016, effective date, with the following modifications:

Add the name and position of the first commentator in the comment chart.

**Item 14**

**Domestic Violence—Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law—Changes to Request for Order Rules and Forms**

*Proposal postponed for future action*

**Item 15**

**Domestic Violence Law—Preparing for Restraining Order Court Hearing** (revise DV-520-INFO)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 16**

**Appellate Procedure: Record on Appeal in Civil Cases** (revise forms APP-003, APP-010, APP-103, and form APP-110)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 17**

**Electronic Service: Authorization of Electronic Service on Trial and Appellate Courts** (amend rules 2.251 and 8.71)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

The Rules and Projects Committee recommends that the Appellate Advisory Committee and the Information Technology Advisory Committee consider adding to their annual agendas a related proposal that would require courts to accept electronic service.

**Item 18**

**Appellate Procedure: Access to Electronic Appellate Court Records** (adopt rules 8.80 – 8.85)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 19**

**Appellate Procedure: Prehearing Conferences** (amend rule 8.248)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date, with the following modifications:

Rule 8.248(c)(2): Change "Eat a" to "at"

**Item 20**

**Appellate Procedure: Contents of Normal Record in Felony Appeals** (amend rules 8.320 and 8.324)

*Proposal withdrawn by committee*

**Item 21**

**Appellate: Appendixes** (amend rule 8.124)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 22**

**Appellate Procedure: Costs on Appeal** (amend rule 8.278, and revise form MC-013)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 23**

**Small Claims Writs: New Procedures to Implement Code of Civil Procedure section 116.798**  
(amend rule 8.930; adopt rules 8.970-8.977; revise forms APP-150 INFO and APP-151 and adopt forms SC-300 and 300 INFO)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 24**

**Civil Practice and Procedure: Summary Judgment Proceedings** (amend rules 3.1350 and 3.1354)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 25**

**Civil Cases: Continued Suspension of Case Management Rules** (amend rule 3.720)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 26**

**Civil Forms: Proof of Service** (revise POS-040)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 27**

**Telephone Appearances: Time for Notice and Notice Form** (amend rule 3.670; revise form CIV-020)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 28**

**Judicial Council Forms – Gun Violence Restraining Orders** (adopt or approve new Judicial Council forms EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV-620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 29**

**Trial Court Management: Public Access to Administrative Decisions of Trial Courts** (amend rule 10.620)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 30**

**Technology: Modernization of the Rules of Court to Facilitate E-Business, E-Filing, and E-Service**

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 31**

**Judicial Branch Administration: Changes to Replace the Names “Administrative Office of the Courts” and “AOC”**

*Proposal postponed for future action*

**Item 32**

**Rules and Forms: Technical Amendments**

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s October 27, 2015, consent agenda, for a January 1, 2016, effective date.

**Item 33**

**Minutes**

**Action:** The Rules and Projects Committee approved the minutes.

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned.

Approved by the advisory body on [Enter date].