

Advisory Committee on Civil Jury Instructions

Annual Agenda—2017

Approved by E&P/RUPRO: _____

I. COMMITTEE INFORMATION

Chair:	Hon. Martin J. Tangeman
Staff:	Bruce Greenlee, Legal Services
Committee's Charge: Make recommendations to the Judicial Council to update, revise, and add topics to the Judicial Council civil jury instructions (CACI) [Rule 10.58]	
Committee Membership: 22 (see Rule 10.58); 5 appellate court justices (including the chair); 7 trial court judges; 9 attorneys whose primary area of practice is civil litigation; 1 law school professor whose primary area of expertise is civil law.	
Subcommittees/Working Groups: The committee has three subcommittees (referred to internally as working groups). Each working group reviews a third of the proposed meeting agenda before the full committee meeting and makes recommendations to the committee regarding each proposal.	
Committee's Key Objectives for 2016: 1. Revise civil jury instructions (CACI) as required by developments in the law to ensure that they remain current at all times; 2. Respond to all queries, comments, and suggestions from the bench and bar with regard to CACI; 3. Propose new jury instructions to cover additional subject areas, including possible complete new series; and 4. Provide proposed technical or editorial corrections to the civil jury instructions.	

II. COMMITTEE PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	Maintenance—Case Law and Legislation: Review case law and new legislation affecting jury instructions to determine whether changes to the civil jury instructions are required.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10.58 Resources: None Key Objective Supported: 1	Ongoing, with delivery to Judicial Council at June and December meetings	Civil jury instructions
2.	Maintenance—Comments From Users: Review comments received from jury instruction users and propose any necessary changes and improvements.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10.58 Resources: None Key Objective Supported: 2	Ongoing, with delivery to Judicial Council at June and December meetings	Civil jury instructions

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

² For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
3.	New Instructions and Expansion into New Areas: Review suggestions received from jury instruction users, new legislation, and case law and propose new civil jury instructions as appropriate.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10.58 Resources: None Key Objective Supported: 3	Ongoing, with delivery to Judicial Council at June and December meetings	Civil jury instructions
4.	Technical Corrections: Make any necessary corrections or editing changes to the jury instructions.		Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10.58 Resources: None Key Objective Supported: 4	Ongoing, with delivery to Judicial Council at June and December meetings	Civil jury instructions

III. STATUS OF 2016 PROJECTS:

[List each of the projects that were included in the 2016 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
	Maintenance—Case Law and Legislation: Review case law and new legislation affecting jury instructions to determine whether changes to the civil jury instructions are required.	Ongoing. Releases presented to Judicial Council for approval on June 24, 2016 and December 16, 2016.
	Maintenance—Comments From Users: Review comments received from jury instruction users and propose any necessary changes and improvements.	Ongoing. Releases presented to Judicial Council for approval on June 24, 2016 and December 16, 2016.
	New Instructions and Expansion into New Areas: Review new legislation and case law and suggestions received from jury instruction users and propose new civil jury instructions as appropriate.	Ongoing. Releases presented to Judicial Council for approval on June 24, 2016 and December 16, 2016.
	Technical Corrections: Make any necessary corrections or editing changes to the jury instructions.	Ongoing. Releases presented to Judicial Council for approval on June 24, 2016 and December 16, 2016.

IV Subcommittees/Working Groups - Detail

Subcommittees/Working Groups:

Subcommittee or working group name: **Working Group 12**

Purpose of subcommittee or working group: **Review one-third of proposed agenda for full committee meeting and make recommendations to the full committee as to whether to approve or reject each agenda item**

Number of advisory group members: **7**

Number and description of additional members (not on this advisory group): **None**

Date formed: **September 2003**

Number of meetings or how often the group meets: **Twice a year in June and December**

Ongoing or date work is expected to be completed: **Ongoing**

Subcommittee or working group name: **Working Group 34**

Purpose of subcommittee or working group: **Review one-third of proposed agenda for full committee meeting and make recommendations to the full committee as to whether to approve or reject each agenda item**

Number of advisory group members: **7**

Number and description of additional members (not on this advisory group): **None**

Date formed: **September 2003**

Number of meetings or how often the group meets: **Twice a year in June and December**

Ongoing or date work is expected to be completed: **Ongoing**

Subcommittee or working group name: **Working Group 56**

Purpose of subcommittee or working group: **Review one-third of proposed agenda for full committee meeting and make recommendations to the full committee as to whether to approve or reject each agenda item**

Number of advisory group members: **7**

Number and description of additional members (not on this advisory group): **None**

Date formed: **September 2003**

Number of meetings or how often the group meets: **Twice a year in June and December**

Ongoing or date work is expected to be completed: **Ongoing**

Advisory Committee on Criminal Jury Instructions

Annual Agenda—2017

Approved by RUPRO: December 15, 2016

I. COMMITTEE INFORMATION

Chair:	Hon. Sandy R. Kriegler
Staff:	Robin Seeley, Legal Services Office
Committee's Charge: Make recommendations to the Judicial Council to update, revise, and add topics to the Judicial Council criminal jury instructions (CALCRIM) [Rule 10.59]	
Committee Membership: 13 (see Rule 10.59); 2 appellate court justices; 6 trial court judges; 2 attorneys whose primary area of practice is criminal defense; 2 attorneys whose primary area of practice is representing the People of the State of California in criminal matters; 1 law school professors whose primary area of expertise is criminal law.	
Subcommittees/Working Groups: The committee has one subcommittee consisting of six local members who meet to pre-vet all materials before they go to the full committee for review.	
Committee's Key Objectives for 2017: 1. Revise criminal jury instructions (CALCRIM) as required by developments in the law to ensure that they remain current at all times; 2. Respond to all queries, comments, and suggestions from the bench and bar with regard to CALCRIM; 3. Propose new jury instructions to cover additional subject areas, including possible complete new series; and 4. Provide proposed technical or editorial corrections to the criminal jury instructions.	

II. COMMITTEE PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	Maintenance—Case Law and Legislation: Review case law and new legislation affecting jury instructions to determine whether changes to the criminal jury instructions are required.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10.59 Resources: None Key Objective Supported: 1	Ongoing, with delivery to Judicial Council at March and September meetings	Criminal jury instructions
2.	Maintenance—Comments From Users: Review comments received from jury instruction users and propose any necessary changes and improvements.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10.59 Resources: None Key Objective Supported: 2	Ongoing, with delivery to Judicial Council at March and September meetings	Criminal jury instructions
3.	New Instructions and Expansion into New Areas: Review suggestions received from jury instruction users, new legislation, and case law and propose new criminal jury instructions as appropriate.	1	Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10. Resources: None Key Objective Supported: 3	Ongoing, with delivery to Judicial Council at March and September meetings	Criminal jury instructions

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

² For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
4.	Technical Corrections: Make any necessary corrections or editing changes to the jury instructions.		Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law. Origin of Project: Ongoing charge from Judicial Council per Rule 10.59 Resources: None Key Objective Supported: 4	Ongoing, with delivery to Judicial Council at March and September meetings	Criminal jury instructions

III. STATUS OF 2016 PROJECTS:

[List each of the projects that were included in the 2016 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
	Maintenance—Case Law and Legislation: Review case law and new legislation affecting jury instructions to determine whether changes to the criminal jury instructions are required.	Ongoing. Releases presented to Judicial Council for approval in February 2016 and August 2016.
	Maintenance—Comments From Users: Review comments received from jury instruction users and propose any necessary changes and improvements.	Ongoing. Releases presented to Judicial Council for approval in February 2016 and August 2016.
	New Instructions and Expansion into New Areas: Review new legislation and case law and suggestions received from jury instruction users and propose new criminal jury instructions as appropriate.	Ongoing. Releases presented to Judicial Council for approval in February 2016 and August 2016.
	Technical Corrections: Make any necessary corrections or editing changes to the jury instructions.	Ongoing. Releases presented to Judicial Council for approval in February 2016 and August 2016.

IV. Subcommittees/Working Groups - Detail

Subcommittees/Working Groups:

Subcommittee or working group name: CALCRIM Subcommittee

Purpose of subcommittee or working group: Pre-vets material before it goes to the full committee

Number of advisory group members: 5 (all local except for chair)

Number and description of additional members (not on this advisory group): None

Date formed: 1997

Number of meetings or how often the group meets: Twice per year

Ongoing or date work is expected to be completed: Ongoing

Civil and Small Claims Advisory Committee
Annual Agenda—2017
Approved by RUPRO on: _____

I. ADVISORY BODY INFORMATION

Chair:	Hon. Raymond M. Cadei, Chair Hon. Ann I. Jones, Vice Chair
Staff:	Ms. Christy Simons, Legal Services
<p>Advisory Body's Charge: Under rule 10.41 of the California Rules of Court, the Civil and Small Claims Advisory Committee (CSCAC) is charged with making recommendations to the Judicial Council for improving the administration of justice in civil and small claims proceedings.</p> <p>Based on this charge, and pursuant to rule 10.34, the committee on an ongoing basis:</p> <ol style="list-style-type: none">(1) Identifies issues and concerns affecting court administration in the areas of civil procedure, practice, court-connected alternative dispute resolution (ADR), and case management and recommends appropriate solutions to the council;(2) Proposes to the council changes to rules, standards, and forms for civil cases and development of uniform statewide rules, standards, and forms in civil cases;(3) Reviews pending legislation and recommends whether the council should support or oppose it;(4) Proposes to the council new legislation in the areas of civil procedure, practice, court-connected ADR, and case management;(5) Reviews suggestions from the public in the areas of civil procedure, practice, court-connected ADR, and case management and recommends appropriate action to the council or one of its committees;(6) Recommends to the council pilot projects to evaluate new procedures, practices, or court connected ADR programs for civil cases;(7) Identifies educational needs and recommends educational activities to the Center for Judiciary Education and Research; and(8) Makes other appropriate recommendations to the council.	

Advisory Body’s Membership: 27 voting members, in the following categories:

- Appellate court justices – 1
- Trial court judicial officers – 14
- Judicial administrators – 3
- Lawyers whose primary practice area is civil law – 6
- Legal secretary – 0
- Person knowledgeable about small claims law and procedures – 2
- Person knowledgeable about court-connected ADR programs for civil and small claims matters – 1

Advisory member (non-voting) - 1

Subgroups/Working Groups:

Standing Subcommittees:

- Alternative Dispute Resolution Subcommittee
- Legislative Subcommittee
- Protective Orders Subcommittee
- Small Claims and Limited Case Subcommittee
- Unlimited Case and Complex Litigation Subcommittee

Ad Hoc Working Group:

- Ad Hoc Working Group on AB 2298

Advisory Body’s Key Objectives for 2017:

- Trial Court Efficiencies. Consider proposals and, if appropriate, develop and recommend rules of court, best practices, and guidelines to provide greater efficiencies and cost savings in civil and small claims courts.
- Improved Procedures. Develop and recommend statewide best practices, guidelines, rules of court, or new and revised forms to improve procedures in case management, complex litigation, small claims, court-connected ADR programs, and other civil areas.
- New Law Implementation. Develop and recommend new and amended rules of court and forms to implement new legislation relating to civil courts and civil procedures.

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	Review suggestions. Review suggestions from members of the judicial branch and the public for improving civil practice and procedure, court-connected ADR, and case management and recommend actions by the council or one of its committees.	1	<p>Judicial Council Direction: Mandated by rule 10.21(c); see also Strategic Plan Goal III, Modernization of management and administration; Operational Plan Objective 5, Develop and implement effective trial case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of civil cases.</p> <p>Origin of Project: Cal. Rules of Court, rule 10.21(c)</p> <p>Resources: N/A</p> <p>Key Objective Supported: Trial Court Efficiencies and Improved Procedures.</p>	Ongoing	Uncertain. Depends on suggestions received; may include new or amended rules of court, or new or revised forms, etc.
2.	Consideration of Case Management Rules. Current emergency exemption to statewide rules and procedures (rule 3.720(b)) will sunset at the end of 2019. Prior to that	2(b)	<p>Judicial Council Direction: Strategic Plan Goal III, Modernization of management and administration; Operational Plan Goal III, Objective 5, Develop and implement effective trial case</p>	January 2019	Uncertain. May involve potential amendment to rules.

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² For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>time, the committee will review and evaluate the procedures being employed by those courts currently exempted from the case management rules, along with the benefits and burdens of the current statewide rules, in order to be prepared to make a recommendation as to whether the council should continue to permit exemptions, return to statewide case management rules, amend the current rules, or take other action.</p>		<p>management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of civil cases.³</p> <p>Origin of Project: advisory committee</p> <p>Resources: N/A</p> <p>Key Objective Supported: Trial Court Efficiencies and Improved Procedures.</p>		
3.	<p>Recognition and Entry of Tribal Court Money Judgment. AB 406, Tribal Courts Civil Money Judgments act, will sunset in December 2017. Tribal Court-State Court Forum has completed a study to see what effect the new law has had on the courts and is recommending that the law be extended and expanded. Tribal Court-State Court Forum has requested</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal III and Operational Plan Goal III, Objective 5.</p> <p>Origin of Project: Tribal Court/State Court Forum</p> <p>Resources: Tribal Court/State Court Forum</p> <p>Key Objective Supported: New Law Implementation.</p>	December 2017	Uncertain. The Advisory Committee will continue to support the Tribal Court-State Court Forum.

³ Much of the work of the Civil and Small Claims Advisory Committee (CSCAC) falls within these two Judicial Council strategic plan goals/operational plan objectives. This pair of goals/objectives is hereafter referred to as “Strategic Plan Goal III and Operational Plan Goal III, Objective 5.”

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	continuing support from advisory committee in 2017.				
4.	<p>Serve as lead/subject matter resource for other advisory groups to avoid duplication of efforts and contribute to the development of recommendations for council action. Such efforts may include providing civil and small claims procedural expertise and review to working groups, advisory committees, and subcommittees as needed.</p>	2(b)	<p>Judicial Council Direction: Pursuant to rule 10.41, the committee is charged with “mak[ing] recommendations to the Judicial Council for improving the administration of justice in civil and small claims proceedings.”</p> <p>Origin of Project: Respective advisory bodies</p> <p>Resources: N/A</p> <p>Key Objective Supported: Improved Procedures.</p>	Ongoing.	Recommendations, as needed.
5.	<p>Review all enacted legislation referred to the committee by the Judicial Council’s Governmental Affairs office that may have an impact on issues within the advisory committee’s purview and, where appropriate, propose to the council rules and forms to implement the legislation or to bring rules and forms into conformity with it.</p>	1	<p>Judicial Council Direction: Strategic Plan Goal III and Operational Plan Goal III, Objective 5.</p> <p>Origin of Project: Governmental Affairs</p> <p>Resources: N/A</p> <p>Key Objective Supported: New law implementation.</p>	Ongoing.	Potential new or amended rules; new or revised forms.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
.6	<p>AB 2298. Participate in a newly-forming ad hoc working group comprised of members of several advisory committees to address issues presented by AB 2298. The legislation, which has been signed and goes into effect January 1, 2017, establishes a procedure for a person designated in a shared gang database who has contested that designation with the local law enforcement agency and whose challenge has been denied to bring an action in the superior court. New procedural rules and a form must be developed on an expedited basis to enable members of the public to utilize the procedure and the courts to implement the legislation. The working group will also consider clean-up legislation to address ambiguities in the statute.</p>	1	<p>Judicial Council Direction: Strategic Plan Goal III and Operational Plan Goal III, Objective 5. Also, Strategic Plan Goal IV (Quality of Justice and Service to the Public) and Operational Plan Goal IV, Objective 1 (Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.)</p> <p>Origin of Project: Governmental Affairs</p> <p>Resources: Members of Appellate Advisory Committee, Family and Juvenile Law Advisory Committee, and Criminal Justice Services Advisory Committee also serving on the working group.</p> <p>Key Objective Supported: New law implementation.</p>	January 2018	Uncertain. Likely new rules, a new form, and recommendations regarding clean-up legislation.

ALTERNATIVE DISPUTE RESOLUTION SUBCOMMITTEE

(Hon. Brad Seligman, Chair; Ms. Heather Anderson, Counsel)

#	Project ⁴	Priority ⁵	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
7.	<p>Collaborations with Justice Partners to Sustain ADR Programs. Share information, including information from the ADR survey, about court ADR programs and about bar associations and other justice partners managing or assisting in managing ADR programs for the courts.</p> <p>Consider issues associated with such collaborations, including neutral training and complaint procedures, and consider whether/how to disseminate information, models, or</p>	2	<p>Judicial Council Direction: Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Goal IV, Objective: 1(g) (Increased alternatives to hearings, including such alternative dispute resolution (ADR) options as mediation, arbitration, neutral evaluation, and settlement conferences).</p> <p>Origin of Project: Proposal by member of CSCAC (Judge of the Superior Court of Los Angeles County)</p> <p>Resources: N/A</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> 1. Trial Court Efficiencies 2. Improved Procedures 	January 2018	<p>Materials for ADR programs area of Judicial Resources Network</p> <p>Recommendations regarding sample or model procedures or checklists for establishing collaborations</p>

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

	tools to facilitate appropriate collaborations.				
8.	ADR Training for Court Administrators. Consider working with CJER or other providers on ADR-related training for court administrators	2	<p>Judicial Council Direction: Strategic Plan Goal: IV, Quality of Justice and Service to the Public;</p> <p>Operational Plan Objective: 1g, Increased alternatives to hearings, including such alternative dispute resolution (ADR) options as mediation, arbitration, neutral evaluation, and settlement conferences.</p> <p>Origin of Project: Proposal by member of CSCAC (Judge of the Superior Court of Los Angeles County)</p> <p>Resources: CJER</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> 1. Trial Court Efficiencies 2. Improved Procedures 	January 2018	New or revised training
9.	California Law Revision Commission Mediation Confidentiality Study. Review and consider submitting comments on the CLRC tentative recommendation regarding amendments to the mediation confidentiality statutes	2	<p>Judicial Council Direction: Strategic Plan Goal: IV, Quality of Justice and Service to the Public;</p> <p>Operational Plan Objective: 1g, Increased alternatives to hearings, including such alternative dispute resolution (ADR) options as mediation, arbitration, neutral evaluation, and settlement conferences.</p>	January 2018	Comments to the CLRC

			<p>Origin of Project: Proposal by member of C&SCAC (Judge of the Superior Court of Los Angeles County)</p> <p>Resources: OGA staff assistance in working with CLRC.</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> 1. Trial Court Efficiencies 2. Improved Procedures 		
10.	<p>Informing Mediation Participants about Confidentiality. Consider whether to recommend amendments to the rules establishing the standards of conduct for mediators in court-connected mediation programs for civil cases or the rules regarding mediation program administration to address what further information, if any, must be provided to program participants regarding mediation confidentiality</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal: IV, Quality of Justice and Service to the Public;</p> <p>Operational Plan Objective: 1g, Increased alternatives to hearings, including such alternative dispute resolution (ADR) options as mediation, arbitration, neutral evaluation, and settlement conferences.</p> <p>Origin of Project: Proposal by attorney mediator</p> <p>Resources: N/A</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> 1. Trial Court Efficiencies 2. Improved Procedures 	January 2019	Amended rules

LEGISLATIVE SUBCOMMITTEE (Hon Raymond M. Cadei, Chair; Mr. Daniel Pone, Counsel)					
#	Project	Priority	Specifications	Completion Date/Status	End Product/ Outcome of Activity
11.	Review of Pending Legislation. Review pending legislation on civil procedure and court administration and make recommendations to the council's Policy Coordination and Liaison Committee.	1	<p>Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5. See also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: required by Rule 10.34(a)(3)</p> <p>Resources: Governmental Affairs office</p> <p>Key Objective Supported: N/A</p>	Ongoing	Recommendations to PCLC on positions for council to take on legislation.

PROTECTIVE ORDER SUBCOMMITTEE (part of joint Protective Order Working Group) (Hon. Donald Armento, Civil lead; Mr. Bruce Greenlee and Ms. Jenny Wald, counsel).					
#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
12.	<p>Develop new Judicial Council forms for the modification and termination of protective orders.</p> <p>The Gun Violence form set includes forms for proceedings to terminate a gun violence protective order. Forms are needed to modify or terminate a protective order for Civil Harassment (CH), Elder Abuse (EA), Private Postsecondary School Violence (SV), and Workplace Violence (WV).</p>	1(e)	<p>Judicial Council Direction: Plan Goal: III. Operational Plan Objective: 5.</p> <p>Origin of Project: staff</p> <p>Resources: Family and Juvenile Law Advisory Committee</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> 1. Trial court efficiencies 2. Improved procedures. 	January 2018	New forms.
13.	<p>Revise response forms to provide space for the respondent to state why he or she disagrees with the orders requested by the petitioner.</p> <p>Only the Domestic Violence form (DV-12) provides space for an explanation regarding disagreement with the order requested. The other response forms (CH-120, EA-120, GV-120, SV-120, and WV-120) should include this item.</p>	2(b)	<p>Judicial Council Direction: Strategic Goal 1, Access, Fairness, and Diversity; Operational Plan Objective 1: Ensure that all court users . . . are given an opportunity to be heard. See also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p>	January 2018	Revised forms

PROTECTIVE ORDER SUBCOMMITTEE (part of joint Protective Order Working Group) (Hon. Donald Armento, Civil lead; Mr. Bruce Greenlee and Ms. Jenny Wald, counsel).					
#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>Origin of Project: Joint Rules Subcommittee of the Trial Court Presiding Judges and Court Executive Advisory Committee</p> <p>Resources: Family and Juvenile Advisory Committee</p> <p>Key Objective Supported: 2. Improved procedures.</p>		
14.	<p>Revise Temporary Restraining Order forms for CH, EA, SV, and WV to provide for the exception to firearms surrender for respondents whose employment requires them to have a firearm.</p> <p>Code of Civil Procedure section 527.9(f) provides for this exemption in DV, CH, EA, SV, and WV, but not in GV. The DV order forms address the exemption and include the statutory language. Forms for the other subject areas covered by the statute should also include the exemption.</p>	2(b)	<p>Judicial Council Direction: Strategic Goal 1, Access, Fairness, and Diversity; Operational Plan Objective 1: Ensure that all court users . . . are given an opportunity to be heard. See also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: Patrick O'Donnell</p> <p>Resources: Family and Juvenile Advisory Committee and other members of joint Protective Order Working Group</p>	January 2018	Revised forms

PROTECTIVE ORDER SUBCOMMITTEE (part of joint Protective Order Working Group) (Hon. Donald Armento, Civil lead; Mr. Bruce Greenlee and Ms. Jenny Wald, counsel).

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>Key Objective Supported: 2. Improved procedures.</p>		
15.	<p>Procedures for law enforcement officers to obtain Gun Violence Emergency Protective Orders. The subcommittee will consider developing proposals for potential Judicial Council sponsored legislation and form revisions that address concerns with the procedures for law enforcement officers to obtain emergency gun violence restraining orders</p>	1(e)	<p>Judicial Council Direction: Plan Goal: III. Operational Plan Objective: 5.</p> <p>Origin of Project: Hon. Steven Sanders, Judge of the Superior Court, San Benito County</p> <p>Resources: Family and Juvenile Advisory Committee and other members of joint Protective Order Working Group</p> <p>Key Objective Supported: 2. Improved procedures.</p>	January 2018	Potential legislation and/or revised forms.

SMALL CLAIMS AND LIMITED CASE SUBCOMMITTEE (Hon. Donald Proietti, Chair; Ms. Christy Simons, Counsel)					
#	Project	Priority	Specifications	Completion Date/Status	End Product/ Outcome of Activity
16.	<p>Request to Enter Default (form CIV-100).</p> <ul style="list-style-type: none"> Revise item for declaration of non-military service to correctly reflect the law on that point. Revise the form to include the requirements for default judgments under the Fair Debt Buying Practices Act. 	1(e)	<p>Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5. See also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: Staff in the Attorney General’s Consumer Affairs Division pointed out the issues and proposed revisions.</p> <p>Resources: N/A</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> Trial Court Efficiencies Improved procedures. New law implementation 	January 2018	Revised form
17.	<p>Writ of Execution. Consider possible changes to form EJ-130, particularly to amend the following:</p> <ul style="list-style-type: none"> Clarification of identifiers of type of underlying action (civil limited or civil 	2(a) and (b)	<p>Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5. See also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court</p>	January 2018	Revised form.

SMALL CLAIMS AND LIMITED CASE SUBCOMMITTEE

(Hon. Donald Proietti, Chair; Ms. Christy Simons, Counsel)

#	Project	Priority	Specifications	Completion Date/Status	End Product/ Outcome of Activity
	unlimited) mandated by statute; <ul style="list-style-type: none"> Clarification of item 24 and/or addition of identifier on form as to whether an underlying real property action is an unlawful detainer and, if so, identifier as to whether on a foreclosed property (to help implement new law) Correction of item 19(a) re calculation of interest. 		users receive satisfactory services and outcomes. Origin of Project: (a) proposals from various court clerks; (b) proposals from East Bay Community Law Center and private attorney; and (c) staff suggestions in light of proposal re other changes from private attorney. Resources: N/A Key Objective Supported: 2. Improved procedures.		
18.	Name Change forms. Consider possible changes to forms: <ul style="list-style-type: none"> Whether form NC-220 should be revised to include language from Code of Civil Procedure section 1277(a)(1) directing interested persons to file in writing any objections to the granting of the petition. Whether form NC-110 should be revised to correct an ambiguity in the declaration box (to correct a 	2(b)	Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5. See also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes. Origin of Project: (1) Danielle Rogers, Supervising Research Attorney, Superior Court, Yolo County; (2) Hon. Robert Moss, Judge of the Superior Court, Orange County	January 2018	Revised forms.

SMALL CLAIMS AND LIMITED CASE SUBCOMMITTEE

(Hon. Donald Proietti, Chair; Ms. Christy Simons, Counsel)

#	Project	Priority	Specifications	Completion Date/Status	End Product/ Outcome of Activity
	recurring problem for clerks in processing the form)		<p>Resources: N/A</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> 1. Trial court efficiencies. 2. Improved procedures. 		
19.	<p>Small claims interest on judgments payable in installments. Consider action to clarify the circumstances and manner in which post-judgment interest accrues on small claims judgments to be paid in installments.</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5. See also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: previously deferred suggestion</p> <p>Resources: N/A</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> 1. Trial Court Efficiencies 2. Improved procedures. 	January 2019	Uncertain. Possible legislative proposal.
20.	<p>Legislative Proposal Regarding Small Claims Court Interpreters. Partner with the Language Access Plan Implementation Task Force to address implementation issues that will result from legislation</p>	1(a), 1(e)	<p>Judicial Council Directive: Strategic Plan Goal: III. Operational Plan Objective: 5. Also, Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court</p>	January 2019	Co-sponsor the legislation with the LAPITF. Develop rules and forms.

SMALL CLAIMS AND LIMITED CASE SUBCOMMITTEE					
(Hon. Donald Proietti, Chair; Ms. Christy Simons, Counsel)					
#	Project	Priority	Specifications	Completion Date/Status	End Product/ Outcome of Activity
	to require court interpreters and eliminate the informal interpreting option in small claims proceedings. This will include gathering information from courts that already provide court interpreters in small claims proceedings, studying other models that may provide guidance (such as traffic), and working with the courts as stakeholders and partners in the process. Developing rules and forms to facilitate the significant change is also anticipated.		<p>users receive satisfactory services and outcomes.</p> <p>Origin: Language Access Plan Implementation Task Force</p> <p>Resources: Language Access Plan Implementation Task Force</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> 1. Trial Court Efficiencies 2. Improved Procedures 		
21.	Limited Representation for Self-Represented Litigants. The Family and Juvenile Law Advisory Committee is working on a proposal to make the process easier for an attorney to do limited representation for self-represented litigants in certain limited family law cases. There are parallel rules in Title 3 for civil cases. The subcommittee will consider whether to craft a similar	2(b)	<p>Judicial Council Directive: Strategic Plan Goal I; Operational Plan Goal I (Access, Fairness, and Diversity), Objective 4 (Expand the availability of legal assistance, advice, and representation for litigants with limited financial resources).</p> <p>Origin: Family and Juvenile Law Advisory Committee</p> <p>Resources: Family and Juvenile Law Advisory Committee</p>	January 2019	Uncertain. Possible new and/or amended rules and new and/or revised forms.

SMALL CLAIMS AND LIMITED CASE SUBCOMMITTEE

(Hon. Donald Proietti, Chair; Ms. Christy Simons, Counsel)

#	Project	Priority	Specifications	Completion Date/Status	End Product/ Outcome of Activity
	proposal for limited jurisdiction cases.		Key Objective Supported: 1. Trial Court Efficiencies 2. Improved Procedures		

UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE

(Hon. Ann I. Jones, Chair; Susan R. McMullan, Counsel)

#	Project	Priority	Specifications	Completion Date/Status	End Product/ Outcome of Activity
22.	<p>CEQA challenges to “capitol building annex projects.” Senate Bill 836 requires the council to adopt rules implementing procedures for the expedited resolution of CEQA challenges to “capitol building annex projects.” The council previously adopted rules and established procedures implementing a similar statutory scheme for expedited review of CEQA challenges to “environmental leadership projects” and “Sacramento arena projects.</p>	1(a) and 1(c)	<p>Judicial Council Direction: Mandated by statute. See also Strategic Plan Goal: III. Operational Plan Objective: 5. And see Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: SB 836</p> <p>Resources: Governmental Affairs</p> <p>Key Objective Supported: 3. New law implementation</p>	July 2017	Revised forms
23.	<p><i>Deposition Subpoena for Production of Business Records (form SUBP-010).</i> Revise instructions to deponent to correctly distinguish between what a party whose consumer or employee records are sought must do to stop their production (file a motion to quash and give notice to the subpoenaed custodian of records) and what a non-party</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: private attorney from San Francisco.</p> <p>Resources: N/A</p>	January 2018	Revised form

UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE

(Hon. Ann I. Jones, Chair; Susan R. McMullan, Counsel)

#	Project	Priority	Specifications	Completion Date/Status	End Product/ Outcome of Activity
	whose records are sought must do (serve written objections on party ad on subpoenaed witness).		Key Objective Supported: 2. Improved procedures.		
24.	Rules Modernization Project – Phase II Assist Information Technology Advisory Committee (ITAC) in its Rules Modernization Project, a collaborative multi-year effort to comprehensively review and modernize statutes and rules so that they will be consistent with and foster modern e-business practices.	2(b)	<i>From ITAC Annual Agenda:</i> Judicial Council Direction: Tactical Plan for Technology, Goal 4: Identify New Policy, Rule, and Legislation Change Origin of Project: Tactical Plan; next phase of project following item in Annual Agenda 2016. Resources: ITAC Rules & Policy Subcommittee Key Objective Supported: Trial court efficiencies and Improved procedures; Tactical Plan Goal 4.	December 2018	Amended rules and recommendation to PCLC
25.	Submission of summaries of voluminous documents in lieu of the documents. Consider adopting a version of Federal Rules of Evidence rule 1006, which allows summaries to prove content where the originals or duplicates are available for	2(b)	Judicial Council Direction: Strategic Plan Goal: III. Operational Plan Objective: 5. See also Strategic Plan Goal: IV, Quality of Justice and Service to the Public; Operational Plan Objective: 1, Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.	January 2018	Amended rule

UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE

(Hon. Ann I. Jones, Chair; Susan R. McMullan, Counsel)

#	Project	Priority	Specifications	Completion Date/Status	End Product/ Outcome of Activity
	examination and/or copying by other parties.		<p>Origin of Project: proposed by Judge Curtis Karnow, San Francisco Superior Court</p> <p>Resources: N/A</p> <p>Key Objective Supported:</p> <ol style="list-style-type: none"> 1. Trial court efficiencies 2. Improved procedures. 		
26.	<p>Update Deskbook on the Management of Complex Civil Litigation. Implementation project; charge for work was made to CSCAC by the council at October 22, 1999 meeting in which the council received the report of the Complex Civil Litigation Task Force and voted to adopt the Task Force’s recommendations (see attached; item 3 from the minutes, beginning at page 17).</p> <p>A substantial re-write is recommended for 2017.</p>	2	<p>Judicial Council Direction: Council charged advisory committee with updating the Deskbook as needed.</p> <p>Origin of Project: Judicial Council</p> <p>Resources: N/A</p> <p>Key Objective Supported: N/A</p>	Ongoing	Revisions published and distributed to subscribers by Lexis.

III. STATUS OF 2016 PROJECTS:

[List each of the projects that were included in the 2015 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1.	<p>Review suggestions. Review suggestions from members of the judicial branch and the public for improving civil practice and procedure, court- connected ADR, and case management and review recommend actions by the council or one of its committees.</p>	<p>Completed for 2016. All proposals received through October 2016 have been initially reviewed and, where appropriate, prioritized. Those assigned priority 1 or 2 are listed as new proposals on this annual agenda.</p> <p>Ongoing. See item 1 on 2017 Annual Agenda.</p>
2.	<p>Consideration of Case Management Rules Current emergency exemption to statewide rules and procedures (rule 3.720(b)) will sunset at the end of 2019. Prior to that time, the committee will review and evaluate the procedures being employed by those courts currently exempted from the case management rules, along with the benefits and burdens of the current statewide rules, in order to be prepared to make a recommendation as to whether the council should continue to permit exemptions, return to statewide case management rules, amend the current rules, or take other action.</p>	<p>Ongoing. In 2016, discussion regarding the issues presented and decisions regarding how best to move forward. See item 2 on 2017 Annual Agenda.</p>
3.	<p>Recognition and Entry of Tribal Court Money Judgment. SB 406, Tribal Courts Civil Money Judgments Act, will sunset in December 2017. Advisory Committee will support Tribal Court-State Court Forum, which intends to do study to see what effect, if any, the new law has had on the courts and consider whether the law should be extended or expanded.</p>	<p>Ongoing. In 2016, the Tribal Court-State Court Forum reported on its study of SB 406 and recommended that the Judicial Council ask the Legislature to lift the sunset provision and amend the legislation to apply to civil judgments in the following additional case types: contracts, family, probate conservatorships, and trespass. See item 3 on 2017 Annual Agenda.</p>
4.	<p>Serve as lead/subject matter resource for other advisory groups to avoid duplication of efforts and contribute to development of recommendations for council action. Such efforts may include providing civil and small claims procedural expertise and review to working groups, advisory committees, and subcommittees as needed.</p>	<p>Completed for 2016. In 2016, this included providing feedback regarding the Language Access Plan Implementation Task Force’s legislative proposal regarding interpreters in small claims court proceedings. The committee also provided feedback to ITAC on its legislative proposal to amend the requirements for e-filing, e-service, and e-signatures in the Code of Civil Procedure. Ongoing. See item 4 on 2017 Annual Agenda.</p>

5.	<p>Collaborations with Justice Partners to Sustain ADR Programs. Gather additional information, including follow up to prior survey about bar associations and other justice partners managing or assisting in managing ADR programs for the courts; consider issues associated with such collaborations, including neutral training and complaint procedures; and consider whether/how to disseminate information, models, or tools to facilitate appropriate collaborations.</p>	<p>Carried over. In 2016, gathered additional survey responses and information from courts with robust ADR programs. See item 7 on 2017 Annual Agenda.</p>
6.	<p>Publicizing ADR Webpages. Consider options for sharing information about the ADR resources available on the judicial branch websites updated last year.</p>	<p>Completed.</p>
7.	<p>ADR Training for Court Administrators. Consider working with CJER or other providers on ADR-related training for court administrators.</p>	<p>Carried over. In 2016, gathered information from CJER about existing ADR trainings. See item 8 on 2017 Annual Agenda.</p>
8.	<p>California Law Revision Commission Mediation Confidentiality Study. Review and consider submitting comments on the CLRC tentative recommendation regarding amendments to the mediation confidentiality statutes.</p>	<p>Carried over. The CLRC has not yet issued its tentative recommendation. See item 9 on 2017 Annual Agenda.</p>
9.	<p>Informing Mediation Participants about Confidentiality. Consider whether to recommend amendments to the rules establishing the standards of conduct for mediators in court-connected mediation programs for civil cases or the rules regarding mediation program administration to address what further information, if any, must be provided to program participants regarding mediation confidentiality.</p>	<p>Carried over. This item is dependent on the CLRC's tentative recommendation, which has not been issued yet (see previous item). See item 10 on 2017 Annual Agenda.</p>
10.	<p>Review of Pending Legislation. Review pending legislation on civil procedure and court administration and make recommendations to the council's Policy Coordination and Liaison Committee.</p>	<p>Completed for 2016. Ongoing for 2017. See item 11 on 2017 Annual Agenda.</p>
11.	<p>Forms for Continuing Hearings.</p>	<p>Completed. The forms were revised.</p>

	<p>Assembly Bill 1081 amends restraining order statutes to eliminate current provisions concerning reissuance of temporary restraining orders and replaces them with new provisions providing procedure for continuing hearings. The changes must be reflected in a series of mandatory civil forms relating to the prevention of Civil Harassment (CH), Elder Abuse (EA), Workplace Violence (WV), and Private Post-secondary School Violence (SV), as well as in forms relating to the prevention of Domestic Violence (DV) and Juvenile injustice (JUV).</p>	
12.	<p>Possession and control of pets. Assembly Bill 494 amends the current civil harassment and elder abuse prevention statutes to permit the court to issue orders regarding pets. Various CH and EA forms will need to be revised to reflect those new provisions, along with various DV forms.</p>	Completed. The forms were revised.
13.	<p>Items on protective order forms requiring information about gun ownership. Reconsider the Fifth Amendment implications of form items requiring the respondent to disclose whether or not he or she had complied with firearms surrender requirements in a temporary restraining order. The joint Protective Order Working Group (POWG) had previously considered this issue and concluded that the failure to check a box on the form did not constitute an admission of continued gun ownership.</p> <p>The subcommittee has agreed to reconsider this issue, with the joint POWG, in light of concerns recently raised by a commenter on the new Gun Violence Restraining Order forms.</p>	Reconsidered and rejected by the committee.
14.	<p>Revise forms SV-110, SV-130, WV-110, and WV-130 (Temporary Restraining Orders and Orders After Hearing) to remove incorrect information in the Instructions to Law Enforcement section of the forms.</p> <p>The order forms for private postsecondary school violence (SV) and workplace violence (WV) incorrectly state that a restrained person who had notice of the order and disobeyed it</p>	Completed. Forms SV-110, SV-130, WV-110, and WV-130 were revised to remove incorrect information in the Instructions to Law Enforcement section of the forms.

	<p>must be arrested. Penal Code section 836(c)(1) requires arrest of a person violating orders in civil harassment, domestic violence and elder and dependent adult abuse, but does not include SV or WV.</p>	
15.	<p>Revise form GV-116, Notice of New Hearing Date (Gun Violence Prevention) so that it may be entered into the California Law Enforcement Communications System (CLETS) as a court order.</p> <p>The current form is not structured as a court order, meaning that a continued hearing date (which extends the previously issued TRO) is not available to law enforcement.</p>	<p>Completed. The form now may be entered into CLETS as a court order.</p>
16.	<p>Develop new Judicial Council forms for the modification and termination of protective orders.</p> <p>The Gun Violence form set includes forms for proceedings to terminate a gun violence protective order. Forms are needed to modify or terminate a protective order for Civil Harassment (CH), Elder Abuse (EA), Private Postsecondary School Violence (SV), and Workplace Violence (WV).</p>	<p>Ongoing. This item was added to the 2016 Annual Agenda in August 2016. In 2016, staff completed the CH forms as a prototype. The other forms will be developed in 2017. See item 12 for 2017 Annual Agenda.</p>
17.	<p>Revise response forms to provide space for the respondent to state why he or she disagrees with the orders requested by the petitioner. Only the Domestic Violence form (DV-12) provides space for an explanation regarding disagreement with the order requested. The other response forms (CH-120, EA-120, GV-120, SV-120, and WV-120) should include this item.</p>	<p>Ongoing. This item was added to the 2016 Annual Agenda in August 2016. In 2016, staff completed drafts of these forms. See item 13 for 2017 Annual Agenda.</p>
18.	<p>Revise Temporary Restraining Order forms for CH, EA, SV, and WV to provide for the exception to firearms surrender for respondents whose employment requires them to have a firearm.</p> <p>Code of Civil Procedure section 527.9(f) provides for this exemption in DV, CH, EA, SV, and WV, but not in GV. The DV order forms address the exemption and include the statutory language. Forms for the other subject areas covered by the statute should also include the exemption</p>	<p>Ongoing. This item was added to the 2016 Annual Agenda in August 2016. Work has not yet begun. See item 14 for 2017 Annual Agenda.</p>

<p>19.</p>	<p>Develop legislation for potential sponsorship by the Judicial Council to amend Penal Code section 18145 to change the way that Gun Violence Emergency Protective Orders are issued.</p> <p>Form EPO-002, the gun violence emergency order, does not adhere to the statute. The subcommittee will consider the options for remedying the inconsistencies.</p>	<p>Ongoing. This item was added to the 2016 Annual Agenda in August 2016. See item 15 for 2017 Annual Agenda.</p>
<p>20.</p>	<p>Wage Garnishment forms. Revision of two Earnings Withholding Orders, particularly as to the instructions to employers on how to calculate amounts to be withheld. Senate Bill 501 changes the method of calculating the amount of an individual judgment debtor’s weekly disposable earnings subject to levy under an earnings withholding order.</p>	<p>Completed. Forms revised, effective July 1, 2016.</p>
<p>21.</p>	<p><i>Request to Enter Default (form CIV-100).</i></p> <ul style="list-style-type: none"> • Revise item for declaration of non-military service to correction reflect the law on that point. <p>Consider adding an item to reflect the requirements for default judgments under the Fair Debt Buying Practices Act.</p>	<p>Ongoing. In 2016, the committee approved revisions to the declaration of non-military service. The committee is continuing to work on incorporating the requirements of the Fair Debt Buying Practices Act, in light of comments received. See item 16 on 2017 Annual Agenda.</p>
<p>22.</p>	<p>Information sheets for Small Claims plaintiffs and defendants (forms SC-100 and SC-101)</p> <ul style="list-style-type: none"> • Revise items in information sheets regarding court interpreters, which are currently incorrect under new law; Consider several other minor changes that have been proposed regarding these two forms over past several years. 	<p>Completed. Forms revised, effective January 1, 2017.</p>
<p>23.</p>	<p>Order of examination of judgment debtor</p> <ul style="list-style-type: none"> • Revise form SC-135, <i>Application and Order to Produce Statement of Assets and to Appear for Examination</i> to correct inconsistency in items (one item stating it "may" be served by a registered process server, etc., while the instruction says it “must” be so served). At same time add information concerning impact of service by law enforce- 	<p>Completed. Both forms revised, effective January 1, 2017.</p>

	<p>ment. Lack of such information leads to small claims judgment creditors making futile requests for bench warrants due to inadequate service, resulting in expense to parties and extra hearings for courts.</p> <p>Consider revising form EJ- 125, the parallel form for other types of civil cases, which also lacks any notice of the consequence if service is not made by a law enforcement officer.</p>	
24.	<p>Writ of Execution. Consider possible changes to form EJ-130, particularly to amend the following:</p> <ul style="list-style-type: none"> • Clarification of identifiers of type of underlying action (civil limited or civil unlimited) mandated by statute; • Clarification of item 24 and/or addition of identifier on form as to whether an underlying real property action is an unlawful detainer and, if so, identifier as to whether on a foreclosed property (to help implement new law) <p>Correction of item 19(a) re calculation of interest.</p>	<p>Ongoing. Based on comments received during the public comment period, the committee will continue to work on proposed revisions to (1) the notice provision regarding a tenant's possible right to remain in possession of a foreclosed property and (2) the monetary computation items on the form. See item 17 on 2017 Annual Agenda.</p>
25.	<p>Disability Access Litigations forms. Assembly Bill 1521 amends the law regarding construction-related disability access claims.</p> <ul style="list-style-type: none"> • Two mandatory forms, DAL-005 and DAL-010, are currently inconsistent with the law and must be revised as soon as possible <p>The law also mandates revision of a current notice form (DAL-001) and development of an answer form.</p>	<p>Completed. Forms revised effective January 1, 2016.</p>
26.	<p>Forms to implement new meet-and-confer requirements on demurrers</p> <p>Senate Bill 383 provides that parties must meet-and-confer prior to filing a demurrer.</p> <p>New forms would be helpful both to educate the parties on the requirements and to make it easier for courts to find that the requirement had been met.</p>	<p>Completed. Forms adopted effective January 1, 2017.</p>
27.	<p>Rules Modernization Project – Phase 2. Assist Information Technology Advisory Committee (ITAC)</p>	<p>Completed for 2016. In 2016, rules in Titles 2 and 3 were amended.</p>

	<p>it its Rules Modernization Project, a collaborative multi-year effort to comprehensively review and modernize statutes and rules so that they will be consistent with and foster modern e-business practices.</p> <p>Examples of potential areas identified last year as possible Phase 2 topics for action in 2016 include rules and statutes regarding the return of lodged materials, formatting of motion papers and tabbing of exhibits, timing of notice when provided by electronic service.</p>	Ongoing. See item 24 in 2017 Annual Agenda.
28.	<p>Process for adding costs and fees to judgment (Rule 3.1700)</p> <ul style="list-style-type: none"> • Consider proposal to clarify rule as to procedure for adding an award of attorney’s fees to a judgment <p>Consider proposal to clarify rule or form as to procedure for requesting expert witness fees when properly sought as costs.</p>	Dropped following further consideration by the advisory committee.
29.	<p><i>Deposition Subpoena for Production of Business Records. (form SUBP-010)</i></p> <p>Revise instructions to deponent to correctly distinguish between what a party whose consumer or employee records are sought must do to stop their production (file a motion to quash and give notice to the subpoenaed custodian of records) and what a non- party whose records are sought must do (serve written objections on party ad on subpoenaed witness).</p>	Ongoing. See item 23 in 2017 Annual Agenda.
30.	<p>Streamline discovery motions</p> <p>Consider potential methods of making motions to compel and motions for protective orders in discovery more efficient for the court and less burdensome on the parties.</p>	Dropped following further consideration by the advisory committee.
31.	<p>Develop form interrogatories for wrongful death cases</p> <p>The current personal injury form interrogatories do not fit wrongful death cases in many respects. Committee wants to begin work on new or supplemental set of interrogatories for use in such cases.</p>	Dropped following further consideration by the advisory committee.

<p>32.</p>	<p>Update Deskbook on the Management of Complex Civil Litigation. Implementation project; charge for work was made to C&SCAC by the council at October 22, 1999 meeting in which the council received the report of the Complex Civil Litigation Task Force and voted to adopt the Task Force's recommendations.</p>	<p>Update completed for 2016. Ongoing. See item 26 on 2017 Annual Agenda.</p>
<p>33.</p>	<p>Expedited Jury Trial Rules and Forms.</p> <ul style="list-style-type: none"> • Develop new rules and forms and amend current ones to implement AB 555, which provides for mandatory expedited jury trials in most limited cases and amends the provisions for the current voluntary expedited jury trials. • Consider amending current rules for voluntary expedited jury trials in order to simplify them. 	<p>Completed. New, amended, and renumbered rules; new, revised, and renumbered forms took effect July 1, 2016.</p>

V. Subgroups/Working Groups - Detail

Standing Subcommittees

Alternative Dispute Resolution Subcommittee

Purpose of subcommittee or working group: This subcommittee was established to address and consider proposals and issues concerning court-related alternative dispute resolution programs. The subcommittee makes initial recommendation in this area, which it presents to the committee as a whole for consideration and further action. When specifically directed to do so by RUPRO, it also considers proposals related to alternative dispute resolution issues not directly connected to court programs.

Number of advisory body members: 9

Number and description of additional members (not on this advisory group): None

Date formed: Prior to 1999.⁶

Number of meetings or how often the group meets: Anticipate 5 to 6 meetings in the coming year, by conference calls.

Ongoing or date work is expected to be completed: Ongoing

[Discovery Subcommittee (*suspended status*)]

[Purpose of subcommittee or working group: This subcommittee was established with the goal of improving civil discovery, by considering proposals and issues concerning discovery in civil cases. The subcommittee makes initial recommendation in this area, which it presents to the committee as a whole for further action. Due to the fiscal crisis, however, and the council's request that advisory committees limit their work when possible, the committee's activities were suspended in 2013, and remain suspended.

Number of advisory group members: 12 members in 2012.

Number and description of additional members (not on this advisory group): None.

Date formed: The subcommittee was formed before 1999. In 2001, it became known as the Discovery and Rules Reform Subcommittee, with the goal of expanding the rule-making authority of the Judicial Council, by obtaining from the Legislature broad authority to develop civil procedures and practices relating to civil discovery, enabling the California court system to exercise rule-making powers comparable to those exercised by the federal court and other court systems. RUPRO reconsidered this project several years ago, and directed the committee to instead focus on incremental legislative changes where appropriate and not to develop any broad legislative initiatives to expand the council's rule-making authority without further direction.

Number of meetings or how often the group meets: None anticipated this year.

Ongoing or date work is expected to be completed: Ongoing; currently suspended as part of effort to focus staff efforts on fewer committees; expect to reappoint members to this subcommittee in the future.]

⁶ The easily accessible computerized records of the advisory committee begin in 1999. Further research would be needed to determine the actual formation date of the standing subcommittees formed before that date.

Legislative Subcommittee

Purpose of subcommittee or working group: The subcommittee was established to review pending legislation on civil procedure and court administration and make recommendations to the Judicial Council's Policy Coordination and Liaison Committee.

Number of advisory group members: 6

Number and description of additional members (not on this advisory group): None

Date formed: Prior to 1999.

Number of meetings or how often the group meets: Anticipate 6 to 8 meetings this year, by conference calls.

Ongoing or date work is expected to be completed: Ongoing.

Protective Orders Subcommittee (part of the joint Protective Order Working Group)

Purpose of subcommittee or working group: The joint working group was established at the direction of RUPRO to coordinate advisory committees' activities concerning protective orders that restrain domestic violence, civil harassment, elder and dependent abuse, and school place violence. The group assists in ensuring that there is consistency and uniformity, to the extent appropriate, in the different protective orders used in family, juvenile, civil, probate and criminal proceedings. The working group helps advisory committees and the Judicial Council by developing and updating Judicial Council protective order forms. It also reviews pending legislation, suggests new legislation to improve protective orders, and recommends changes to the rules of court on protective orders, as necessary or appropriate. The Protective Order Subcommittee is comprised of those members of CSCAC who are part of the joint working group. The subcommittee also works independently of the working group at times, when addressing issues that impact civil actions alone which the chairs of the working group have decided need not be addressed jointly. The subcommittee makes initial recommendation in these areas, which it presents to the committee as a whole for further action.

Number of advisory group members: 6

Number and description of additional members (not on this advisory group): The Protective Order Subcommittee has 2 specially appointed members, judges with experience running a civil protective order calendar, who provide necessary expertise. The joint Protective Order Working Group is now under the leadership of the Family and Juvenile Law Advisory Committee.

Date formed: 2007.

Number of meetings or how often the group meets: Approximately 4-6 meetings annually, depending on extent of business, by conference calls.

Ongoing or date work is expected to be completed: Ongoing.

Small Claims and Limited Cases Subcommittee

Purpose of subcommittee or working group: This subcommittee was established to address and consider proposals and issues concerning small claims matters, limited jurisdiction actions, and fee waivers. The subcommittee also considers Judicial Council forms generally used by self-represented parties, developing new forms and revising current ones. The subcommittee makes initial recommendation in this area, which it presents to the committee as a whole for further action.

Number of advisory group members: 11

Number and description of additional members (not on this advisory group): None

Date formed: Prior to 1999

Number of meetings or how often the group meets: Anticipate 6 to 8 meetings in the coming year, by conference calls.

Ongoing or date work is expected to be completed: Ongoing

Unlimited Case and Complex Litigation Subcommittee

Purpose of subcommittee or working group: This subcommittee was established to address and consider proposals and issues concerning the management and trial of unlimited civil cases, including complex litigation matters. The subcommittee also considers new and amended Judicial Council forms generally used by parties represented by counsel, developing new forms and revising current ones. The subcommittee makes initial recommendation in these areas, which it presents to the committee as a whole for further action. This subcommittee also works on updates to the *Deskbook on Management of Complex Litigation*, an implementation project that the Judicial Council charged this advisory committee to work on in 1999.

Number of advisory group members: 13

Number and description of additional members (not on this advisory group): None

Date formed: This subcommittee was formed in November 2008, through the merger of the Case Management Subcommittee and the Complex Litigation Subcommittee. The Complex Litigation Subcommittee was established in 1999 and the Case Management Subcommittee, originally known as the Case Management and Delay Reduction Subcommittee, was established some years before then.

Number of meetings or how often the group meets: Anticipate 6 to 8 meetings in the coming year, by conference calls.

Ongoing or date work is expected to be completed: Ongoing.

AB 2298 Ad Hoc Working Group

Purpose of working group: This working group is being established to address issues concerning legislation establishing a civil action by which an individual can challenge being listed by a law enforcement agency in a shared gang database. The working group will consider procedures by which courts can implement this legislation, which will likely involve developing rules and forms. The working group will also consider possible amendments to the statutory language to better achieve the goals of the legislation and assist courts and parties in utilizing the new statute.

Number of advisory group members: 2

Number and description of additional members (not on this advisory group): Number is still being determined; members of other advisory committees (Appellate, Criminal Justice Services, Family and Juvenile Law)

Date formed: November 2016

Number of meetings or how often the group meets: Uncertain; group is now forming

Ongoing or date work is expected to be completed: January 2018

Council action:

The Judicial Council, effective January 1, 2000, adopted new Form TR-100, *Notice of Correction and Proof of Service*, for mandatory use to correct clerical errors on *Notices to Appear*.

Item 2 Adoption of Long-Range Plan for Judicial Branch Education

The Center for Judicial Education and Research (CJER) Governing Committee recommended adopting its long-range plan for developing educational programs, publications, and other services. Under rule 6.50, the rule of court governing the committee, CJER is required to present such a plan based on its assessment of the needs of judicial officers and court staff.

Council action:

The Judicial Council adopted the long-range plan for judicial branch education as presented.

The motion passed.

Item 3 Final Report of the Complex Civil Litigation Task Force: (a) *Deskbook on the Management of Complex Civil Litigation*; (b) *Complex Civil Case Management Judicial Education Curriculum*; (c) *Complex Civil Case Rules and Civil Case Cover Sheet*; (d) *Electronic Filing Rule*; (e) *Conforming Amendments to Statutes, California Rules of Court, and Standards of Judicial Administration*; and (f) *Recommendation on Appropriate Judicial Council Oversight Committee (adopt rules 1800, 1810, 1811, 1812, and 1830; amend rules 212, 982.2, 1501.1, 2101, and 2105 of the California Rules of Court; amend § 19, California Standards of Jud. Admin.; and revise Form 982.2(b)(1)*

Justice Richard D. Aldrich, Chair of the Complex Civil Litigation Task Force, presented the report, assisted by Professor Clark Kelso, task force reporter, and Ms. Cara Vonk, task force counsel. Justice Aldrich stated that a Business Court Task Force was appointed in 1996 to study the merits of implementing a special trial court for business and commercial disputes. That task force ultimately recommended against establishing a special business court and instead proposed that a task force study establishing a complex civil litigation specialization in courts.

Justice Aldrich noted that the Complex Civil Litigation Task Force was appointed and charged with developing recommendations for a deskbook, education, legislation, rules of court, a pilot program, and an oversight committee on complex civil litigation.

Professor Kelso reviewed the task force's recommendations for changes to rules of court. He stated that the overall goals of the proposed amendments were early judicial involvement, active judicial management, and identification of complex cases. Professor Kelso highlighted several of the recommendations, including a new rule that would define a complex case and rule changes that prescribe assigning a complex case to one judge for all purposes, provide guidelines for electronic filings for complex cases, and require early case management conferences.

Ms. Vonk reported that funding for proposed pilot programs was allocated from the Judicial Administration Efficiency and Modernization Fund. She noted that a report would be drafted in the next few months summarizing the effectiveness of the pilot programs and outlining training needs for judges and staff.

Justice Aldrich reported that the task force report was circulated widely for comment. The response was generally positive. He noted that the work of the task force and, in particular, the deskbook will be shared at a national conference and serve as a model for other states.

Council action:

Judge Paul Boland moved that the Judicial Council:

1. Receive the *Deskbook on the Management of Complex Civil Litigation*, which will be published by the Administrative Office of the Courts and distributed to all judges in the state;
2. Receive the specialized judicial education curriculum, *Complex Civil Case Management*, with suggested policies for faculty, attendees, and course prerequisites developed by the Complex Civil Litigation Task Force that will be forwarded to the Center for Judicial Education and Research (CJER) Governing Committee;
3. Refer to the Center for Judicial Education and Research (CJER) Governing Committee the task force recommendation that sections 25.2 and 25.3 of the Standards of Judicial Administration be amended to add a "complex civil cases" educational curriculum for judicial officers assigned to hear complex cases;
4. Amend rule 212 of the California Rules of Court, effective January 1, 2000, to conform the 30-day meet-and-confer requirement to the order of the court in a complex case;
5. Amend rule 982.2 and revise the *Civil Case Cover Sheet* (Form 982.2(b)(1)), effective January 1, 2000, to implement rules 1810 through 1812 providing for an early provisional complex case designation, counterdesignation or joinder, and decision by the court whether the action is a complex case;
6. Adopt rules 1800 through 1812 of the California Rules of Court, effective January 1, 2000, to define, provisionally designate, and decide whether an action is a complex case requiring "exceptional judicial management to avoid placing unnecessary

- burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel”;
7. Adopt rule 1830 of the California Rules of Court, effective January 1, 2000, to provide that documents filed electronically in a central depository and available to all parties are deemed served on all parties if ordered by the court in a complex civil case management order;
 8. Amend rules 1501.1, 2102, and 2105 of the California Rules of Court, effective January 1, 2000, to make technical and conforming amendments to the coordination and differential case management rules;
 9. Amend section 19 of the Standards of Judicial Administration, effective January 1, 2000, to delete the complex “hearing” and “definition” provisions that are superseded by rules 1800 and 1812, amend the “selection of judges for complex litigation assignments” to provide that the presiding judge in selecting judges for complex litigation assignments should consider “the needs of the court, the judge’s ability, interest, training, experience (including experience with complex civil cases), and willingness to participate in educational programs related to the management of complex cases,” and to make other conforming amendments;
 10. Seek conforming legislation to delete references in Code of Civil Procedure sections 403 and 404 to section 19 of the Standards of Judicial Administration on complex coordinated cases to read “complex as defined by the Judicial Council”;
 11. Charge the Civil and Small Claims Advisory Committee with ongoing responsibility for:
 - a. Recommending to the Judicial Council improvements to complex civil litigation programs in California, based on an ongoing review of the programs’ effectiveness and best practices, including the complex litigation pilot programs beginning in January 2000,
 - b. Updating the *Deskbook on the Management of Complex Civil Litigation*,
 - c. Making recommendations to the council on ways to improve efficient and fair practices for coordinating complex civil cases pending in different counties, including possible review of petitions for coordination by a panel of judges and transfer of cases to counties with complex civil litigation centers, and
 - d. Recruiting experienced complex civil litigation members to take the place of outgoing members for nomination and consideration for appointment by the Chief Justice; and
 12. Request that the Administrative Director of the Courts report on the new complex litigation pilot programs as required by Government Code section 68617, including an evaluation of the program’s practices, and to submit the report to the Civil and Small Claims Advisory Committee for review and comment.

The motion passed.

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Submit to JC (without circulating for comment)**

RUPRO Meeting: December 15, 2016

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

Forms: Technical Changes to Proof of Service Forms (Revise forms POS-040, POS-040(P), POS-050/EFS-050, POS-050(P)/EFS-050(P), and EFS-020)

Committee or other entity submitting the proposal:

Judicial Council staff

Staff contact (name, phone and e-mail): Christy Simons, 415-865-7694, christy.simons@jud.ca.gov

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

Approved by RUPRO: N/A

Project description from annual agenda: N/A

If requesting July 1 or out of cycle, explain:

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

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



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 15, 2016

Title	Agenda Item Type
Forms: Technical Changes to Proof of Service Forms	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms POS-040, POS-040(P), POS-050/EFS-050, POS-050(P)/EFS-050(P), and EFS-020	February 1, 2017
Recommended by	Date of Report
Judicial Council Staff	December 8, 2016
Christy Simons, Attorney	Contact
Legal Services	Christy Simons, 415-865-7694 christy.simons@jud.ca.gov

Executive Summary

Members of the public and Judicial Council staff have identified changes required for several proof of service forms as a result of previous rule amendments that remove the requirement that the time of service by fax or electronic service be stated on the forms. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing litigants, clerks, and judicial officers.

Recommendation

The staff to the Judicial Council recommends that the council, effective February 1, 2017:

1. Revise *Proof of Service-Civil* (form POS-040) to delete item 5.c.(2), which requires entry of the time of service by fax.
2. Revise *Attachment to Proof of Service-Civil (Persons Served)* (form POS-040(P)) to delete the third column titled Time of Service (Complete for service by fax transmission.).

3. Revise *Proof of Electronic Service* (form POS-050/EFS-050) to delete item 3.d., which requires entry of the time of electronic service.
4. Revise *Attachment to Proof of Electronic Service (Persons Served)* (form POS-050(P)/EFS-050(P)) to delete the references to time of service in the third column titled Date and Time of Electronic Service.
5. Revise *Proposed Order (Cover Sheet) (Electronic Filing)* (form EFS-020), page two, entitled Proof of Electronic Service, *Proposed Order*, to delete item 2.d., which requires entry of the time of electronic service.

The revised forms are attached at pages 3-10.

Previous Council Action

The Judicial Council has acted on these forms previously, but this proposal recommends only minor corrections to conform to recent rules of court amendments.

Rationale for Recommendation

At its October 2016 meeting, the Judicial Council approved amendments to several rules of court as part of the Rules Modernization effort led by the Information Technology Advisory Committee (ITAC), working together with the Civil and Small Claims Advisory Committee. Among other changes, rule 2.251(i)(1)(B)(ii) and rule 2.306(h)(1) were amended to remove the requirement that the time of service of documents by fax or electronic means be stated on the proof of service. The forms were not included in the Rules Modernization proposal. The proposed revisions to these forms are technical in nature and necessary to conform to the amended rules which take effect January 1, 2017.

Comments, Alternatives Considered, and Policy Implications

These proposed revisions were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).) Because of the need to correct these forms as soon as possible, no alternatives were considered.

Implementation Requirements, Costs, and Operational Impacts

The forms are used by litigants, so any impact on the courts would be minimal.

Attachments and Links

1. Judicial Council forms POS-040, POS-040(P), POS-050/EFS-050, POS-050(P)/EFS-050(P), and EFS-020, at pages 3-10

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER:	CASE NUMBER:
<p style="text-align: center;">PROPOSED ORDER (COVER SHEET)</p>	JUDICIAL OFFICER DEPT:

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:

2. Title of the proposed order:

3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding:
 - b. Date and time:
 - c. Place:

4. The proposed order was served on the other parties in the case.

 (TYPE OR PRINT NAME)

 _____
 (SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:	CASE NUMBER:
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**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is *(specify)*:

b. My electronic service address is *(specify)*:

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On *(name of person served)* *(If the person served is an attorney, the party or parties represented should also be stated)*:

b. To *(electronic service address of person served)*:

c. On *(date)*:

Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

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

Date:

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
Plaintiff/Petitioner: Defendant/Respondent:	JUDICIAL OFFICER:
<p style="text-align: center;">PROOF OF SERVICE—CIVIL</p> <p>Check method of service (<i>only one</i>):</p> <input type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax	DEPARTMENT:

**Do not use this form to show service of a summons and complaint or for electronic service.
See USE OF THIS FORM on page 3.**

1. At the time of service I was over 18 years of age **and not a party to this action.**
2. My residence or business address is:

3. The fax number from which I served the documents is (*complete if service was by fax*):

4. On (*date*): I served the following **documents** (*specify*):
 - The documents are listed in the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)).
5. I served the documents on the **person or persons** below, as follows:
 - a. Name of person served:
 - b. (*Complete if service was by personal service, mail, overnight delivery, or messenger service.*)
 Business or residential address where person was served:
 - c. (*Complete if service was by fax.*)
 Fax number where person was served:
 - The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).
6. The documents were served by the following means (*specify*):
 - a. **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

CASE NAME:	CASE NUMBER:
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6. b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):
- c. **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e. **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

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

Date:

_____  _____
 (TYPE OR PRINT NAME OF DECLARANT) (SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER


By personal service. I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

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

Date:

_____  _____
 (NAME OF DECLARANT) (SIGNATURE OF DECLARANT)

INFORMATION SHEET FOR PROOF OF SERVICE—CIVIL

(This information sheet is not part of the official proof of service form and does not need to be copied, served, or filed.)

USE OF THIS FORM

This form is designed to be used to show proof of service of documents by (1) personal service, (2) mail, (3) overnight delivery, (4) messenger service, or (5) fax.

This proof of service form should **not** be used to show proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Also, this proof of service form should **not** be used to show proof of electronic service. For that purpose, use *Proof of Electronic Service* (form POS-050).

Certain documents must be personally served. For example, an order to show cause and temporary restraining order generally must be served by personal delivery. You must determine whether a document must be personally delivered or can be served by mail or another method.

GENERAL INSTRUCTIONS

A person must be over 18 years of age to serve the documents. The person who served the documents must complete the Proof of Service. **A party to the action cannot serve the documents.**

The Proof of Service should be typed or printed. If you have Internet access, a fillable version of this proof of service form is available at www.courts.ca.gov/forms.htm.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and telephone number of the person for whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as the address on the documents that you served.

Third box, left side: Print the names of the plaintiff/petitioner and defendant/respondent in this box. Use the same names as are on the documents that you served.

Fourth box, left side: Check the method of service that was used. You should check only one method of service and should show proof of only one method on the form. If you served a party by several methods, use a separate form to show each method of service.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The case number should be the same as the case number on the documents that you served.

Third box, right side: State the judge and department assigned to the case, if known.

Complete items 1–6:

1. You are stating that you are over the age of 18.
2. Print your home or business address.
3. If service was by fax service, print the fax number from which service was made.
4. List each document that you served. If you need more space, check the box in item 4, complete the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)), and attach it to form POS-040.
5. Provide the names, addresses, and other applicable information about the persons served. If more than one person was served, check the box on item 5, complete the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)), and attach it to form POS-040.
6. Check the box before the method of service that was used, and provide any additional information that is required. The law may require that documents be served in a particular manner (such as by personal delivery) for certain purposes. Service by fax generally requires the prior agreement of the parties.

You must sign and date the proof of service form. By signing, you are stating under penalty of perjury that the information that you have provided on form POS-040 is true and correct.

SHORT TITLE:	CASE NUMBER:
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ATTACHMENT TO PROOF OF SERVICE—CIVIL (PERSONS SERVED)

(This attachment is for use with form POS-040.)

NAMES, ADDRESSES, AND OTHER APPLICABLE INFORMATION ABOUT PERSONS SERVED:

Name of Person Served

(If the person served is an attorney, the party or parties represented should also be stated.)

Where Served

(Provide business or residential address where service was made by personal service, mail, overnight delivery, or messenger service. For service by fax, provide fax number.)

SHORT TITLE:	CASE NUMBER:
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ATTACHMENT TO PROOF OF ELECTRONIC SERVICE (PERSONS SERVED)

(This attachment is for use with form POS-050/EFS-050.)

NAMES, ADDRESSES, AND OTHER APPLICABLE INFORMATION ABOUT PERSONS SERVED:

Name of Person Served

Electronic Service Address

Date of Electronic Service

(If the person served is an attorney, the party or parties represented should also be stated.)

		Date: _____
		Date: _____
		Date: _____
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		Date: _____
		Date: _____

Family and Juvenile Law Advisory Committee
Annual Agenda—2017
Approved by RUPRO:

I. ADVISORY BODY INFORMATION

Chair:	Hon. Jerilyn Borack and Hon. Mark A. Juhas, Co-chairs
Staff:	Ms. Audrey Fancy and Ms. Julia Weber, Co-lead Staff; Ms.Carolynn Bernabe, Administrative Coordinator, Center for Families, Children & the Courts
Advisory Body’s Charge: Makes recommendations to the Judicial Council for improving the administration of justice in all cases involving marriage, family, or children. [Rule 10.43]	
Advisory Body’s Membership: 34 members with 1 appellate court justice; 18 trial court judicial officers; 1 judicial administrator; 1 child custody mediator; 3 lawyers whose primary area of practice is family law; 1 lawyer specializing in governmental child support; 1 domestic violence prevention advocate; 1 chief probation officer; 1 child welfare director; 1 court appointed special advocate director; 1 county counsel assigned to juvenile dependency; 1 district attorney assigned to juvenile delinquency; 1 public-interest children’s rights lawyer; 2 lawyer from public or private defender’s office whose primary area is juvenile law.	
<p>Subgroups/Working Groups¹:</p> <p>The following have been established with approval from, or direction by, the Judicial Council or its internal advisory bodies (Rules and Project Committee or Executive and Planning):</p> <ul style="list-style-type: none"> • Protective Order Forms Working Group (POWG) • Violence Against Women Education Program (VAWEP)² • Joint Juvenile Competency Issues Working Group • AB 1058 Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee • Dual-Status Youth Data Standards Working Group 	

¹ California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

² On August 22, 2014, the Judicial Council approved a recommendation from the Family and Juvenile Law Advisory Committee that VAWEP become a standing subcommittee of the Family and Juvenile Law Advisory Committee. The composition of VAWEP has been guided by grant requirements and advisory committee chair review. A copy of the council report is available here: <http://www.courts.ca.gov/documents/jc-20140822-itemE.pdf>

Advisory Body’s Key Objectives for 2017:

1. Provide recommendations to the Judicial Council on funding and allocation methods for specified legislatively mandated court-related programs.
2. Provide recommendations to the Judicial Council for changes to or new statewide rules and forms to enable the council to fulfill legislative mandates.
3. Coordinate with related advisory groups to fulfill council directives in the area of domestic violence, family law, and juvenile law.

II. ADVISORY BODY PROJECTS

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p>As directed by the Judicial Council, review legislation identified by Governmental Affairs that may have an impact on family and juvenile law issues within the advisory committee’s purview. The committee will review the legislation below, and any other identified legislation, and propose rules and forms as may be appropriate for the council’s consideration.</p> <p>a.) <u>AB 424 (Gaines) Court appointed child advocates: wards Chapter 71, Statutes of 2015</u> <u>Summary:</u> Expands the Court Appointed Special Advocate program to allow appointment of CASAs for any minor dependent, nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court.</p>	1(a), (b), or (c)	<p>Judicial Council Direction: Committee charge under rule 10.43</p> <p>Origin of Project: Legislative mandate.</p> <p>Resources: Legal Services</p>	September 1, 2017 or January 1, 2018	Rules and forms, incorporating information in education and training programs, or information and analysis for council on why action on the council’s part may or may not be necessary.

³ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁴ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>b.) <u>SB 794 (Comm. on Human Services) Child Welfare Services</u> Chapter 425, Statutes of 2015 <u>Summary:</u> Implements federal legislation that modified title IVE findings that must be made at status review hearings for children in out of home placement.</p> <p>c.) <u>AB 1945 (Stone D) Juveniles: sealing of records</u> Chapter 858, Statutes of 2016 <i>Passed by the Assembly and Senate and enrolled to the Governor</i> <u>Summary:</u> Allows a child welfare agency of a county responsible for the supervision and placement of a minor or nonminor dependent to access a record that has been ordered sealed for the limited purpose of determining an appropriate placement or service.</p> <p>d.) <u>AB 2298 (Weber)—Action for removal from gang database</u> Chapter 752, Statutes of 2016 <u>Summary:</u> Creates specified due process rights for individuals listed in a shared gang database by, among other things, establishing a civil court procedure for individuals seeking removal from a gang database.</p> <p>e.) <u>AB 2349 (Chiu) Assisted reproduction agreements for gestational carriers</u> Chapter 385, Statutes of 2016 Summary: Extends the jurisdiction of the courts under the Uniform Parentage Act to a proceeding to determine the parentage of the child as to a child who is conceived pursuant to an assisted reproduction agreement.</p>		Key Objective Supported: 2, 3		

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>f.) <u>AB 2872 (Patterson R) Children Chapter 702, Statutes of 2016</u> <u>Summary:</u> Allows an otherwise sealed juvenile case file to be inspected by a court-appointed investigator, acting within the scope of investigative duties of an active case, for the purpose of conducting a stepparent adoption, access to juvenile case files.</p> <p>g.) <u>SB 1060 (Leno D) Postadoption contact: siblings of dependent children or wards Chapter 719, Statutes of 2016</u> <u>Summary:</u> Requires a county placement agency to convene a meeting with a dependent, the dependent's sibling or siblings. The prospective adoptive parent or parents, and a facilitator, for the purpose of deciding whether to voluntarily execute a postadoption sibling contact agreement. Further requires the court to inquire about the status and results of this meeting at the first six-month review hearing.</p>				
2.	<p>Commercially Sexually Exploited Children Review legislation passed, signed, and chaptered in 2016 related to Commercially Sexually Exploited Children (CSEC) to determine which, if any, of the bills require Rules or Forms. Review to include: AB 1322 (Mitchell), AB 1276 (Santiago), AB 1678 (Santiago), AB 1682 (Stone), AB 1684 (Stone), AB 1702 (Stone), AB 1761 (Weber), AB 2498 (Bonta), SB 823 (Block), SB 1064 (Hancock), SB 1129 (Monning), and AB 2027 (Quirk).</p>	1(a), (b), or (c)	<p>Judicial Council Direction: Committee charge under rule 10.43</p> <p>Origin of Project: Legislative mandate.</p> <p>Resources: Legal Services</p> <p>Key Objective Supported: 2, 3</p>	September 1, 2017 or January 1, 2018	Rules and forms, incorporating information in education and training programs, or information and analysis for council on why action on the council's part may or may not be necessary.

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
3.	<p>Proposition 57 Develop rule and form proposal to implement Proposition 57: The Public Safety and Rehabilitation Act of 2016 which substantially amends the process by which juvenile offenders may be transferred to the jurisdiction of the criminal court by eliminating the authority of prosecutors to directly file petitions in criminal court and requiring that the juvenile court hold a hearing and determine if a transfer is appropriate.</p>	1(a)	<p>Judicial Council Direction: Committee charge under rule 10.43</p> <p>Origin of Project: Legislative mandate.</p> <p>Resources: Legal Services, Criminal Justice Services</p> <p>Key Objective Supported: 2, 3</p>	September 1, 2017	Rules and forms and incorporating information in education and training programs.
4.	<p>Proposition 64 Develop rule and form proposal to implement Proposition 64, the “Control, Regulate and Tax Adult Use of Marijuana Act,” commonly known as the “Adult Use of Marijuana Act.” The Act legalizes and redesignates specified marijuana related offenses and regulates legalized use and for minors provides that most marijuana-related offenses are infractions.</p>	1(a)	<p>Judicial Council Direction: Committee charge under rule 10.43</p> <p>Origin of Project: Legislative mandate.</p> <p>Resources: Legal Services, Criminal Justice Services</p> <p>Key Objective Supported: 2, 3</p>	January 1, 2018	Rules and forms and incorporating information in education and training programs.

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
5.	<p>FL-800 Joint Petition for Summary Dissolution Update to reflect change in cost of living per Family Code section 2400(b) as a technical change.</p>	1(a)	<p>Judicial Council Direction: Committee charge under rule 10.43</p> <p>Origin of Project: Legislative mandate.</p> <p>Resources: Legal Services</p> <p>Key Objective Supported: 2, 3</p>	January 1, 2018	Revised form.
6.	<p>Family Code section 3027 Proposed form addressing family law cases involving allegations of child abuse.</p>	1	<p>Judicial Council Direction:</p> <p>Origin of Project: Referral from JC as part of the Elkins work</p> <p>Resources: Probate and Mental Health Advisory Committee</p> <p>Key Objective Supported:</p>	January 1, 2018	New form.

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
7.	<p>Family Law: Changes to Request to Continue Hearing and Declaration Regarding Notice of Request for Temporary Emergency Orders</p> <p>In continuation of 2015 annual agenda item 1 regarding implementation of AB 1081 (Quirk) effective July 1, 2017, amend rule 5.94 of the California Rules of Court, adopt <i>Order on Request to Continue Hearing</i> (form FL-307), and revising two forms, <i>Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders</i> and <i>Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Orders</i>. The proposed changes would respond to specific suggestions from court professionals by increasing efficiencies in processing requests to continue hearings and requests for temporary emergency orders.</p>	1(e)	<p>Judicial Council Direction: Committee charge under rule 10.43</p> <p>Origin of Project: Legislative mandate; Suggestions from courts and justice partners</p> <p>Resources: Legal Services</p> <p>Key Objective Supported: 2, 3</p>	Sept. 1, 2017	Amended rule, new form, revised forms.
8.	<p>Court coordination and allegations of child abuse and neglect</p> <p>A proposal to work collaboratively with Probate and Mental Health on issues related to court coordination and allegations of child abuse and neglect.</p>	1	<p>Judicial Council Direction:</p> <p>Origin of Project:</p> <p>Resources: Probate and Mental Health Advisory Committee</p> <p>Key Objective Supported:</p>	Ongoing	Rules, forms, or information to be provided to the courts on improving coordination

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
9.	<p>Proposition 47 & AB 2765 Monitor implementation of proposition enacted November 5, 2014, which reduced the classification of many nonserious and nonviolent property and drug crimes from a felony to a misdemeanor. Assist juvenile courts with any required implementation through extension period to November 4, 2022 under Assembly Bill 2765 (Weber, Stats. 2016, ch. 767).</p>	1	<p>Judicial Council Direction: Statutory mandate and council delegation to the committee.</p> <p>Origin of Project: Statutory mandate</p> <p>Resources: Criminal Justice Services</p> <p>Key Objective Supported: 2</p>	Ongoing	Rules, forms, or information and analysis for council on why action on the council's part may or may not be necessary.
10.	<p>Assembly Bill 1058 Child Support Program Funding Provide recommendations to the council for allocation of funding pursuant to Family Code sections 4252(b) and 17712.</p>	1	<p>Judicial Council Direction: Legislative mandate and council delegation to the committee.</p> <p>Origin of Project: Legislative mandate</p> <p>Resources: Finance office</p>	Ongoing	Council report with recommendations

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Key Objective Supported: Provide recommendations to the Judicial Council on funding and allocation methods for specified legislatively mandated court-related programs.		
11.	<p>Access to Visitation Funding and Legislative Report Provide recommendations to the council for allocation of funding pursuant to Family Code section 3200. Additionally, the committee will provide the council with the statutorily mandated legislative report on the program due every other year.</p>	1	<p>Judicial Council Direction: Legislative mandate and council delegation to the committee.</p> <p>Resources: Judicial Council Finance office</p> <p>Origin of Project: Legislative mandate and Judicial Council direction</p> <p>Key Objective Supported: 1</p>	Ongoing	Council report with recommendations

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
12.	<p>Serve as statutorily mandated Advisory Committee to the Judicial Council for the Court Appointed Special Advocates (CASA) grants program (Welf. & Inst. Code, § 100 et seq.) Recommend annual funding to local programs pursuant to the methodology approved by the Judicial Council in August 2013.</p>	1	<p>Judicial Council Direction: Committee charge under CRC 10.43; Legislative mandate</p> <p>Origin of Project: Welf. & Inst. Code, § 100 et seq. and Judicial Council direction</p> <p>Resources: Judicial Council Finance office</p> <p>Key Objective Supported: 1</p>	Ongoing	Council report with recommendations
13.	<p>Blue Ribbon Commission on Children in Foster Care (BRC) recommendations Review and consider for action, when resources become available, the BRC recommendations related to court reform that have been ongoing, but have not yet been fully implemented because of significant budget challenges. Those recommendations broadly include:</p> <ol style="list-style-type: none"> 1. Reducing caseloads for judicial officers, attorneys, and social workers; 2. Ensuring a voice in court and meaningful hearings for participants; 	1	<p>Judicial Council Direction: Refer by the Judicial Council</p> <p>Origin of Project: Judicial Council</p> <p>Resources:</p> <p>Key Objective Supported: 1</p>	Ongoing	Unknown

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>3. Ensuring adequately trained and resourced attorneys, social workers, and Court Appointed Special Advocates (CASA); and</p> <p>4. Establish and monitor data exchange standards and information between the courts and child welfare agencies and those to be monitored by the Judicial Council Technology Committee, in consultation with the Family and Juvenile Advisory Committee, develop technical and operational administration standards for interfacing court case management systems and state justice partner information systems.</p>				
14.	<p>Domestic Violence Provide recommendations to the council on statewide judicial branch domestic violence issues in the area of family and juvenile law, including projects referred from the work of the Domestic Violence Practice and Procedure Task Force and the Violence Against Women Education Program (VAWEP). Serve as lead committee for Protective Orders Working Group (POWG).</p>	1	<p>Judicial Council Direction: Referral of projects from the Domestic Violence Practice and Procedure Task Force</p> <p>Origin of Project: Judicial Council</p> <p>Resources: Criminal Justice Services</p> <p>Key Objective Supported: 3</p>	Ongoing	<p>Coordination of activities in subject matter area to avoid duplication of resources and potential conflict in rules, forms, and other areas</p>

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
15.	<p>Legislation As requested by the Judicial Council Policy Coordination and Liaison Committee review and recommend positions on legislation related to family and juvenile law matters.</p>	1	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: PCLC</p> <p>Resources: Governmental Affairs Office</p> <p>Key Objective Supported: 2</p>	Ongoing	Subject matter expertise provided to PCLC so that council may take appropriate action
16.	<p>Education Contribute to planning efforts in support of family and juvenile law judicial branch education.</p>	1	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project CJER Governing Committee</p> <p>Resources: CJER</p> <p>Key Objective Supported: 2</p>	Ongoing	Subject matter expertise provided to CFCC, Education Division, and CJER Governing Committee so that content of programs can be coordinated across the branch
17.	<p>Review approval of training providers under 5.210, 5.225, 5.230, and 5.518.</p>	1	<p>Judicial Council Direction: Judicial Council</p>	Ongoing	Approve providers

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/Outcome of Activity
	Training providers/courses are reviewed for compliance with these rules by Judicial Council staff, in consultation with the Family and Juvenile Law Advisory Committee.		<p>Origin of Project: Judicial Council, result of name change (from AOC to JC) and review of delegations</p> <p>Resources: Judicial council Support Services, Legal Services,</p> <p>Key Objective Supported: 2</p>		
18.	<p>Serve as lead/subject matter resource for other advisory groups to avoid duplication of efforts and contribute to development of recommendations for council action.</p> <p>Such efforts may include providing family and juvenile law expertise and review to working groups, advisory committees, and subcommittees as needed.</p>	2	<p>Judicial Council Direction: Pursuant to the committee’s charge under California Rules of Court, rule 10.43 “Makes recommendations to the Judicial Council for improving the administration of justice in all cases involving marriage, family, or children.”</p>	Ongoing	Coordinated rules, forms, and legislative proposals

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Origin of Project: Respective advisory bodies Resources: Key Objective Supported: 2		
19.	Appellate Rule and Forms Work with the Appellate Advisory Committee on the development of rules and forms regarding appellate procedures related to juvenile and family law proceedings.	2	Judicial Council Direction: Committee charge under rule 10.43 Origin of Project: AAC, courts, and members of the bar Resources: Legal Services Key Objective Supported: 2, 3	January 1, 2018	Rules and forms, incorporating information in education and training programs, or information and analysis for council on why action on the council's part may or may not be necessary.
20.	Rules Modernization Project Each advisory committee has been asked to include in their annual agenda for 2015 and 2016 an item providing for the drafting of proposed amendments to the California Rules of Court related to their subject matter areas. This effort would be undertaken in coordination with ITAC, which is responsible for developing and completing the overall rules modernization project.	2(b)	Judicial Council Direction: Pursuant to the committee's charge under California Rules of Court, rule 10.43 "Makes recommendations to	January 1, 2018	Implementation of eight technical changes effective January 1, 2016. Identification of further rule or form changes or

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>the Judicial Council for improving the administration of justice in all cases involving marriage, family, or children.”</p> <p>Origin of Project: ITAC</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>		<p>necessary legislation.</p>
21.	<p>Juvenile Law: Intercounty Transfers Review requests under rule 5.610(g) to approve local collaborative agreements for alternative juvenile court transfer forms in lieu of JV-550.</p>	2(b)	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Judicial Council. Judicial Branch Administration: Judicial Council Delegations to the Administrative Director of the Courts (October 25, 2013)</p> <p>Resources:</p>	Ongoing	Judicial Council report

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Key Objective Supported: 2, 3		
22.	<p>FL-950, 955, 956 and 958 Limited Scope Representation; Rule 5.425</p> <p>Amend to simplify the procedure for withdrawing when scope of work has been completed. The State Bar reports that many attorneys are unwilling to make court appearance because the procedure that we have adopted for withdrawal is too complicated. Most states have adopted a simpler process. Proposed changes would likely reduce the number of hearings regarding withdrawal of counsel and promote more representation.</p>	2	<p>Judicial Council Direction: Save resources for local courts</p> <p>Origin of Project: Request from State Bar and court-based self-help centers</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	September 1, 2017	Rules, forms
23.	<p>Juvenile Dependency: Court-Appointed-Counsel Workload</p> <p>Consider a comprehensive update of the attorney workload data and time standards in the current workload model. Because any updates to the workload data and time standards will uniformly affect all trial courts, this pending work should not slow or delay the remaining three-year phase-in period previously approved by the Judicial Council for implementing the new dependency counsel funding methodology. Rather this recommendation recognizes that a comprehensive update could not be completed within the time frame set by the Judicial Council for final report from the joint committees.</p>	2	<p>Judicial Council Direction: As referred by the council</p> <p>Origin of Project: Judicial Council</p> <p>Judicial Council Resources: Finance</p> <p>Key Objective Supported: 1</p>	November 2017	Judicial Council report

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
24.	<p>Court Coordination and Efficiencies Review promising practices that enhance coordination and increase efficient use of resources across case types involving families and children including review of unified court implementation possibilities, court coordination protocols, and methods for addressing legal mandates for domestic violence coordination so as to provide recommendations for education content and related policy efforts.</p>	2	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Committee charge</p> <p>Resources:</p> <p>Key Objective Supported: 3</p>	Ongoing	Recommendations to groups and expertise will be offered to those that request it
25.	<p>Indian Child Welfare Act Rules and Forms In conjunction with the Tribal Court-State Court Forum and Probate and Mental Health Advisory Committee review for possible rules or forms new federal regulations governing court proceedings covered by the Indian Child Welfare Act (ICWA) (25 U.S.C. 1901 et seq.) which became effective December 12, 2016.</p>	2	<p>Judicial Council Direction: Committee charge</p> <p>Origin of Project: Federal regulations</p> <p>Resources: Legal Services</p> <p>Key Objective Supported: 2</p>	Ongoing	Rules and forms, incorporating information in education and training programs, or information and analysis for council on why action on the council's part may or may not be necessary.
26.	<p>Revise CRC 5.380 First adopted by the Judicial Council effective January 1, 2014 to implement in California the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 authorizing federally recognized tribes to develop their own tribal</p>	1(e)	<p>Judicial Council Direction: Committee charge</p>	January 1, 2018	Revised rule.

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>title IV-D child support programs when the Yurok Tribe became the first California tribe to begin accepting child support cases. Since initial implementation, the need for revisions to streamline and improve the process have been identified and should be undertaken in light of additional tribal title IV-D programs commencing operations in California.</p>		<p>Origin of Project: Federal regulations</p> <p>Resources: Legal Services</p> <p>Key Objective Supported: 2</p>		
27.	<p>Revise CRC 5.552 To conform to the requirements of subparagraph (f) of section 827 of the Welfare and Institutions Code which was added effective January 1, 2015 to clarify the right of an Indian child’s tribe to have access to the juvenile court file of a case involving that child. At that time, no changes were made to California Rules of Court rule 5.552 which implements section 827 of the Welfare and Institutions Code. Contrary to section 827 as amended, rule 5.552 continues to require that representatives of an Indian child’s tribe petition the juvenile court if the tribe wants access to the juvenile court file. This inconsistency has created confusion.</p>	1(a)	<p>Judicial Council Direction: Committee charge</p> <p>Origin of Project: Federal regulations</p> <p>Resources: Legal Services</p> <p>Key Objective Supported: 2</p>	January 1, 2018	Revised rule.
28.	<p>Revise Form JV-732 Revise Judicial Council form JV-732 to ensure the form reflects the legally accurate procedures related to the commitment of a minor ward to the California Department of Corrections and Rehabilitation. The form revisions would ensure that the court provides complete and accurate information needed for the acceptance of youth to the California Department of Corrections</p>	1(b) & (e)	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project:</p>	January 1, 2018	Revised form.

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/Outcome of Activity
	and Rehabilitation, Division of Juvenile Facilities thus avoiding unnecessary delays in the court's disposition orders.		CDCR, judges, Los Angeles Public Defender's Office Resources: Legal Services Key Objective Supported: 2		
29.	<p>Consider Mental Health Issues Implementation Task Force Referrals</p> <p>Review and consider recommendations referred by the Judicial Council following the task force's final report to the council. Recommend appropriate action within the committee's purview.</p>	2	<p>Judicial Council Direction: As referred by the council</p> <p>Origin of Project: Judicial Council</p> <p>Resources: Legal Services, Criminal Justice Services office</p> <p>Key Objective Supported: 2, 3</p>	Ongoing	Unknown
30.	<p>Juvenile Law: Competency issues</p> <p>To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Collaborative Justice Courts Advisory Committee, and former members of the Mental Health Issues Implementation Task Force serving on other advisory bodies, to</p>	2	Judicial Council Direction: Committee charge under CRC 10.43	January 1, 2018	Legislation

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>consider developing recommendations to the Judicial Council to: (1) revise rule 5.645 to define appropriate evaluation tools for use with juveniles, (2) amend legislative language to clarify the presumption of competency, (3) suggest other legislative changes necessary to improve the handling of cases where competency issues are raised, and (4) identify effective practices developed by local courts to address juvenile cases in which competency is a factor.</p>		<p>Origin of Project: Committee members and numerous suggestions from trial court judges in recent years.</p> <p>Resources: Collaborative Justice Courts Advisory Committee</p> <p>Key Objective Supported: 2, 3</p>		
31.	<p>Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee: To enrich recommendations to the council and avoid duplication of effort, members of the committee will continue to collaborate with members of the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the December 2016 and another future Judicial Council meeting.</p>	Ongoing	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Legislative mandate</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	Ongoing	Judicial Council resolution.

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
32.	<p>Family Law: Elkins Family Law Task Force recommendations Continue to provide Judicial Council members input on council accepted recommendations for family law issues addressed by the Elkins Family Law Task Force</p>	1	<p>Judicial Council Direction: Refer by the Judicial Council</p> <p>Origin of Project: Judicial Council</p> <p>Resources:</p> <p>Key Objective Supported: 1</p>	Ongoing	Contribution to education and training content; review of relevant legislation with input for the council's consideration; recommendations, as needed, for rules and forms
33.	<p>Dual-Status Youth Pursuant to Assembly Bill 1911 ([Eggman]; Stats. 2016, ch 637) convene a group of stakeholders to define data elements and outcome tracking for youth involved in the dependency and delinquency system and report to the legislature by January 1, 2018.</p>	1	<p>Judicial Council Direction: Refer by the Judicial Council</p> <p>Origin of Project: Legislature</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	January 1, 2018	Legislative report.

III. STATUS OF 2016 PROJECTS:

[List each of the projects that were included in the 2015 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1.	<p>As directed by the Judicial Council, the Office of Governmental Affairs provided the committee with the following legislative proposals that may have an impact on family and juvenile law issues within the advisory committee’s purview. Based on these referrals, the committee will review the legislation and propose rules and forms as may be appropriate for the council’s consideration.</p> <p><u>AB 217 (Maienschein) Juvenile law: hearings</u> <i>Chapter 36, Statutes of 2015</i> <u>Summary:</u> Requires a court to inform a minor of their right to address the court and participate in a hearing, if they so desire.</p> <p><u>AB 260 (Lopez) Foster care: parenting youth</u> <i>Chapter 36, Statutes of 2015</i> <u>Summary:</u> Among other things, requires that a minor parent's placement history shall not be the sole reason for declaring a child a dependent of the court.</p> <p><u>AB 365 (Garcia, Christina) Child custody proceedings: testimony by electronic means</u> <i>Chapter 69, Statutes of 2015</i> <u>Summary:</u> If a party’s participation in a child custody proceeding is impacted by an Immigration and Customs Enforcement detention or deportation, the court shall allow the party to present evidence and testimony, or participate in a child custody mediation, by electronic means, if such means are available to the court and will not impact the due process rights of other parties.</p>	Completed effective July 1, 2016 or January 1, 2017.

AB 424 (Gaines) Court appointed child advocates: wards

Chapter 71, Statutes of 2015

Summary: Expands the Court Appointed Special Advocate program to allow appointment of CASAs for any minor dependent, nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court.

AB 439 (Bloom) Protective orders: batterer's program

Chapter 72, Statutes of 2015

Summary: Requires a restrained party ordered to participate in a batterer's program to register for the program by a specified deadline and to, at the time of enrollment, sign all necessary program consent forms for the program to release specified documents, including proof of enrollment, to the court and the protected party or his or her attorney.

AB 494 (Maienschein) Restraining orders: protection of animals

Chapter 401, Statutes of 2015

Summary: Allows a court to include granting to a protected party the exclusive care, possession, or control of an animal in a restraining or protective order, and allows a court to order a restrained party to stay away from and neither take nor harm an animal subject to the order.

AB 536 (Bloom) Domestic violence: protective orders

Chapter 73, Statutes of 2015

Summary: Requires each party seeking protection under the Domestic Violence Protection Act to present written evidence of abuse or domestic violence on an application for relief using a mandatory Judicial Council restraining order application form, and specifies that, for these purposes, written evidence of abuse or domestic violence in a responsive pleading does not satisfy the party's obligation to present written evidence of abuse or domestic violence.

AB 610 (Jones-Sawyer) Child support: suspension of support order

Chapter 629, Statutes of 2015

Summary: Suspends a child support order by operation of law when an obligor is incarcerated or involuntarily institutionalized, unless the obligor has the means to pay support, or the obligor was incarcerated or involuntarily institutionalized for either an offense constituting domestic violence or the failure to pay child support.

AB 666 (Stone) Juveniles: sealing of records

Chapter 368, Statutes of 2015

Summary: When a juvenile record is sealed by the court, the court shall order the Department of Justice, any law enforcement agencies, and the probation department to seal any records pertaining to the case. The court shall notify the subject of the order and his or her attorney that the records have been sealed. The bill exempts from this section any WIC §707(b) offenses committed after the minor turned 14 years old.

Further limits future access to the sealed records to:

- (1) Prosecutors or probation departments for the purpose of determining eligibility for deferred entry of judgement or supervision.
- (2) The court to verify prior jurisdictional status of a ward seeking to resume court jurisdiction under WIC §388.
- (3) If a new petition has been filed against the minor for a felony, probation departments, for the purpose of determining the minor's eligibility or suitability for treatment programs or services.
- (4) The person whose is the subject of the sealed records.
- (5) When there is a subsequent adjudication against the minor, by probation, the prosecuting attorney, minor's counsel, or the court for the purpose of aiding the court in finding an appropriate disposition for the minor.

AB 703 (Bloom) Juveniles: attorney qualifications

Chapter 369, Statutes of 2015

Summary: Among other things, requires counsel appointed in delinquency proceedings to have sufficient education or experience to satisfy minimum education requirements to be established by the Judicial Council.

[AB 879 \(Burke\) Juveniles: court proceedings: notice](#)

Chapter 219, Statutes of 2015

Summary: Allows service of notice of hearings in specified dependency matters to be done by electronic mail, provided that the county, court, and parties are all willing to accept service electronically.

[AB 989 \(Cooper\) Juveniles: sealing of records](#)

Chapter 375, Statutes of 2015

Summary: When a minor's records have been sealed and a new petition has been filed, limits access to the sealed records as follows:

- (1) Prosecutors or probation departments for the purpose of determining eligibility for deferred entry of judgement or supervision.
- (2) Probation departments, for the purpose of determining the minor's eligibility or suitability for treatment programs or services.
- (3) The court to verify prior jurisdictional status of a ward seeking to resume court jurisdiction under WIC §388.
- (4) Probation departments for the purpose of meeting Federal Title IV-E compliance.

[AB 1081 \(Quirk\) Protective orders](#)

Chapter 411, Statutes of 2015

Summary: Amends protective and restraining order statutes to allow either party to request a continuance of a hearing, and automatically extends temporary orders to the date of the new hearing, rather than having the temporary order lapse and be reissued.

AB 1407 (Atkins) Family law: protective orders: wireless telephone numbers

Chapter 415, Statutes of 2015

Summary: Allows a court, after a noticed hearing, to issue an order directing a wireless telephone service provider to transfer the billing responsibility and rights to a wireless telephone number or numbers to a requesting party.

AB 1519 (Committee on Judiciary) Judiciary omnibus: family support

Chapter 416, Statutes of 2015

Summary: Amends Family Code section 17400(a)(3) to provide that local child support agencies (1) are required to maintain original signed pleadings only for the time period stated in Government Code section 68152(a); and (2) may maintain original signed pleadings by way of an electronic copy in the Statewide Automated Child Support System. AB 1519 requires the Judicial Council to develop implementing rules by July 1, 2016.

SB 28 (Wieckowski) Spousal support factors: domestic violence

Chapter 137, Statutes of 2015

Summary: Includes a plea of nolo contendere as evidence of a history of domestic violence for the purposes of a court determining the amount and length of a spousal support order.

SB 68 (Liu) Minor or nonminor dependent parents: reunification services

Chapter 284, Statutes of 2015

Summary: Requires a court to take into consideration the particular concerns of a minor or nonminor dependent parent in making placement decisions. Authorizes a court to order continued reunification services for six additional months in order to assist a minor or nonminor dependent parent in regaining custody if "significant and consistent progress in establishing a safe home for the child's return" is being made.

SB 238 (Mitchell) Foster care: psychotropic medication

Chapter 534, Statutes of 2015

Summary: Together with SB 319 and SB 484, recasts and updates the psychotropic medications are applied for, prescribed, and supervised in minors subject to the jurisdiction of the juvenile court. Among other things, SB 238 changes the way the Department of Social Services, Department of Health Care Services, and others send information to the court, and makes sure a minor and his or her advocate have a meaningful opportunity to participate in the process.

SB 307 (Pavley) Restraining orders

Chapter 60, Statutes of 2015

Summary: Extends the authority of a court to issue an order restraining contact by an offender with the victim of a crime for up to ten years regardless of whether the offender is subject to mandatory supervision.

SB 504 (Lara) Court records: sealing

Chapter 388, Statutes of 2015

Summary: (1) Limits the requirement to reimburse the court, county, or city for the cost of sealing records to those parties who request sealing and are 26 years of age or older.

(2) Does not relieve an individual from satisfying a restitution order simply because his or her record of the case that led to the order is sealed.

(3) Prohibits an outstanding restitution order or other court fines or fees from being considered in determining if a petitioner has been rehabilitated or from being used as a basis to not seal a record.

SB 594 (Wieckowski) Child custody

Chapter 130, Statutes of 2015

Summary: Specifies that a child custody evaluation, investigation, or assessment, and any resulting report, may only be considered by the court if the evaluation, investigation, or assessment, and any resulting report, is conducted in accordance with the minimum requirements

	<p>adopted by the Judicial Council, unless any variations from the requirements are based on errors that are nonsubstantive, inconsequential, or both.</p> <p><u>SB 646 (Jackson) Uniform Interstate Family Support Act</u> <i>Chapter 493, Statutes of 2015</i> <u>Summary:</u> Revises the Uniform Interstate Family Support Act (UIFSA), and identifies the Department of Child Support Services as the agency designated by the United States central authority, to comply with federal law and maintain state eligibility to receive federal funding for child support enforcement, under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.</p>	
2.	<p><u>AB 1712 (Beall) Nonminor Dependents</u> <i>Chapter 846, Statutes of 2012</i> Develop rules and forms to implement the transfer provisions for nonminor dependents and to provide further guidance to youth seeking to reenter juvenile court jurisdiction as nonminor dependents consistent with the provisions of earlier legislation⁵ regarding the extension of juvenile court jurisdiction and foster care services to dependents and wards up to 21 years of age. Circulated for comment in Winter 2014 and deferred at the request of courts in Southern California.</p>	Completed effective January 1, 2017
3.	<p>Address sealing legislation from 2015, listed above, and previous legislation:</p> <p>2013 <u>AB 1006 (Yamada) Juvenile court records: sealing and destruction</u> <i>Chapter 269, Statutes of 2013</i> Directs Judicial Council to develop informational materials and a form to enable a former ward or individual for whom a petition was</p>	Completed effective July 1, 2016.

	<p>filed under Welfare and Institutions Code section 602, or any individual who had contact with a probation department under section 626, to petition the court for the sealing and destruction of juvenile records under section 781 and rule 5.830. Circulated for comment in Spring 2014 and deferred due to pending related legislation.</p> <p>2014 <u>SB 1038 (Leno) Juveniles: dismissal of petition</u> <i>Chapter 249, Statutes of 2015</i> Removes the cap of 21 years old by which a court must dismiss a petition against a former ward of the court. Does not require the court to have jurisdiction over the former ward at the time of dismissal of a petition. Further requires a court to automatically seal the records of minors under specified circumstances, and grants limited access to such files without this access constituting "unsealing" of the records. Circulated for comment in Spring 2015 and deferred due to pending related legislation.</p>	
4.	<p>Juvenile Dependency: Commercially Sexually Exploited Children (CSEC) In 2014, SB 855 (Stats. 2014, ch. 29) established the new California Commercially Sexually Exploited Children (CSEC) Program within the California Department of Social Services (CDSS) to support prevention, intervention, services, and training to more effectively address CSEC in this state. The legislation also amended Welfare and Institutions Code section 300 to include section 300(b)(2), which specifically acknowledges that CSEC can come into the system through the juvenile dependency portal, recognizing CSEC as victims rather than perpetrators. This proposal would amend Form JV-121, which currently includes the allegations corresponding to section 300(b)(1), to additionally provide the basic statutory allegations from the new section 300(b)(2), which reads: "The Legislature finds and declares that a child who is sexually trafficked, as described in Section 236.1 of the Penal Code, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts described in</p>	Completed effective July 1, 2016.

	Section 236.1 or 11165.1 of the Penal Code, and whose parent or guardian failed to, or was unable to, protect the child, is within the description of this subdivision, and that this finding is declaratory of existing law. These children shall be known as commercially sexually exploited children.”	
5.	<p>SPR15-28 Special Immigrant Juvenile Status</p> <p>To enrich recommendations to the council and to avoid duplication of efforts, the committee will continue to collaborate with the Probate and Mental Health Advisory Committee and the CJER Governing Committee to implement Senate Bill 873, Assembly Bills 899 and 900 (Stats. 2015, ch 694), and any other federal and state legislation or judicial decision that affects the intersection of federal immigration law and California child welfare or child custody law. This collaboration may include development of rules and forms, educational events, informational materials, and other resources to aid judges and court staff as well as justice partners and court users.</p>	Completed effective July 1, 2016 and ongoing
6.	<p>Update Form to Reflect Federal Poverty Guidelines</p> <p>Form JV-132 <i>Financial Declaration–Juvenile Dependency</i> contains figures based on the federal poverty guidelines; update form to reflect those guidelines when published by the federal government in early 2016.</p>	Completed effective February 1, 2016.
7.	<p>Removal from Custodial Parent and Placement with a Nonparent (JV-421 and rule 5.710)</p> <p>Update form to track the Welfare and Institutions Code section 366.21(e) at item 33a. to read “...a date within six months of the date of the dispositional hearing, but no later than <i>twelve months</i> from the date the child entered foster care, as defined by section 361.49, whichever occurs earlier.” Currently the item reads in pertinent part “...a date within six months from the date the child entered foster care under Welf. & Inst. Code Section 366.21(e).”</p>	Completed effective July 1, 2016.

	Update rule to track statutory language or delete unnecessarily duplicative statutory language.	
8.	Proposition 47 Monitor implementation of proposition enacted November 5, 2014, which reduced the classification of many nonserious and nonviolent property and drug crimes from a felony to a misdemeanor. Assist juvenile courts with any required implementation.	Ongoing
22.	Amend JV-365, Termination of Juvenile Court Jurisdiction—Nonminor JV-365 is a mandatory Judicial Council form. This means that courts are required to use this form at the hearing to terminate jurisdiction for a youth who is 18 years of age or older. As a mandatory form, it is important that the form closely follow the legislative mandates. However, the Department of Social Services has requested that the Judicial Council consider amending this form to include other important, but not mandated, information to make the nonminors transition to their eligible benefits as seamless as possible.	Completed effective January 1, 2017
23.	Juvenile Dependency Rules Review hearing rules to determine what language is unnecessarily duplicative of statutory language and recommend rule revisions as appropriate.	Completed effective July 1, 2016
30.	Juvenile Dependency: Court-Appointed-Counsel Funding Allocation Methodology Joint Subcommittee: To enrich recommendations to the council and avoid duplication of effort, members of the committee will continue to collaborate with members of the Trial Court Budget Advisory Committee to review the workload model for court-appointed dependency counsel and report back no later than the April 2016 Judicial Council meeting.	Completed April 16, 2016.

31.	Family: Petition Forms Revise forms FL-100 and FL-110 to remove legally incorrect language (reference to “state” following Obergefell v. Hodges decision.	Completed effective July 1, 2016
32.	Adoption & Permanency Month Annual recognize the month of November as “Court Adoption and Permanency Month” in recognition of the need for permanency for youth under the court’s jurisdiction.	2016 recognition completed October 28, 2016.

IV. Subgroups/Working Groups - Detail

Subgroups/Working Groups:

Subcommittee or working group name: **Protective Orders Forms Working Group** (includes representatives from the Civil and Small Claims Advisory Committee and Criminal Law Advisory Committee)

Purpose of subcommittee or working group: This working group was established at the direction of RUPRO to coordinate advisory committees’ activities concerning protective orders that prevent domestic violence, civil harassment, elder and dependent abuse, and school place violence. The group assists in ensuring that there is consistency and uniformity, to the extent appropriate, in the different protective orders used in family, juvenile, civil, probate and criminal proceedings. The working group helps advisory committees and the Judicial Council by developing and updating Judicial Council protective order forms. It also reviews pending legislation and suggests new legislation to improve protective orders. It prepares proposals changes to the rules of court on protective orders, as necessary or appropriate. The Council has indicated that this advisory committee is to serve as lead for the Protective Orders Forms Working Group.

Number of advisory group members: 8

The Family and Juvenile Law Advisory Committee has 8 members who participate in the Protective Orders Working Group.

Number and description of additional members (not on this advisory group):

In addition to the 8 members from Family and Juvenile Law Advisory Committee, there are 6 members from other advisory groups on the Protective Orders Working Group: Civil and Small Claims (5), Criminal (1), and Domestic Violence Practice and Procedure Task Force (1). There is one former member of the Civil and Small Claims Advisory Committee (a retired commissioner) who is still participating in the group. There is a vacant position for a member of the Probate and Mental Health Advisory Committee.

Date formed: In 2007, at the direction of RUPRO. The formation of an interdisciplinary group to address protective order issues was originally suggested by the Chair of RUPRO in August 2006.

Number of meetings or how often the group meets:

Approximately 6-8 telephone meetings annually, depending on extent of business. (All meetings are by telephone.)

Ongoing or date work is expected to be completed:

Some core working group activities are ongoing—such as updating Judicial Council forms and reviewing legislation. Other activities—such as developing proposed Judicial Council-sponsored legislation—are projects of a specific duration.

Subcommittee or working group name: **Violence Against Women Education Program Committee**

Purpose of subcommittee or working group: Per Judicial Council referral, VAWEP will continue to provide guidance and evaluation of the VAWEP grant-funded projects and make recommendations to improve court practice and procedure in domestic violence cases as directed by the Family and Juvenile Law Advisory Committee and as approved in the advisory committee's annual agenda.

As indicated by the Judicial Council, VAWEP will request that the chair of the Criminal Law Advisory Committee select one or more members of that advisory committee to serve on VAWEP to help address questions relating to court practice and procedure in criminal domestic violence matters.

Date formed: 2003 as a committee; designated as a subcommittee by Judicial Council action, August 22, 2014.

Number of meetings or how often the group meets: 1 in person meeting anticipated

Ongoing or date work is expected to be completed: Ongoing.

Subcommittee or working group name: **Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee**

Purpose of subcommittee or working group: To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.

Date formed: designated as a subcommittee by RUPRO and E&P June 1, 2015.

Number of meetings or how often the group meets: 1 in person meeting anticipated

Ongoing or date work is expected to be completed: Ongoing

Subcommittee or working group name: **Juvenile Dependency: Court-Appointed-Counsel Funding Allocation Methodology Joint Subcommittee**

Purpose of subcommittee or working group: To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Trial Court Budget Advisory Committee to review the workload model for court-appointed dependency counsel and report back no later than the April 2016 Judicial Council meeting.

Date formed: designated as a subcommittee by RUPRO and E&P June 1, 2015.

Number of meetings or how often the group meets: 1 in person meeting anticipated

Ongoing or date work is expected to be completed: June 2016

DRAFT

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Circulate for comment (July 1 cycle)**

RUPRO Meeting: December 15, 2016

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

Juvenile Law: Sealing of Records (Revise forms JV-060, JV-596, JV-596-INFO, and JV-794)

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Hon. Jerilyn Borack, Cochair

Hon. Mark A. Juhas, Cochair

Staff contact (name, phone and e-mail): Tracy Kenny, 916-263-2838

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

Approved by RUPRO: 12/10/15 & to be considered 12/15/16

Project description from annual agenda: While this proposal is primarily intended to implement legislation enacted in 2016 (AB 1945), it also ties up some loose ends pertaining to items 1 and 3 from the 2015 Family and Juvenile Law Advisory Committee Agenda:

1. As directed by the Judicial Council, the Office of Governmental Affairs provided the committee with the following legislative proposals that may have an impact on family and juvenile law issues within the advisory committee's purview. Based on these referrals, the committee will review the legislation and propose rules and forms as may be appropriate for the council's consideration. AB 666 (Stone) Juveniles: sealing of records Chapter 368, Statutes of 2015 & AB 989 (Cooper) Juveniles: sealing of records Chapter 375, Statutes of 2015.

3. Address sealing legislation from 2015, listed above [those in item 1], and previous legislation: 2013: AB 1006 (Yamada) Juvenile court records: sealing and destruction Chapter 269, Statutes of 2013 & 2014: SB 1038 (Leno) Juveniles: dismissal of petition Chapter 249, Statutes of 2015

If requesting July 1 or out of cycle, explain:

Needed to implement legislative changes that go into effect January 1, 2017.

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

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

[ItC prefix as assigned]-__

Title	Action Requested
Juvenile Law: Sealing of Records	Review and submit comments by February 14, 2017
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms JV-060, JV-596, JV-596-INFO, and JV-794	September 1, 2017
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov
Hon. Jerilyn Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes revised forms to conform to recently enacted statutory provisions concerning the sealing of juvenile records. The proposal would update recently adopted forms to implement sealing of records for cases sealed under Welfare and Institutions Code section 786 to include changes to that section that go into effect on January 1, 2017. In addition, two other forms with information on the sealing of juvenile records would be revised to be consistent with the current state of the law.

Background

In 2013, the Legislature took action to ensure that all juveniles who come before the court or a probation officer receive information about the process required to request sealing of records, and to require the adoption of a Judicial Council form that can be used to petition the court for sealing under section 781.¹ In 2014, the Legislature went a step further by enacting section 786, requiring courts to seal records without requiring a petition for any child 14 or older who was not a serious or violent 707(b) offender and who satisfactorily completed probation.² That legislation, however, spurred many questions and concerns within the juvenile justice system, and as a result, legislation was enacted in 2015 to clarify the scope and impacts of section 786.

¹ Assembly Bill 1006 [Yamada]; Stats. 2013, ch. 269.

² Sen. Bill 1038 [Leno]; Stats. 2014, ch. 249.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Assembly Bills 666³ and 989⁴ both sought to clarify section 786 and remedy the ambiguities and concerns raised by stakeholders about the original legislation. In 2016, Assembly Bill 1945⁵ further amended section 786 to clarify some of its provisions and to expressly authorize the child welfare agency to access records sealed under section 786 for the purpose of identifying appropriate placements and services for children and nonminor dependents under their supervision.

The Proposal

This proposal recommends revising one optional informational pamphlet, one optional sealing order form, a mandatory informational form, and the optional petition to terminate juvenile wardship to incorporate recent changes in juvenile records sealing law.

Revised form JV-060

Form JV-060, *Juvenile Court—Information for Parents*, is an optional informational pamphlet designed to provide parents with information about juvenile delinquency court. The information is presented in a question-and-answer format and includes a question about the sealing of juvenile court records. The answer to that question needs to be revised and updated to reflect the new provisions of law that allow for the sealing of records as a matter of law under section 786 when probation is satisfactorily completed. The proposed revised answer provides information on sealing under section 786 as well as information about petitioning the court to seal records for those cases not sealed under section 786. In addition it references the two sealing information forms adopted effective July 1, 2016, as sources of further information.

In addition to sealing, other sections of form JV-060 are no longer accurate. The advisory committee proposes that these sections be updated along with the sealing section. Specifically, item 12, which discusses juvenile fitness hearings, was revised to reflect the changes in the law enacted by Proposition 57, the Public Safety and Rehabilitation Act of 2016, which changed the terminology concerning the transfer of jurisdiction from juvenile to criminal court.⁶ Items 21 and 22, which discuss the Division of Juvenile Justice (DJJ), were revised to reflect statutory changes that affect the availability of DJJ as a dispositional option. A minor revision was made to item 23 to clarify that a restitution order will become a civil judgment. Similarly, the discussion of the child's right to a lawyer in item 5 was revised to reference the recently approved rule related to delinquency attorney standards, California Rules of Court, rule 5.664. Minor grammatical modifications were also made.

³ Stone; Stats. 2015, ch. 368

⁴ Cooper; Stats. 2015, ch. 375

⁵ Stone; Stats. 2016, ch. 858

⁶ Other changes to rules and forms to implement Proposition 57 will be circulated separately in a proposal for that specific purpose, but because form JV-060 was part of this proposal, changes to this information form are included here to allow review of all the proposed changes to the form in one invitation.

Revised form JV-596

To assist courts in implementing the new requirements of section 786, the council adopted an optional sealing order form, JV-596, *Dismissal and Sealing of Records—Welfare and Institutions Code Section 786*, effective July 1, 2016. Because AB 1945 allows child welfare agencies to access sealed records under specified circumstances, form JV-596 must be revised to reflect that authority in the court’s order. Thus the proposed change to the form would simply add “child welfare agency” to those who can access the sealed records for the specific purposes stated in section 786.

Revised form JV-596-INFO

The council adopted two information forms on sealing, effective July 1, 2016. One form is to be given at the termination of the case to people whose records are sealed under section 786, and the other is for those wards whose cases are not dismissed under section 786 and who need information about petitioning the court for the sealing of records under section 781. Form JV-596-INFO, *Sealing of Records for Satisfactory Completion of Probation*, includes information about who can access records after they are sealed under section 786. That information is proposed to be updated to include the new authority given to child welfare agencies to access sealed records.

Revised form JV-794

The proposal would revise optional form JV-794, *Petition to Terminate Wardship and Order*, to eliminate a notice (currently at the bottom of the form) to the child regarding the sealing of records. That notice is not needed because rules 5.830 and 5.840 of the California Rules of Court require the court or the probation department to provide all wards with mandatory information forms concerning sealing at the time jurisdiction is terminated. As a result, the notice is duplicative of these forms and is proposed to be deleted, but a reference to the forms is proposed to be added to the current finding on providing information about sealing of records. In addition, form JV-794 would be revised to remove a finding concerning successful completion of court-ordered programs, which is potentially confusing given that it is not tied to any statutory requirement, and to add a finding that probation has been successfully completed for purposes of section 786.

Alternatives Considered

The committee considered updating the notice on form JV-794 to reflect the changes in the law but determined that this information would simply duplicate what was already being provided and might be confusing because it would not be tailored to the outcome of the case. Under the current rules, if a child’s records are sealed, a copy of form JV-596-INFO is provided, and if they are not sealed, a copy of form JV-595-INFO is provided by the court or probation. Since form JV-794 can be used in either situation, the notice on sealing would need to be revised to reflect both possible outcomes, and the committee deemed this option more confusing than helpful.

Implementation Requirements, Costs, and Operational Impacts

Printing costs may be incurred by courts to provide form JV-596-INFO as required by law. Those courts that print form JV-060 will also need to replace their existing stock with new versions. Some courts may incur programming charges if electronic systems are used for the court orders. All of these impacts are a result of legislative changes and are necessary to make the forms legally accurate. In addition, because the informational forms are available in other languages, there will be costs to translate the revised forms.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Is it preferable to delete the notice on form JV-794 in light of the new informational forms, or should it be revised?
- Should information be added to form JV-596-INFO or form JV-595-INFO regarding the changes in what employers may ask people with juvenile records to disclose, enacted by Assembly Bill 1843 (Stone; Stats. 2016, ch. 686), or should those forms remain focused on the impact of sealing of records?

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

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

Attachments and Links

1. Proposed revised forms JV-060, JV-596, JV-596-INFO, and JV-794, at pages 5–14
2. Link A: Assembly Bill 1945,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1945

26. Can my child's juvenile court record be used against him or her as an adult?

Under the three-strikes law, certain serious or violent felonies committed as a juvenile can be counted as strikes and used against your child in the future.

27. What should I do as a parent?

All your parental responsibilities continue when your child receives a citation. You may want to contact a lawyer for assistance.

If your child is placed in a group home or committed to a probation camp or the Division of Juvenile Justice, do your best to maintain contact with your child and support the positive activities he or she does there. Understand what is happening in your child's life so that you can prepare for his or her return. Explore ways of creating a protective and supportive environment for your child's return to school or work. Develop strategies to hold your child accountable for his or her behavior.

Contact your child's parole agent or probation officer to ask for referrals to community organizations that can assist you, such as parent groups or counseling. Your school district and local hospital or mental health department may also offer programs.

County

**JUVENILE COURT
INFORMATION FOR PARENTS**

The purposes of the delinquency court are to protect, give guidance to, and rehabilitate children who commit delinquent acts, and to protect the community.

If your child becomes a ward of the court as a juvenile delinquent, the court will make orders for you and your child so that your child and the community will be protected.

As a ward of the delinquency court:

1. Your child may be allowed to live in your home under court supervision; or
2. Your child may be placed outside of your home in an unlocked or locked facility, depending upon your child's age, the seriousness of the offense, and your child's history of delinquency.

The petition and other papers you may have received say your child is accused of having done certain delinquent acts. The petition does not prove anything, but it is important for you to know what your child is accused of having done. You have the right to receive a copy of the petition.

PLEASE READ THE PETITION CAREFULLY.

1. **My child came home after being arrested. What will happen now?**

Your county's probation department will probably get in touch with you and ask your child to come in for a meeting with a probation officer.

You may receive a Notice to Appear (a specific date and time you must show up at the probation department).

In some cases, your child may receive a Notice to Appear directly in juvenile court.

2. My child was arrested and taken into custody. What can the arresting officer do?

The officer may do one of five things:

- a. Let your child go home to you or accompany him or her home or back to the place of arrest, and maintain a record of the contact.
- b. Refer your child to a community agency providing shelter, care, diversion, or counseling.
- c. In some counties, require your child to return to the police station rather than to the probation department (this is sometimes referred to as "cited back").
- d. Give you and your child a Notice to Appear, telling you what you and your child must do and when you must do it.
- e. Shortly after the arrest, lock up your child in the probation juvenile hall (this is called "detention"). If your child is locked up or held by the officer, your child has the right to make at least two phone calls no later than one hour after arrest. One of the phone calls must be a completed call to a parent, guardian, responsible relative, or employer. The other call must be a completed call to an attorney. If the officer is going to question your child about what happened, the officer must also tell your child that he or she has the right to remain silent, that anything your child says will be used against him or her, that he or she has a right to be represented by a lawyer, and that the court will appoint a lawyer if your child cannot afford one. These are called *Miranda* rights. If the officer is not going to question your child, the officer will not necessarily explain these rights.

24. Will I be required to pay my child's fees?

Yes. Unless you have been the victim of your child's crime, you may receive a bill from the county for all or a portion of your child's attorney's fees. You will be billed for probation department services fees (such as food and laundry while your child was in juvenile hall), and placement costs for keeping your child in a state placement such as the Division of Juvenile Justice, a probation camp, or an out-of-home placement. These costs can be expensive. You will have a chance to show how much, if any, of these costs you are able to pay. The Juvenile Court does not make this determination.

25. Can my child's juvenile records be sealed?

This is very important for your child because when records are sealed, it is as if the offense that brought your child to court never happened. That means that your child can truthfully say that he or she does not have a criminal record (except possibly to this if your child wants to join the military or get federal security clearance).

If your child's case is dismissed by the juvenile court after January 1, 2015, because your child satisfactorily completed probation (formal or informal), in many cases the court will have sealed your child's records. If the court seals your child's records for this reason, he or she should receive a copy of the sealing order and form [JV-596-INFO](#) *Sealing of Records for Satisfactory Completion of Probation*.

If the court finds that your child has not satisfactorily completed probation, it will not dismiss the case and will not seal the records at termination. If your child wants to have the records sealed in this situation, he or she will need to ask the court to seal the records at a later date (see form [JV-595-INFO](#), *How to Ask the Court to Seal Your Records*, for more information about asking the court to seal records).

The court will not seal your child's records if your child is found to have committed an offense listed in Welfare and Institutions Code section 707(b) (these are violent offenses such as killing, raping, or kidnapping, and also some offenses involving drugs or weapons) when he or she was 14 or older and it was not dismissed or reduced to a lesser offense not listed in 707(b).

You may visit your child during visiting hours, which are on Saturdays or Sundays for 2 to 3 hours at a time, depending on the reception center. The Ventura reception center for girls allows visits for up to 6½ hours at a time. You may not call your child at the reception center, but you may write to your child. Your child may make collect calls to you from a pay phone.

22. When would my child go to the Division of Adult Operations instead of the Division of Juvenile Justice (DJJ)?

Your child can be sentenced to adult prison (California Department of Corrections and Rehabilitation, Division of Adult Operations) if he or she is tried as an adult (see questions 19 and 20). If your child will be tried as an adult, it is extremely important to talk to your child's attorney about all of the very serious consequences of your child's situation.

Between the ages of 14 and 18, your child must stay at DJJ even if he or she is sentenced to adult prison.

Your child may serve the entire term at DJJ if the term will end before he or she reaches age 21. If your child's term will last past age 21, then your child could be at DJJ until age 18, and then would automatically be transferred to the Division of Adult Operations on his or her 18th birthday.

23. Am I financially liable for my child's acts?

Yes. You may also have to pay restitution to the victim if your child is ordered to pay. Restitution is money to pay for the victim's losses caused by your child's illegal conduct. Examples of restitution might include the value of stolen or damaged property, medical expenses, and lost wages. Restitution that remains to be paid when your child's case is closed becomes a civil judgement, which can affect your credit score.

If your child is locked up or held somewhere, the officer must take immediate steps to notify you that your child is in custody and where your child is being held. When you are notified, the officer must also tell you about each of the *Miranda* rights that your child has.

3. If we get a Notice to Appear, what will happen at the meeting with the probation officer? What should I do?

If your child doesn't already have a lawyer, you may wish to contact the public defender or a private attorney for advice.

One of three things may happen at the meeting:

- a. The probation officer can reprimand your child and then let your child go home without getting the juvenile court involved.
- b. The probation officer may offer your child a voluntary program instead of going to court. Each county is different and programs vary, but generally if your son or daughter successfully completes the program (for example, attending special classes or substance abuse counseling, performing community service, cleaning graffiti, or going to a youth or peer court if your county has one), the juvenile court does not need to become involved. If you and your child agree to a voluntary program, the probation department may ask you to sign an informal contract describing what you and your child must do. It can last up to six months.
- c. The probation officer can refer your child's case to the district attorney, who will decide whether or not to file a petition.

4. Do I need a lawyer for myself?

No, not usually. If your child has a lawyer, the lawyer represents your child and not you.

5. Does my child need a lawyer?

Yes, and your child has a right to a lawyer who is both effective and prepared. California Rules of Court, rule 5.664 talks about the training and education that juvenile delinquency attorneys must have.

6. My child's probation officer told me that the district attorney will be filing a petition. What does that mean?

A petition asks the court to become involved in your child's life. The petition says what the state believes your child did. Later, a judge will decide if what the petition says is true.

There are two types of petitions. They are named after numbered sections of California law:

- a. **601 Petition.** A 601 Petition is filed by the probation department and says that a child has run away, skipped school, violated curfew, or regularly disobeyed his or her parents. If the court finds that the petition is true, the youth may become a "ward" of the court and is known as a "status offender."
- b. **602 Petition.** A 602 Petition is filed by the district attorney's office and says that a child has committed an act that would be considered against the law if an adult had done it. If the court finds the facts stated in the petition to be true, the child becomes a "ward" of the court as a delinquent.

Section 602 covers any act that is against the law when an adult does it. This includes felonies such as auto theft, burglary, selling a controlled substance (drugs), rape, and murder, and misdemeanors such as simple assault and drunk driving.

The penalty for the offense depends on the type of offense.

7. What will happen if my child is taken to juvenile hall after the arrest?

It is up to the probation officer whether or not to keep your child in custody. The probation officer may let your child go home without asking the district attorney to file a petition. The probation officer may allow your child to go home and still refer the case to the district attorney, who will decide whether or not to file a petition. There may be restrictions placed on your child as a condition of being allowed to go home.

18. May the victim attend and speak at the disposition hearing?

Yes. A crime victim's bill of rights allows the victim to come to the hearing. The victim, and his or her parents if the victim is a child, will get notice of the hearing.

19. When can my child be tried as an adult?

For some felonies, your child can be tried and sentenced as an adult if your child is at least 14 years old. The case would be moved to adult court. There are major differences between juvenile and adult criminal court procedures and philosophies. If the district attorney requests that your child be tried as an adult, it is extremely important to talk to your child's attorney about all of the very serious consequences of your child's situation.

20. What felonies are likely to be tried in adult court?

A child can be tried in adult court for a wide range of offenses. These are violent and serious offenses, including murder and attempted murder, arson of an inhabited building, robbery with a dangerous or deadly weapon, some forms of rape, some forms of kidnapping and carjacking, some felonies involving firearms, certain controlled substance offenses, and certain violent escapes from a juvenile detention facility.

21. Where will my child go if he or she is sent to the Division of Juvenile Justice (DJJ)?

Your child will first go to a reception center for 30 to 90 days. After that, your child will be sent to one of three correctional facilities or the Pine Grove Youth Conservation Camp. The correctional facilities are:

- a. N.A. Chaderjian Youth Correctional Facility in Stockton
(209-944-6400)
- b. O.H. Close Youth Correctional Facility in Stockton
(209-944-6391)
- c. Ventura Youth Correctional Facility (for girls)
(805-485-7951)

- c. Your child may be placed on probation and ordered to live in a relative's home, a private residential group home, or an institutional program.
- d. Your child may be placed on probation and sent to a probation camp or ranch.
- e. Your child may be committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ). (But if your child is tried as an adult, the adult criminal court could sentence your child to the California Department of Corrections and Rehabilitation, Division of Adult Operations (see questions 19 and 20).
- f. As a parent, you may be ordered to comply with conditions such as counseling or parent training.

15. May I be present at the hearings?

Yes. In fact, state law requires you to be present. One thing the judge will decide is what will be best for your child. Depending on the offense, if you can show that your child will listen to you and follow your rules, and that you will hold your child accountable and be supportive at home, the judge may order that your child be released to your custody.

16. May I speak at the hearings?

You may speak if the judge asks you questions directly, or if you are called as a witness. You may ask to speak to the judge. Generally, your child's lawyer will speak for your child. The district attorney will speak for the state. The probation department may be called as a witness.

17. Do we have the right to an interpreter?

Your child has a constitutional right to an interpreter. You may also have a right to an interpreter and should ask for one if you need one.

If the probation officer keeps your child locked up, the law requires that a petition be filed very quickly, usually within 48 hours from the time the child is taken into custody by the police. Then there must be a detention hearing the next day that the court is in session. The courts are closed on Saturdays, Sundays, and holidays.

8. How long could my child have to stay in juvenile hall?

At the detention hearing, the judge could decide your child must be kept in juvenile hall until the next hearing. The different hearings are described in question 12. The judge may continue to order your child to remain in juvenile hall until the case is finished.

9. Can I visit my child in juvenile hall?

Usually, but you should contact the probation officer to find out when you can see your child.

10. What is the role of the probation officer?

The probation officer is responsible for writing a report to the juvenile court judge about your child. The report tells the judge what the probation department thinks would be best for your child if the judge finds that your child committed the crime. The report also includes your child's prior arrest record; a description of the current offense; statements from your child, his or her family, and other people who know your child well; a school report; and a statement by the victim. The probation officer presents this report at the disposition hearing.

If your child is placed on probation, the probation officer will enforce the court's orders. This means monitoring your child to make sure he or she obeys the law and follows the terms of probation. The probation officer will also encourage your child's positive involvement in school and participation in job training, counseling, and community programs. Depending on the situation, the probation officer could meet with your child as often as twice a week or as little as once a month.

If your child is in custody, and the judge decides your child should not go home right after the case is finished, the probation officer's job is to find an appropriate placement for your child. This could be with a relative, in a county-based foster or group home, or in a private institution.

11. How will my child and I find out about the court hearings?

If your child is locked up you should get the petition and notice of the hearing, personally or by mail, as soon as possible after the petition is filed and at least 5 days before the hearing. If the hearing is less than 5 days after the petition is filed, you will get notice at least 24 hours before the hearing. Your child has the right to get notice if he or she is at least 8 years old.

If your child is not in custody, you should get notice of the petition and hearing personally or by first-class mail at least 10 calendar days before the hearing.

12. What hearings will my child go to in juvenile court?

There are several types of hearings:

- a. **The Detention Hearing.** If your child is locked up in juvenile hall for more than 48 hours, there will be a detention hearing after no more than 72 hours, counting only court business days (no Saturdays, Sundays, or holidays). At the detention hearing, the judge will decide whether or not to let your child go home before the next hearing.
- b. **The Pretrial or Settlement Conference.** In many counties, a court appearance is scheduled to try to resolve the matter without a trial.
- c. **Hearings on Motions.** There may be court appearances for the court to hear additional matters that come up before the matter is resolved.
- d. **The Transfer to Criminal Court Jurisdiction Hearing.** If your child is at least 14 years old, the district attorney may ask that your child be tried in adult court. At this hearing on transfer of jurisdiction to criminal court, the judge will decide whether your child will be tried in adult court or in juvenile court. If the judge decides that your child's case should be transferred, he or she will be tried in adult court. If your child is younger than 14, he or she cannot be transferred to adult court.
- e. **The Jurisdiction Hearing.** At the jurisdictional hearing, the judge will decide whether or not your child committed the offense.

6

- f. **The Disposition Hearing.** If the judge rules that your child committed the offense, then at the disposition hearing the judge will decide what orders should be made about your child. If the judge rules that your child did not commit the offense, there is no disposition hearing. Sometimes the disposition hearing is held right after the jurisdiction hearing, on the same day.
- g. **Review Hearings.** In some cases, the law or the court may set hearings to review your child's progress and performance under probation supervision.

13. What will happen at the jurisdiction hearing?

In many cases, the child will admit all or part of the petition.

Your child's attorney will advise your child as to whether or not to make an admission.

If there is a contested hearing, or "trial," the district attorney will present the case against your child. Then your child's attorney will present your child's defense. Based on this evidence, the judge will decide whether or not your child has committed the acts he or she is accused of. If the judge makes a "true finding," this means that there is enough evidence for the judge to find beyond a reasonable doubt that your child did commit the acts.

After a "true finding," the judge schedules a disposition hearing to decide what the consequences will be.

If there is not enough evidence for the judge to find that your child committed the act he or she is accused of, the case will be dismissed. If your child is in custody, he or she will be released.

14. What will happen at the disposition hearing?

The judge will decide one of six things:

- a. Your child may remain at home on probation supervision for up to 6 months.
- b. Your child may be ordered home under the formal supervision of a probation officer. Formal supervision is set up by the judge.

7

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
DISMISSAL AND SEALING OF RECORDS— WELFARE AND INSTITUTIONS CODE SECTION 786	CASE NUMBER:

1. Name of subject child: _____ Date of birth: _____
2. a. Date of hearing: _____ Dept.: _____ Room: _____
 b. Judicial officer (name): _____
3. The court has read and considered the report of the probation officer and any other evidence presented or information provided.

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

4. The child has satisfactorily completed a program of informal supervision, probation under section 725, or a term of probation.
5. The petition(s) filed on (date(s)): _____ is/are dismissed.
6. The child's juvenile records related to the arrest(s) on (date(s)): _____
 regarding an alleged violation of (specify offense(s)): _____
 in the custody of this court and of the courts, agencies, and officials listed below are ordered sealed:
- Probation Dept. (specify county): _____
- California Dept. of Justice
- Law enforcement agency (specify all): _____
 Law enforcement case number(s): _____
7. The court finds that sealing the following additional public agency records will promote the successful reentry and rehabilitation of the subject child and orders the records in their custody relating to petitions and arrests listed in 5. and 6. sealed:
- District Attorney (specify county): _____
- School: _____
- Department of Motor Vehicles: _____
- Other (specify): _____
- Attachment

CHILD'S NAME:	CASE NUMBER:
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8. All records pertaining to the dismissed petition are to be destroyed on the dates stated in this item, and the arrest is deemed never to have occurred except that the prosecuting attorney, probation officer, child welfare agency, and court may access these records for the specific purposes stated in Welfare and Institutions Code section 786.

- a. Date court records must be destroyed:
- b. Date all other records must be destroyed:

9. The clerk shall send a certified copy to the clerk in each county in which a record is ordered sealed and a copy to the child, the child's attorney, and each agency and official listed above.

Date:


 JUDICIAL OFFICER OF THE SUPERIOR COURT

[SEAL]

CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date:

Clerk, by _____, Deputy

In many cases, the court will seal your juvenile records if you satisfactorily complete probation (formal or informal supervision).

If your case is dismissed by the juvenile court after January 1, 2015, because you satisfactorily completed your probation (formal or informal), in many cases the court will have sealed your records. If the court sealed your records for this reason, you should have received a copy of the sealing order with this form.

If the court finds that you have not satisfactorily completed your probation, it will not dismiss your case and will not seal your records at termination. If you want to have your records sealed in this situation, you will need to ask the court to seal your records at a later date (see **Form JV-595-INFO** for more information about asking the court to seal your records).

The court will not seal your records if you were found to have committed an offense listed in Welfare and Institutions Code section 707 (b) (these are violent offenses such as killing, raping, or kidnapping, and also some offenses involving drugs or weapons) when you were 14 or older and it was not dismissed or reduced to a lesser offense not listed in 707 (b).

How will the court determine if probation is satisfactorily completed?

If you have done what you were ordered to do while on probation, and have not been found to have committed any further crimes (felonies or any misdemeanors for crimes involving moral turpitude, such as a sex crime or a crime involving dishonesty), the court will find that your probation was satisfactorily completed even if you still owe restitution, court ordered fees, and fines, **BUT...**

Restitution and court fines and fees must still be paid.

Even if your records are sealed, you are still required to pay your restitution and court-ordered fees and fines. Your sealed records can be looked at to enforce those orders.

Which records will be sealed?

The court will order your court, probation, Department of Justice, and law enforcement agency records sealed for the case the court is closing and prior cases, if the court determines you are eligible. If you or your attorney ask the court, it can also seal records of other agencies (such as the District Attorney) if it finds that doing so would help you to be rehabilitated.

If you have more than one juvenile case and are unsure which records were sealed, ask your attorney or probation officer.

Who can see your sealed records?

- If your records were sealed by the court at dismissal, the prosecutor and others can look at your record to determine if you are eligible to participate in a deferred entry of judgment or informal supervision program.
- If you apply for benefits as a nonminor dependent, the court may see your records.
- If a new petition is filed against you for a felony offense, probation can look at what programs you have participated in but cannot use that information to keep you in juvenile hall or to punish you.
- If you have been found to have committed a felony by the juvenile court, your sealed records can be viewed to determine what disposition (sentence) the court should order.
- If you are arrested for a new offense and the prosecuting attorney asks the court to transfer you to adult court, your record can be reviewed to determine if transfer is appropriate.
- If you are in foster care, child welfare can look at your records to determine an appropriate placement or services for you.
- If you want to have access to your records or allow someone else to inspect them, you can request the court to unseal them.

NOTE: Even if someone looks at your records in one of these situations, your records will stay sealed in the future and you do not need to ask the court to seal them.

If your records are sealed, do you have to report the offenses in the sealed records on job, school, or other applications?

No. Once your records are sealed, the law treats those offenses as if they did not occur and you do not need to report them. **However,** the military and some federal agencies may not recognize sealing of records and may be aware of your juvenile justice history, even if your records are sealed. If you are seeking to enlist in the military or apply for a job requiring you to provide information about your juvenile records seek legal advice about this issue.

CHILD'S NAME:	CASE NUMBER:
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PETITION TO TERMINATE WARDSHIP AND ORDER

1. Wardship was declared on _____ based on a finding that the child violated the following sections:
- | | | |
|----|--------------------|-------|
| a. | _____ of the _____ | Code. |
| b. | _____ of the _____ | Code. |
| c. | _____ of the _____ | Code. |
| d. | _____ of the _____ | Code. |
| e. | _____ of the _____ | Code. |
2. The child has adhered to the terms and conditions of probation.
3. The child has satisfactorily met the goals of rehabilitation.
4. The child has satisfactorily completed probation for purposes of Welfare and Institutions Code section 786.
5. The child has reached the age of majority. The child has been in a foster placement. A completed *Termination of Juvenile Court Jurisdiction—Child Attaining Age of Majority* (form JV-365), has been filed with this court.
6. The whereabouts of the child have been unknown since _____.
7. Continued wardship is not required for the rehabilitation or protection of the child.
8. Continued wardship is not required for the protection of the public.
9. The warrant issued on _____ is recalled.
10. A summary of the child's contacts with the probation department and law enforcement agencies is included as Attachment 10.
11. A summary of the child's school performance and other activities is included as Attachment 11.
12. The child is now a dependent of the juvenile court.
13. The sealing process has been explained to the child, and the child has received either form JV-595-INFO or form JV-596-INFO as appropriate and the name of his or her attorney, who can assist with the sealing process.

Petitioner requests that the court terminate the child's wardship and release him or her from all orders of the juvenile delinquency court.

Date: _____

TYPE OR PRINT PETITIONER'S NAME	 (SIGNATURE OF PETITIONER)
---------------------------------	-------------------------------

ORDER

- Wardship and delinquency court jurisdiction are terminated. All other orders of the juvenile court that are not in conflict remain in full force and effect.
- The matter is set for hearing on (date): _____ at (time): a.m. p.m.
- The petition is denied.

Date: _____

JUDICIAL OFFICER

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Circulate for comment (September 1 cycle)**

RUPRO Meeting: December 15, 2016

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

Juvenile Law: Implementation of Proposition 57, the Public Safety and Rehabilitation Act of 2016 (Amend rules 4.116, 5.766, 5.768, 5.770; revoke rules 4.510 and 5.772; revise forms JV-600, JV-642, JV-710, and JV-735; approve form JV-824)

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee
Hon. Jerilyn Borack, Co-Chair
Hon. Mark Juhas, Co-Chair

Staff contact (name, phone and e-mail): Tracy Kenny, 916-263-2838, tracy.kenny@jud.ca.gov

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

Approved by RUPRO: To be considered at December 15th meeting

Project description from annual agenda:

Develop rule and form proposal to implement Proposition 57: The Public Safety and Rehabilitation Act of 2016 which substantially amends the process by which juvenile offenders may be transferred to the jurisdiction of the criminal court by eliminating the authority of prosecutors to directly file petitions in criminal court and requiring that the juvenile court hold a hearing and determine if a transfer is appropriate.

If requesting July 1 or out of cycle, explain:

New statutory provisions went into effect on November 9, 2016 via voter approval of Proposition 57. Need to bring rules and forms into compliance.

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

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

[ItC prefix as assigned]-__

Title	Action Requested
Juvenile Law: Implementation of Proposition 57, the Public Safety and Rehabilitation Act of 2016	Review and submit comments by February 14, 2017
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 4.116, 5.766, 5.768, and 5.770; revoke rules 4.510 and 5.772; revise forms JV-600, JV-642, JV-710, and JV-735; approve form JV-824	September 1, 2017
	Contact
	Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov
Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Jerilyn Borack, Cochair	
Hon. Mark Juhas, Cochair	

Executive Summary and Origin

Proposition 57, the Public Safety and Rehabilitation Act of 2016, substantially amends the process by which juvenile offenders may be transferred to the jurisdiction of the criminal court by (1) eliminating the authority of prosecutors to directly file petitions in criminal court, and (2) requiring that the juvenile court hold a hearing and determine if a transfer is appropriate. To implement the changes enacted by Prop. 57, the Family and Juvenile Law Advisory Committee is proposing amending or revoking six California Rules of Court and revising four forms to be consistent with the amended provisions. In addition, the committee proposes approval of a new optional writ petition form for seeking appellate review of the juvenile court's transfer decision.

Background

On November 8, 2016, the people of the State of California enacted Proposition 57, the Public Safety and Rehabilitation Act of 2016, which became effective on November 9, 2016. Proposition 57 amends existing law to require that the juvenile court consider a motion by the district attorney or other appropriate prosecuting officer to transfer the minor to the jurisdiction of the criminal court before a juvenile can be prosecuted in a criminal court. To accomplish this,

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

the proposition repeals all of Welfare and Institutions Code section 602(b), which provided that certain serious and violent felonies were to be prosecuted in criminal court, as well as all of section 707(d), which authorized the district attorney to directly file an accusatory pleading involving certain minors in criminal court. Because the proposition eliminates the ability of the prosecutor to direct file a case in criminal court, it also makes obsolete the reverse remand provisions of Penal Code section 1170.17 that allow a criminal court to consider whether a minor convicted of an offense that was not eligible for direct file should be sentenced under the juvenile court law.

In addition, the proposition substantially simplifies the existing standards for the juvenile court to employ when determining whether a minor's case should be heard in the criminal court. The prior version of section 707 required the juvenile court to evaluate whether the minor is "a fit and proper subject to be dealt with under the juvenile court law." The revisions to section 707 enacted by Prop. 57 instead ask the court to consider simply whether "the minor should be transferred to a court of criminal jurisdiction." Thus, in section 707, the concept of fitness has been eliminated and replaced with the term "transfer."

Under the prior statutory scheme, some minors were subject to a presumption of unfitness for juvenile court adjudication based on their age and/or prior offense history. Proposition 57 eliminates all of those presumptions and provides the court with one set of criteria to apply in a determination of whether "the minor should be transferred to a court of criminal jurisdiction." The criteria are those currently found in section 707(a), with broad discretion given to the court to evaluate and weigh each factor. Minors who may be subject to a motion to transfer jurisdiction to criminal court are those who are either:

- Alleged to have committed a felony when 16 years of age or older; or
- Alleged to have committed an offense listed in section 707(b) at age 14 or 15.

If the juvenile court orders that jurisdiction over the minor be transferred to the criminal court, the court must "recite the basis for its decision in an order entered upon the minutes." In addition, the court may not take a plea in any case in which a hearing has been noticed to hear a motion for the transfer of jurisdiction.

The Proposal

The proposal recommends amending three of the current juvenile rules on transfer to adult court, as well as one criminal rule that has obsolete statutory references to bring them into compliance with Proposition 57. Two rules that are entirely obsolete because they address issues pertaining to direct file or the prior presumptions are proposed to be revoked. The current optional order form for fitness hearings would be substantially revised to reflect the new law, and three other forms would be revised to correct obsolete statutory references. Finally, the proposal includes a new optional writ petition form for seeking appellate review of the court's decision on transfer of jurisdiction.

Amended and revoked rules on transfer to criminal court

The current rules that govern the procedures to be followed when the juvenile court is asked to determine whether a child's case should be heard in juvenile or criminal court are rules 5.766, 5.768, 5.770, and 5.772. Three of these rules (5.766, 5.768, and 5.770) need to be amended to reflect the new terminology and provisions of Prop. 57. The key proposed changes to the rules would:

- Eliminate references to fitness and amenability to handling under the juvenile court law and replace them with a focus on whether the child should be retained under juvenile court jurisdiction or transferred to criminal court jurisdiction;
- Clarify that the court has broad discretion to weigh the existing statutory criteria in making its order;
- Require the court to set forth its reasons for making a transfer order in its minute order; and
- Add the requirement that no plea be taken after a motion for transfer has been noticed, and that no plea that has been entered be considered as evidence at a transfer hearing.

Rule 5.772 would be revoked in its entirety as the provisions of law that it seeks to implement have been repealed by Prop. 57, and it is therefore obsolete.

Amended and revoked criminal law rules

Two rules in Title 4 of the California Rules of Court are impacted by the changes made by Prop. 57. Rule 4.116, which addresses when a case is filed in criminal court and the court determines that the defendant is a minor—and thus the case needs to be certified to juvenile court—needs to be amended to eliminate some obsolete statutory references in subdivision (a) of the rule. Rule 4.510, which implements the reverse remand provisions in Penal Code section 1170.17, is proposed to be revoked because although Prop. 57 did not repeal section 1170.17, that section only applies to cases that have been direct filed in criminal court and, as direct file has been eliminated by Prop. 57, reverse remand is now an obsolete procedure as no juvenile will be transferred to criminal court without the juvenile court first holding a hearing on the appropriateness of the transfer.

Revised form JV-710

The current optional order form for use after a hearing under section 707 is form JV-710, *Juvenile Fitness Hearing Order*. This form would be retitled *Juvenile Transfer to Criminal Court Jurisdiction Order*, and would be revised to:

- Eliminate obsolete statutory references;
- Replace references to fitness with the new transfer terminology;
- Reframe the court's findings on the statutory criteria to simply require the court to indicate which criteria informed a decision to order a transfer; and
- Simplify the findings and orders to reflect the more streamlined statute.

The revised form would be available to courts to document their findings and orders consistent with the requirements of the amended provisions of section 707.

Forms with minor revisions to reflect updated statutes

Optional forms *Juvenile Wardship Petition* (form JV-600), *Initial Appearance Hearing–Juvenile Delinquency* (form JV-642), and *Juvenile Notice of Violation of Probation* (form JV-735) all include statutory references that are obsolete because of Prop. 57 and need to be updated to reflect the current statutory numbering scheme. In addition, forms JV-600 and JV-642 both reference juvenile fitness hearings and need to be revised to reflect the new transfer terminology.

New writ petition form for juvenile transfer proceedings

The committee is proposing a new optional writ petition form, *Petition for Extraordinary Writ—Juvenile Transfer (Welfare and Institutions Code, § 707)* (form JV-824) to be available to either a child who has been ordered transferred or to the district attorney to seek appellate review of the court's order on a transfer motion.

Alternatives Considered

The committee considered seeking approval of these rule and form changes prior to circulation for comment while also circulating them to ensure that the rules and forms were up to date as early as possible, but determined that this was not necessary because the new law is straightforward and the impacted forms are all optional.

Implementation Requirements, Costs, and Operational Impacts

As a result of the statutory changes made by Prop. 57, it is likely that juvenile courts will receive more requests for hearings from the district attorney seeking to transfer jurisdiction of a child to criminal court under section 707 as direct file is no longer an option, resulting in more of these hearings in the juvenile court. If the juvenile courts retain jurisdiction over children that would have otherwise been subject to direct file, the result will reduce the number of juvenile cases transferred to criminal court jurisdiction. Because Prop. 57 significantly simplified what the court must consider when determining whether to order a transfer, these proceedings may be shorter, and the court may need less time to make its findings and orders. All of these impacts are as a result of the changes in the law and are thus unavoidable. The new writ petition form should streamline the process for filing of writs in these cases and therefore improve access to justice for the parties to these matters.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Will the proposed new writ form improve the process for challenging transfer orders?
- Does the revised JV-710 order form allow the court to accurately and comprehensively document its findings and orders?
- Should the date for repeal of rule 4.510, which implements the reverse remand procedure in Penal Code section 1170.17 be delayed beyond September 1, 2017 to accommodate cases that precede the enactment of Prop. 57? If so, what should be the effective date of the repeal?

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

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

Attachments and Links

1. Proposed amended and revoked Cal. Rules of Court, rules 4.116, 4.510, 5.766, 5.768, 5.770, and 5.772 at pages 6–14.
2. Proposed new and revised forms JV-600, JV-642, JV-710, JV-735, and JV-824 at pages 15–25.
3. Prop. 57: [https://oag.ca.gov/system/files/initiatives/pdfs/15-0121%20\(Prison%20Sentence%20Reform\)_1.pdf](https://oag.ca.gov/system/files/initiatives/pdfs/15-0121%20(Prison%20Sentence%20Reform)_1.pdf)

Rules 4.510 and 5.772 of the California Rules of Court would be revoked, and rules 4.116, 5.766, 5.768, and 5.770 would be amended, effective September 1, 2017, to read:

1 **Rule 4.116. Certification to juvenile court**

2
3 **(a) Application**

4
5 This rule applies to all cases not filed in juvenile court in which the person charged
6 by an accusatory pleading appears to be under the age of 18, except ~~(1) when the~~
7 ~~child has been found not a fit and proper subject to be dealt with under the juvenile~~
8 ~~court law or (2) when the prosecution was initiated as a criminal case under~~
9 ~~Welfare and Institutions Code section 602(b) or 707(d) when jurisdiction over the~~
10 ~~child has been transferred from the juvenile court under Welfare and Institutions~~
11 ~~Code section 707.~~

12
13 **(b)–(d) * * ***

14
15 **Rule 4.510. Reverse remand**

16
17 ~~**(a) — Minor prosecuted under Welfare and Institutions Code section 602(b) or**~~
18 ~~**707(d) and convicted of offense listed in Welfare and Institutions Code section**~~
19 ~~**602(b) or 707(d) (Penal Code, § 1170.17)**~~

20
21 ~~If the prosecuting attorney lawfully initiated the prosecution as a criminal case~~
22 ~~under Welfare and Institutions Code section 602(b) or 707(d), and the minor is~~
23 ~~convicted of a criminal offense listed in those sections, the minor must be~~
24 ~~sentenced as an adult.~~

25
26 ~~**(b) — Minor convicted of an offense not listed in Welfare and Institutions Code**~~
27 ~~**section 602(b) or 707(d) (Penal Code, § 1170.17)**~~

28
29 ~~(1) — If the prosecuting attorney lawfully initiated the prosecution as a criminal~~
30 ~~case and the minor is convicted of an offense not listed in Welfare and~~
31 ~~Institutions Code section 602(b) or 707(d), but one that would have raised the~~
32 ~~presumption of unfitness under juvenile court law, the minor may move the~~
33 ~~court to conduct a postconviction fitness hearing.~~

34
35 ~~(A) — On the motion by the minor, the court must order the probation~~
36 ~~department to prepare a report as required in rule 5.768.~~

37
38 ~~(B) — The court may conduct a fitness hearing or remand the matter to the~~
39 ~~juvenile court for a determination of fitness.~~

40
41 ~~(C) — The minor may receive a disposition hearing under the juvenile court~~
42 ~~law only if he or she is found to be fit under rule 5.772. However, if the~~
43 ~~court and parties agree, the minor may be sentenced in adult court.~~

1 (D) — If the minor is found unfit, the minor must be sentenced as an adult,
2 unless all parties, including the court, agree that the disposition be
3 conducted under juvenile court law.
4

5 (2) — If the minor is convicted of an offense not listed in Welfare and Institutions
6 Code section 602(b) or 707(d), but one for which the minor would have been
7 presumed fit under the juvenile court law, the minor must have a disposition
8 hearing under juvenile court law, and consistent with the provisions of Penal
9 Code section 1170.19, either in the trial court or on remand to the juvenile
10 court.
11

12 (A) — If the prosecuting attorney objects to the treatment of the minor as
13 within the juvenile court law and moves for a fitness hearing to be
14 conducted, the court must order the probation department to prepare a
15 report as required by rule 5.768.
16

17 (B) — The court may conduct a fitness hearing or remand the matter to the
18 juvenile court for a determination of fitness.
19

20 (C) — If found to be fit under rule 5.770, the minor will be subject to a
21 disposition hearing under juvenile court law and Penal Code section
22 1170.19.
23

24 (D) — If the minor is found unfit, the minor must be sentenced as an adult,
25 unless all parties, including the court, agree that the disposition be
26 conducted under juvenile court law.
27

28 (3) — If the minor is convicted of an offense that would not have permitted a fitness
29 determination, the court must remand the matter to juvenile court for
30 disposition, unless the minor requests sentencing in adult court and all
31 parties, including the court, agree.
32

33 (4) — Fitness hearings held under this rule must be conducted as provided in title 5,
34 division 3, chapter 14, article 2.
35

36 Rule 5.766. General provisions

37 (a) Fitness Transfer of jurisdiction to criminal court hearing (§ 707)

38 A child who is the subject of a petition under section 602(a) and who was 14 years
39 or older at the time of the alleged offense may be considered for prosecution under
40 the general law in a court of criminal jurisdiction. The prosecuting attorney may
41 request a hearing to determine whether the child is a fit and proper subject to be
42 dealt with under the juvenile court law make a motion to transfer the child from
43 juvenile court to a court of criminal jurisdiction, in one of the following
44 circumstances:
45
46

1 (1) ~~Under section 707(a)(1), the~~ The child was 16 years or older at the time of
2 the alleged felony offense ~~if the offense is not listed in section 707(b).~~

3
4 ~~(2) Under section 707(a)(2), the child was 16 years or older at the time of the~~
5 ~~alleged felony offense not listed in section 707(b) and has been declared a~~
6 ~~ward of the court under section 602 on at least one prior occasion and:~~

7
8 ~~(A) The child has previously been found to have committed two or more~~
9 ~~felony offenses; and~~

10
11 ~~(B) The felony offenses in the previously sustained petitions were~~
12 ~~committed when the child was 14 years or older.~~

13
14 ~~(3)(2) Under section 707(c), the~~ The child was 14 years or older at the time of the
15 alleged offense listed in section 707(b).

16
17 **(b) Notice (§ 707)**

18
19 Notice of the ~~fitness~~ hearing on transfer of jurisdiction must be given at least five
20 judicial days before the ~~fitness~~ hearing.

21
22 **(c) Time of fitness hearing—rules 5.774, 5.776**

23
24 The ~~fitness~~ transfer of jurisdiction hearing must be held and the court must rule on
25 the issue of ~~fitness~~ the request to transfer jurisdiction before the jurisdiction hearing
26 begins. Absent a continuance, the jurisdiction hearing must begin within the time
27 limits under rule 5.774.

28
29 **Rule 5.768. Report of probation officer**

30
31 **(a) Contents of report (§ 707)**

32
33 The probation officer must ~~investigate the issue of fitness~~ prepare and submit to the
34 court a report on the behavioral patterns and social history of the child being
35 considered. The report must include information relevant to the determination of
36 whether or not the child ~~would be amenable to the care, treatment, and training~~
37 ~~program available through the facilities of the juvenile court, including information~~
38 ~~regarding all of the criteria listed in rules 5.770 and 5.772~~ should be retained under
39 the jurisdiction of the juvenile court or transferred to the jurisdiction of the criminal
40 court, including information regarding all of the criteria in section 707(a)(2). The
41 report must also include any written or oral statement offered by the victim
42 pursuant to section 656.2. The report may also include information concerning:

43
44 (1) The social, family, and legal history of the child;

45
46 (2) Any statement the child chooses to make regarding the alleged offense;

- 1 (3) Any statement by a parent or guardian;
2
3 (4) If the child is or has been under the jurisdiction of the court, a statement by
4 the social worker, or probation officer, ~~or Youth Authority parole agent~~ who
5 has supervised the child regarding the relative success or failure of any
6 program of rehabilitation; and
7
8 (5) Any other information relevant to the determination of fitness.
9

10 **(b) Recommendation of probation officer (§§ 281, 707)**

11
12 The probation officer must make a recommendation to the court as to whether the
13 child ~~is a fit and proper subject to be dealt with under the juvenile court law~~ should
14 be retained under the jurisdiction of the juvenile court or transferred to the
15 jurisdiction of the criminal court.
16

17 **(c) Copies furnished**

18
19 The probation officer's report on the behavioral patterns and social history of the
20 child must be furnished to the child, the parent or guardian, and all counsel at least
21 24 hours before commencement of the fitness hearing on the motion. A
22 continuance of 24 hours must be granted on the request of any party who has not
23 been furnished the probation officer's report in accordance with this rule.
24

25 **Rule 5.770. Conduct of fitness transfer of jurisdiction hearing under section**
26 **707(a)(1)**

27
28 **(a) Burden of proof (§ 707(a)(1))**

29
30 In a fitness transfer of jurisdiction hearing under section 707(a)(1), the burden of
31 proving that the child ~~is unfit~~ should be transferred to criminal court jurisdiction is
32 on the petitioner, by a preponderance of the evidence.
33

34 **(b) Criteria to consider (§ 707)**

35
36 Following receipt of the probation officer's report and any other relevant evidence,
37 the court may ~~find that order that~~ the child is not a fit and proper subject to be dealt
38 with under juvenile court law be transferred to the jurisdiction of the criminal court
39 if the court finds:

- 40
41 (1) The child was 16 years or older at the time of the alleged felony offense, ~~and~~
42 or the child was 14 or 15 years at the time of an alleged offense listed in
43 section 707(b); and
44
45 (2) The child ~~would not be amenable to the care, treatment, and training program~~
46 available through facilities of the juvenile court, should be transferred to the

1 jurisdiction of the criminal court based on an evaluation of all of the
2 following criteria:

- 3
4 (A) The degree of criminal sophistication exhibited by the child;
5
6 (B) Whether the child can be rehabilitated before the expiration of
7 jurisdiction;
8
9 (C) The child's previous delinquent history;
10
11 (D) The results of previous attempts by the court to rehabilitate the child;
12 and
13
14 (E) The circumstances and gravity of the alleged offense.

15
16 **(c) Findings under section 707(a)(1)(2)**

17 ~~The findings must be stated in the order.~~

18
19
20 ~~(1) — *Finding of fitness*~~

21
22 ~~The court may find the child to be fit and state that finding.~~

23
24 ~~(2) — *Finding of unfitness*~~

25
26 ~~If the court determines the child is unfit, the court must find that:~~

27
28 ~~(A) — The child was 16 years or older at the time of the alleged offense; and~~

29
30 ~~(B) — The child would not be amenable to the care, treatment, and training~~
31 ~~program available through the juvenile court because of one or a~~
32 ~~combination of more than one of the criteria listed in (b)(2).~~

33 If the court orders a transfer of jurisdiction to the criminal court, the court must
34 recite the basis for its decision in an order entered upon the minutes.

35
36 **~~(d) — Maintenance of juvenile court jurisdiction~~**

37
38 ~~If the court determines that one or more of the criteria listed in (b)(2) apply to the~~
39 ~~child, the court may nevertheless find that the child is amenable to the care,~~
40 ~~treatment, and training program available through the juvenile court and may find~~
41 ~~the child to be a fit and proper subject to be dealt with under juvenile court law.~~

42
43 **~~(e)(d) Extenuating circumstances~~**

44
45 The court may consider extenuating or mitigating circumstances in the evaluation
46 of each relevant criterion.

1 **(f)(e) Procedure following findings**

2
3 (1) If the court finds the child ~~to be fit~~ should be retained within the jurisdiction
4 of the juvenile court, the court must proceed to jurisdiction hearing under rule
5 5.774.

6
7 (2) If the court finds the child ~~to be unfit~~ should be transferred to the jurisdiction
8 of the criminal court, the court must make orders under section 707.1 relating
9 to bail and to the appropriate facility for the custody of the child, or release
10 on own recognizance pending prosecution. The court must dismiss the
11 petition without prejudice.

12
13 **(g)(f) Continuance to seek review**

14
15 If the prosecuting attorney informs the court orally or in writing that a review ~~of a~~
16 ~~finding of fitness~~ of the court's decision not to order a transfer of jurisdiction will
17 be sought and requests a continuance of the jurisdiction hearing, the court must
18 grant a continuance for not less than two judicial days to allow time within which
19 to obtain a stay of further proceedings from the reviewing judge or appellate court.
20

21 **(h)(g) Subsequent role of judicial officer**

22
23 Unless the child objects, the judicial officer who has conducted a ~~fitness hearing on~~
24 a motion to transfer jurisdiction may participate in any subsequent contested
25 jurisdiction hearing relating to the same offense.
26

27 **(i)(h) Review of fitness determination on a motion to transfer jurisdiction to**
28 **criminal court**

29
30 An order that a child is ~~or is not a fit and proper subject to be dealt with under the~~
31 ~~juvenile court law~~ should or should not be transferred to the jurisdiction of the
32 criminal court is not an appealable order. Appellate review of the order is by
33 petition for extraordinary writ. Any petition for review of a judge's order
34 ~~determining the child unfit to transfer jurisdiction of the child~~, or denying an
35 application for rehearing of the referee's determination ~~of unfitness to transfer~~
36 jurisdiction of the child, must be filed no later than 20 days after the child's first
37 arraignment on an accusatory pleading based on the allegations that led to the
38 ~~unfitness determination~~ transfer of jurisdiction order.
39

40 **(i)** In any case in which a hearing for transfer of jurisdiction has been noticed under
41 section 707, the court must postpone the taking of a plea to the petition until the
42 conclusion of the transfer hearing, and no pleas that may have been entered already
43 may be considered as evidence at the hearing.
44

45 **Rule 5.772. Conduct of fitness hearings under sections 707(a)(2) and 707(e)**

46

1 ~~(a) — Presumption (§§ 707(a)(2), 707(c))~~

2
3 ~~In a fitness hearing under section 707(a)(2) or 707(c), the child is presumed to be~~
4 ~~unfit, and the burden of rebutting the presumption is on the child, by a~~
5 ~~preponderance of the evidence.~~

6
7 ~~(b) — Prima facie showing~~

8
9 ~~On the child's motion, the court must determine whether a prima facie showing has~~
10 ~~been made that the offense alleged is a felony or is specified in section 707(b).~~

11
12 ~~(c) — Criteria to consider (§ 707(a)(2))~~

13
14 ~~Following receipt of the probation officer's report and any other relevant evidence,~~
15 ~~the court must find that the child is not a fit and proper subject to be dealt with~~
16 ~~under the juvenile court law, unless the court finds:~~

17
18 ~~(1) — The child was under 16 years of age at the time of the alleged felony offense;~~

19
20 ~~(2) — The child had not been declared a ward at the time of the alleged offense or~~
21 ~~any time previously;~~

22
23 ~~(3) — The child has not previously been found to have committed two or more~~
24 ~~felony offenses;~~

25
26 ~~(4) — The prior felony offenses were committed before the child had reached the~~
27 ~~age of 14 years; or~~

28
29 ~~(5) — The child would be amenable to the care, treatment, and training program~~
30 ~~available through the juvenile court, based on evaluation of each of the~~
31 ~~following criteria:~~

32
33 ~~(A) — The degree of criminal sophistication exhibited by the child;~~

34
35 ~~(B) — Whether the child can be rehabilitated before the expiration of~~
36 ~~jurisdiction;~~

37
38 ~~(C) — The child's previous delinquent history;~~

39
40 ~~(D) — The results of previous attempts by the court to rehabilitate the child;~~
41 ~~and~~

42
43 ~~(E) — The circumstances and gravity of the alleged offense.~~

44
45 ~~(d) — Findings under section 707(c)~~

1 Following receipt of the probation officer's report and any other relevant evidence,
2 the court must find that the child is not a fit and proper subject to be dealt with
3 under the juvenile court law, unless the court finds:

4
5 (1) ~~The child was under 14 years of age at the time of the offense specified in~~
6 ~~section 707(b);~~

7
8 (2) ~~The offense alleged is not listed in section 707(b); or~~

9
10 (3) ~~The child would be amenable to the care, treatment, and training program~~
11 ~~available through the juvenile court, based on evaluation of each of the~~
12 ~~criteria described in (c)(5).~~

13
14 ~~(e) — Extenuating circumstances~~

15
16 The court may consider extenuating or mitigating circumstances in the evaluation
17 of each relevant criterion.

18
19 ~~(f) — Findings (§§ 707(a)(2), 707(c))~~

20
21 The findings must be stated in the order.

22
23 (1) ~~Finding of unfitness (§ 707(a)(2))~~

24
25 If the child has failed to rebut the presumption of unfitness, the court must
26 find that:

27
28 (A) ~~The child has previously been found to have committed two or more~~
29 ~~offenses listed in section 707(b) and was 14 years of age or older at the~~
30 ~~time of the felony offenses; and~~

31
32 (B) ~~The child would not be amenable to the care, treatment, and training~~
33 ~~program available through the juvenile court because of one or a~~
34 ~~combination of more than one of the criteria in (c)(5).~~

35
36 (2) ~~Finding of unfitness (§ 707(c))~~

37
38 If the child has failed to rebut the presumption of unfitness, the court must
39 find that:

40
41 (A) ~~The child was 14 years or older at the time of the alleged offense and~~
42 ~~the offense is listed in section 707(b); and~~

43
44 (B) ~~The child would not be amenable to the care, treatment, and training~~
45 ~~program available through the juvenile court because of one or a~~
46 ~~combination of more than one of the criteria in (c)(5).~~

1 ~~(3) — Finding of fitness (§§ 707(a)(2), 707(c))~~

2
3 ~~In order to find the child fit, the court must find that the child would be~~
4 ~~amenable to the care, treatment, and training program through the juvenile~~
5 ~~court on each and every criterion in (c)(5), and the court must state that~~
6 ~~finding of amenability under each and every criterion.~~

7
8 **~~(g) — Procedure following findings~~**

9
10 ~~(1) — If the court finds the child to be unfit, the court must make orders under~~
11 ~~section 707.1 relating to bail, and to the appropriate facility for the custody of~~
12 ~~the child, or release on own recognizance pending prosecution. The court~~
13 ~~must dismiss the petition without prejudice.~~

14
15 ~~(2) — If the court finds the child to be fit, the court must proceed to jurisdiction~~
16 ~~hearing under rule 5.774.~~

17
18 **~~(h) — Continuance to seek review~~**

19
20 ~~If the prosecuting attorney informs the court orally or in writing that a review of a~~
21 ~~finding of fitness will be sought and requests a continuance of the jurisdiction~~
22 ~~hearing, the court must grant a continuance for not less than 2 judicial days to allow~~
23 ~~time within which to obtain a stay of further proceedings from the reviewing judge~~
24 ~~or appellate court.~~

25
26 **~~(i) — Subsequent role of judicial officer~~**

27
28 ~~Unless the child objects, the judicial officer who has conducted a fitness hearing~~
29 ~~may participate in any subsequent contested jurisdiction hearing relating to the~~
30 ~~same offense.~~

31
32 **~~(j) — Review of fitness determination~~**

33
34 ~~An order that a child is or is not a fit and proper subject to be dealt with under the~~
35 ~~juvenile court law is not an appealable order. Appellate review of the order is by~~
36 ~~extraordinary writ. Any petition for review of a judge's order determining the child~~
37 ~~to be unfit or denying an application for rehearing of the referee's determination of~~
38 ~~unfitness must be filed no later than 20 days after the child's first arraignment on an~~
39 ~~accusatory pleading based on the allegations that led to the unfitness determination.~~

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CASE NAME: _____	
JUVENILE WARDSHIP PETITION <input type="checkbox"/> § 601(a) <input type="checkbox"/> § 601(b) <input type="checkbox"/> § 602	CASE NUMBER: _____

1. Petitioner on information and belief alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following sections of the Welfare and Institutions Code (*check applicable boxes; see attachments for concise statements of facts*):
 601(a) 601(b) 602 Violation (*specify code section*): _____

b. Under a previous order of this court, dated _____, the child was declared a ward under Welfare and Institutions Code section 601(a) 601(b) 602

c. Child's name and address: _____	d. Age: _____	e. Date of birth: _____	f. Sex: _____
------------------------------------	---------------	-------------------------	---------------

g. Name: _____ Address: _____ <input type="checkbox"/> mother <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	h. Name: _____ Address: _____ <input type="checkbox"/> mother <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged
--	--

i. Name: _____ Address: _____ <input type="checkbox"/> mother <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	j. Other (<i>name, address, and relationship to child</i>): <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.
--	--

k. Attorney for child (<i>if known</i>): Address: _____ Phone number: _____	l. Child is <input type="checkbox"/> not detained. <input type="checkbox"/> detained. Date and time of detention (<i>custody</i>): _____ Current place of detention (<i>address</i>): _____
---	--

(See important notices on page 2.)

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

- 2. Petitioner requests that the court find these allegations to be true.
- 3. Petitioner requests a hearing to determine whether the child should be transferred to the jurisdiction of the criminal court under Welfare and Institutions Code section 707.

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

Date:

(TYPE OR PRINT NAME)

 _____

(SIGNATURE OF PETITIONER)

Indian Child Inquiry Attachment (form ICWA-010(A)) is completed and attached.

Number of pages attached: _____

**TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE
SUPPORT OF THE CHILD**

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for your child or you by a public defender or other attorney, the cost of supervision of your child by order of the juvenile court, and the cost of any restitution owed to the victim.

RECORD SEALING

The court may seal your records at the conclusion of your case or you may request sealing at a later date. Please see form JV-595-INFO, *How to Ask the Court to Seal Your Records*, and form JV-596-INFO, *Sealing of Records for Satisfactory Completion of Probation*, available through your attorney or www.courts.ca.gov/forms.htm, for more information about record sealing.

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

16. b. The right to cross-examine and confront witnesses.
 c. The right to subpoena witnesses and present a defense.
 d. The right to remain silent.
17. The child through counsel
- a. admitted the petition as filed as amended on *(date)*:
 b. pleaded no contest to the petition as filed as amended on *(date)*:
 c. The child's counsel consents to the admission or plea of no contest.
 d. The admission or plea of no contest is freely and voluntarily made.
 e. There is a factual basis for the admission or plea of no contest.
 f. The court finds that the child was under 14 years old at the time of the offense but the child knew the wrongfulness of his or her conduct at the time the offense was committed.

18. a. The following allegations are admitted and found to be true:

Count number	Statutory violation	Misdemeanor	Felony	To be specified at disposition	Enhancement <i>(if applicable)</i>
		<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"/>	

- b. As to any offense that could be considered a misdemeanor or felony, the court is aware of and exercises its discretion to determine the offense, as stated in 18a.
- c. The following allegations are dismissed:
- | | |
|---------------------|----------------------------|
| | |
| <u>Count number</u> | <u>Statutory violation</u> |

19. The child is described by section 601 602 of the Welfare and Institutions Code.
20. The maximum confinement time is:
21. The child's residence is in: _____ County.
22. The matter is transferred to: _____ County for disposition and further proceedings. *Juvenile Court Transfer Orders* (form JV-550) will be completed and transmitted immediately.
23. The child waives his or her right under *People v. Arbuckle* to have the disposition heard by this judicial officer.

CHILD IN CUSTODY

24. The court has considered the detention report prepared by probation
 and the following documents *(specify)*:
 and the testimony of *(name)*:
 and the examination by the court of *(name)*:
 and takes judicial notice of the entire court file.
25. The child is released from custody to the home of *(name, address, and relationship to child)*:
 on home supervision on electronic monitoring
 the terms of which are stated in the attached *Terms and Conditions* (form JV-624).
26. The child is a dependent of the court under section 300 and is ordered released from custody. The child welfare services department must either ensure that the child's current caregiver take physical custody of the child or take physical custody of the child and place the child in a licensed or approved placement.

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

- 27. A prima facie showing has been made that the child's disposition is by section 601 or 602.
- 28. Based on the facts stated on the record, the child is detained in secure custody on the following grounds *(check all that apply)*:
 - a. The child has violated an order of the court.
 - b. The child has escaped from a court commitment.
 - c. The child is likely to flee the jurisdiction of the court.
 - d. It is a matter of immediate and urgent necessity for the protection of the child.
 - e. It is reasonably necessary for the protection of the person or property of another.
- 29. Based on the facts stated on the record, continuance in the child's home is contrary to the child's welfare.
- 30. Based on the facts stated on the record, there are no available services that would prevent the need for further detention.
- 31. Temporary placement and care is the responsibility of the probation department.
- 32. Reasonable efforts to prevent or eliminate the need for detention of the child have have not been made.
- 33. Probation is ordered to provide services that will assist with reunification of the child and the family.
- 34. Probation is granted the authority to authorize medical, surgical, or dental care under Welfare and Institutions Code section 739.
- 35. The child and the parent or legal guardian have been advised that if the child cannot be returned home within the statutory timelines, a proceeding may be scheduled to determine an alternative permanent home, including an adoptive home after parental rights are terminated.
- 36. The mother father legal guardian are ordered to supply the names and contact information of adult relatives to probation so probation can notify them of the removal and of their options to be included in the child's life.
- 37. The probation officer must file a case plan within 60 days.
- 38. Probation is authorized to release the minor at its discretion under the following circumstances:
- 39. The court accepts transfer from the County of:
- 40. Other orders:
- 41. Child Counsel waives time for *(check all that apply)*
 jurisdiction hearing disposition hearing other:
- 42. **The next hearings will be**

Date:	Time:	Dept:	Type of hearing:
Date:	Time:	Dept:	Type of hearing:
- 43. The child
 - a. is ordered to return to court on the above date and time.
 - b. remains detained.
- 44. All prior orders not in conflict, including any terms and conditions of probation, remain in full force and effect.
- 45. All appointed counsel are relieved.

Date:

JUDGE
 JUDGE PRO TEMPORE
 COMMISSIONER
 REFEREE

Countersignature for detention orders *(if necessary)*:

Date:

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Case Name:	
JUVENILE TRANSFER TO CRIMINAL COURT JURISDICTION ORDER (Welfare and Institutions Code, § 707)	CASE NUMBER:

1. a. Date of hearing: _____ Dept.: _____ Room: _____
 b. Judicial officer (name): _____
 c. Persons present: Youth Youth's attorney (name): _____
 Deputy District Attorney (name): _____
 Other: _____
2. The court has read and considered: The petition and report of the probation officer.
 Other relevant evidence.
3. The court has considered each of the following criteria and has determined that the youth should be transferred to the jurisdiction of the criminal court based on _____
- a. the degree of criminal sophistication of the youth for the reasons stated on the record.
 b. whether the youth can be rehabilitated prior to the expiration of jurisdiction for the reasons stated on the record.
 c. the youth's previous delinquent history for the reasons stated on the record.
 d. the results of previous attempts by the court to rehabilitate the youth for the reasons stated on the record.
 e. the circumstances and gravity of the offense for the reasons stated on the record.
4. **THE COURT FINDS AND ORDERS (check one):**
Welfare and Institutions Code section 707
 a. The youth was at least 16 years old at the time of the alleged felony offense; or
 b. The youth was at least 14 years old at the time of the alleged offense, and the current alleged offense is an offense listed in Welfare and Institutions Code section 707(b).
5. **THE COURT ALSO FINDS AND ORDERS**
 a. The youth should be retained under the jurisdiction of the juvenile court.
 The next hearing is on (date): _____ at (time): _____
 for (specify): _____
- b. The youth should be transferred to the jurisdiction of the criminal court.
1. The matter is referred to the District Attorney for prosecution under the general law.
 2. The petition filed on (date): _____ is dismissed.
 3. The youth is to be detained in juvenile hall county jail (section 207.1).
 4. Bail is set in the amount of: \$ _____
 5. The youth is released on own recognizance.
 to the custody of: _____

Date: _____

 JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
JUVENILE NOTICE OF VIOLATION OF PROBATION <input type="checkbox"/> § 725 <input type="checkbox"/> § 777(a)	
CASE NUMBER:	

1. Petitioner on information and belief alleges the following:

a. <input type="checkbox"/> Under a previous order of this court, dated _____, the child was declared a ward under Welfare and Institutions Code section <input type="checkbox"/> 601(a) <input type="checkbox"/> 601(b) <input type="checkbox"/> 602			
b. <input type="checkbox"/> Under a previous order of this court, dated _____, the child was NOT declared a ward and was placed on summary probation under Welfare and Institutions Code section 725(a).			
c. Child's name and address	d. Age:	e. Date of birth:	f. Sex:
g. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	h. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		
i. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	j. Other (state name, address, and relationship to child): <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		
k. Attorney for child (if known): Address: Phone number:	l. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained Date and time of detention (custody): Current place of detention (address):		

(See important notice on page 2.)

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

2. The child is a: probationer or ward of the court under Welfare and Institutions Code section 601 602 725(a) and the child has violated a condition of probation or order of the court. (State supporting facts concisely, and number them 1, 2, etc.)
 See Attachment 2.

3. The recommended modification consequence is:
a. Removal from the custody of a parent guardian relative friend
b. Placement in a foster home or relative's home
c. Commitment to a private institution
d. Commitment to a county institution
e. Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities
f. To be determined
g. Other (specify):

4. The child violated nonwardship probation. Petitioner requests a hearing be set under Welfare and Institutions Code section 725(a) to decide if the child should be a ward and determine the appropriate disposition.

5. Number of pages attached: _____

TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for your child or you by a public defender or other attorney, the cost of supervision of your child by order of the juvenile court, and the cost of any restitution owed to the victim.

COURT OF APPEAL _____ APPELLATE DISTRICT, DIVISION _____	Court of Appeal Case Number (court will provide): _____
--	---

in re the Matter of:

(Name and date of birth of child)

Petitioners

v.

Superior Court of California, County of:

Respondent

Real Party in Interest

(FILE STAMP)

Superior Court No. _____

Related Appeal Pending
Appellate Court No. _____

**PETITION FOR EXTRAORDINARY WRIT—
JUVENILE TRANSFER**
(Welfare and Institutions Code, § 707)

STAY REQUESTED (see item 11).

INSTRUCTIONS—READ CAREFULLY

- Read the entire form *before* completing any items.
- This petition must be clearly handprinted in ink or typed.
- Complete all applicable items in the proper spaces. If you need additional space, add an extra page and mark the additional page box.
- This petition must be filed no later than 20 days after the child's first arraignment in the adult criminal court for the transferred case.
- If you are filing this petition electronically and you are an attorney, follow the requirements of rules 8.70–8.79 and the court's local rules regarding electronically filed documents. If you are filing this petition in paper form and you are an attorney, follow the requirements of rule 8.44 regarding the number of copies. If you are *not* represented by an attorney, file the original and one set of any supporting documents.
- Notify the clerk of the court in writing if you change your address after filing your petition.

Individual Courts of Appeal or the Supreme Court may require documents other than or in addition to this form. Contact the clerk of the reviewing court for local requirements.

CASE NAME:	CASE NUMBER:
------------	--------------

1. This *Petition for Extraordinary Writ—Juvenile Transfer* is filed on behalf of petitioner.
 - a. Name:
 - b. Address:
 - c. Phone number:
 - d. E-mail:
 2. Petitioner is the
 - a. child
 - b. district attorney
 3. The *Petition for Extraordinary Writ—Juvenile Transfer* pertains to the following child:

Name of child:

Child's date of birth:
 4. This petition seeks extraordinary relief from the order of (*name*):
 - a. ordering a transfer of jurisdiction from juvenile to criminal court.
 - b. denying a motion requesting transfer of jurisdiction from juvenile to criminal court.
 - c. other (*specify*):
 5. The challenged order was made on (*date of hearing*):
 6. The order was erroneous on the following grounds (*specify*):
 7.
 - a. Supporting documents are attached.
 - b. Because of exigent circumstances, supporting documents are not attached (*explain*):
 8. Summary of factual basis for petition (*Petitioner need not repeat facts as they appear in the record. Petitioner must reference each specific portion of the record, its significance to the grounds alleged, and disputed aspects of the record.*):
- Additional pages attached.
9. Points and authorities in support of the petition are attached (*number of pages attached*): _____
 10. Petitioner requests that this court direct the trial court to (*check all that apply*):
 - a. Vacate the transfer order under section 707.
 - b. Vacate the denial of the motion seeking transfer under section 707.
 - c. Remand for hearing.
 - d. Order that jurisdiction remain with the juvenile court.
 - e. Order a transfer of jurisdiction to the criminal court.
 - f. Other (*specify*):

CASE NAME:	CASE NUMBER:
------------	--------------

11. Petitioner requests a temporary stay pending the granting or denial of the petition for extraordinary writ.
- a. Hearing date *(must specify)*:
 - b. Reasons for stay *(specify)*:

Additional pages attached.

12. Total number of pages are attached: _____

13. I am the petitioner attorney for petitioner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except for matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date:

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF PETITIONER ATTORNEY)

Address:

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Circulate for comment (September 1 cycle)**

RUPRO Meeting: Decemeber 15, 2016

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

Juvenile Law: Commitment to Department of Corrections and Rehabilitation

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and e-mail): Daniel Richardson, 415-865-7619, daniel.richardson@jud.ca.gov

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

Approved by RUPRO: To be considered at December 15, 2016 meeting

Project description from annual agenda: Revise Form JV-732: Revise Judicial Council form JV-732 to ensure the form reflects the legally accurate procedures related to the commitment of a minor ward to the California Department of Corrections and Rehabilitation. The form revisions would ensure that the court provides complete and accurate information needed for the acceptance of youth to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities thus avoiding unnecessary delays in the court's disposition orders.

If requesting July 1 or out of cycle, explain:

The form does conform to current law and is causing delays in the commitment of youth to DJF.

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

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

SPR16-__

Title	Action Requested
Juvenile Law: Commitment to Department of Corrections and Rehabilitation	Review and submit comments by February 14, 2017
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise form JV-732	September 1, 2017
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Daniel Richardson, 415-865-7619 Daniel.richardson@jud.ca.gov
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes revising the Judicial Council order form for the commitment of a minor ward to the California Department of Corrections and Rehabilitation Division of Juvenile Facilities (DJF) to ensure that the form reflects legally accurate commitment procedures. The form revisions would ensure that the court provides complete and accurate information needed for the acceptance of youth by the DJF, thus avoiding unnecessary delays in the court's disposition orders. Revisions to the form were requested by judicial officers, the Division of Juvenile Justice, and a public defender's office.

Background

On August 24, 2016, staff of the Judicial Council Center for Families, Children & the Courts received a formal letter from Mr. Anthony Lucero, director of the Division of Juvenile Justice (DJJ), suggesting updates and revisions to *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities* (form JV-732), the mandatory Judicial Council form for ordering such commitments, to assist the court in providing the DJJ with complete and accurate information needed for the acceptance of youth to DJF facilities. Several edits were recommended, which the committee has incorporated into this proposal.

In addition, the committee received correspondence from the Los Angeles County Public Defender's office, raising concerns about the amount of time children are housed in local

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

facilities due to errors related to form JV-732 as they await transfer to DJF. Specifically, youth who are sent to DJF for sex offenses are facing delays because the JSORRAT-II or Static-99 (sexual recidivism risk assessment tools for youth and adults, respectively) are not ordered or the wrong assessment is ordered. Judicial officers from Los Angeles also suggested revisions to the form and concurred with the request of the Los Angeles Public Defender's office.

The Proposal

This proposal is being made in response to concerns raised regarding the efficacy of the form JV-732 in procuring the court's disposition orders in a commitment of a ward to the DJF. Delays in the commitment of a ward to DJF because of errors with the information on the form have been reported. Several modifications are needed to both conform the form to statutory mandates and provide clarity as to sentencing and other information required by DJF to properly commit the youth to DJF and avoid delays while the youth is kept in local holding facilities.

Adding Checkbox for Risk Assessment Tool for Sex Offenders

The committee proposes that the form be updated to conform to Welfare and Institutions Code section 706 and its requirements that the court use a State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) to assess a youth convicted of an offense requiring him or her to register as a sex offender.¹ Currently the form does not include an order that the court has considered the SARATSO in the appropriate case. When a youth is recommended transferred to DJF under an adjudication for an offense requiring him or her to register as a sex offender pursuant to section 290.008 of the Penal Code, the court is required to use a SARATSO selected under subdivision (d) of section 290.04 of the Penal Code to assess the youth and shall receive the SARATSO into evidence. The committee proposes that a new check box be inserted as item 19 with this required information.

Adding Checkbox for Probation Violations

The committee also proposes inserting another checkbox under item 5—as new item 5c—that will reflect those situations in which the youth is returned to DJF as a result of a probation violation under section 1767.35. Currently, the form does not include this option. Section 1767.35 become operative on January 1, 2013, subsequent to the previous amendments to the form in 2012. Consequently, the form does not reflect the procedures of section 1767.35. The committee proposes revising the form to include language to specify that the court is ordering that the youth be returned to the DJF for a probation violation under section 1767.35, followed by the court-ordered release date. In addition, the committee proposes deleting the current item 5c, as the options listed are no longer legally possible. Once a youth is discharged from DJF, DJF jurisdiction is terminated and the youth cannot then be recommitted to DJF under a prior commitment.

¹ All subsequent statutory references are to the Welfare and Institutions Code unless otherwise specified.

Clarifying the Sentencing Formula

Section 731(c) limits the period of confinement that may be imposed for a ward committed to the DJF by granting the court discretion to impose either the equivalent of the “maximum period of imprisonment that could be imposed upon an adult convicted of the offense or offenses” committed by the youth or some lesser period based on the “facts and circumstances of the matter or matters that brought or continued” the youth under the court’s jurisdiction. One of the chief concerns about form JV-732 as it currently stands is that the maximum period of imprisonment that could be imposed on an adult and the maximum period of confinement ordered by the court for the juvenile are not distinct from each other. DJJ has reported confusion related to sentences that are being imposed by the court, leading to delays, and the form’s being returned to the court because of mistakes.

Maximum period of imprisonment for an adult

The committee proposes revising item 6 on form JV-732 to provide clarity regarding the the maximum period of imprisonment that could be imposed on an adult. Revised item 6 would list the principal felony by code section, the maximum term, and enhancements, both by code section and length. The court would add the total of the maximum term and the enhancements to get the total maximum period of confinement for the principal felony. Below the principal felony, the court could add subordinate offenses, indicating whether they are felonies or misdemeanors; the midterm; and again enhancements, if appropriate. The court would then add the total of all these items together to get the total maximum period of imprisonment that could be imposed on an adult convicted of the offense or offenses that brought the youth before the court. Item 6 would also specify that the youth is committed only on the most recent offense, to ensure ineligible offenses are not listed which could increase delays.

Maximum period of confinement for the juvenile

As noted above, section 731(c) requires that the juvenile court determine the maximum period of confinement to DJF based on the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the juvenile court.² The committee proposes revising item 8 (item 7 in the revised form) to clarify the correct procedure for determining the maximum period of confinement for the juvenile and whether the court has used its discretion to modify the sentence under section 731(c).

Specifically, item 8 (item 7 in revised form) would be amended to read as follows:

“After having considered the individual facts and circumstances of the case under section 731(c), the court orders that the maximum period of confinement is: _____ . (If lower than the total in item 6, the court has used its discretion to modify the maximum confinement period under section 731(c).)”

² See *In re Alex N.* (2005) 132 Cal.App.4th 18, 25–27; *In re Carlos E.* (2005) 127 Cal.App.4th 1529, 1538.

The proposed language will ensure that the required analysis is done and also make clear the maximum period of confinement that the court is ordering. In addition, reports indicate that courts are not consistently checking the box in current item 8b to indicate that they have considered the facts and circumstances, leading to complications in the youth's commitment to DJF. The proposal would make this analysis automatic and also indicate that if the amount is lower than the total confinement time listed in item 6, it is because the court used its discretion under section 731(c).

The committee also proposes switching the order of item 7 and item 8 as recommended by DJJ. It makes logical sense for the court to read the credited time the youth has secured in custody after it states the confinement period. This change should also reduce confusion around the maximum confinement time. In addition, the committee proposes that new item 8 state the credit for time served at both the DJF and a local holding facility, to ensure that the youth has not maxed out on the total commitment time at DJF.

Findings Exceptional Needs

Section 1742 requires that when the court commits a juvenile identified as an individual with "exceptional needs," the court must furnish the juvenile's individualized education program to the DJF before the youth is conveyed to the physical custody of the DJF.³ The committee proposes amending item 11, which addresses findings of exceptional needs, in several respects to help ensure compliance with section 1742. First, the proposal would add the language after "Exceptional needs" to specify, in parentheses, that one box must be checked. This revision will help ensure that the court does indeed specify whether a finding of exceptional needs has been made. Second, the proposal would delete 11a because it leaves open the possibility of the court finding that the youth has exceptional needs but not requiring the furnishing of the youth's individualized education program. Finally, the proposal would revise the form to clarify that the youth's educational program is one developed through Education Code section 56340 et seq., which address what an education program entails.

Other Proposed Revisions

The committee proposes several other clarifying revisions to form JV-732:

- Removing former item 12, "The court requests that the youth be considered for programming related to:___". When a minor is committed to DJF the programs the youth will be involved in while at DJF are determined based on an assessment at intake rather than any input provided by the court at item 12; therefore, removing this item should not result in programming impacts.
- Revising item 15 (item 14 in revised form) to include language requiring that a completed *Application for Psychotropic Medication* (form JV-220) be attached, if applicable. As

³ The statutory reference to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities enacted under Government Code section 12838-12838.13, has not been applied to all code sections, including sections 1742 and 1755.4, which still refer to the Department of the Youth Authority.

recommended by the DJJ, doing so will ensure that the DJF will have accurate information about the youth's prescriptions for psychotropic medication, which furthers the mandate of protecting the health and short- and long-term well-being of a youth under the jurisdiction of the DJF as specified in section 1755.4.

- Revising item 17 to include an order for AIDS testing if there was a sustained sexual offense listed in Penal Code section 290.008. Penal Code section 1202.1 requires that every person convicted of a sexual offense listed in Penal Code section 290.008 “submit to a blood or oral mucosal transudate saliva test for evidence of antibodies to the probable causative agent of acquired immune deficiency syndrome (AIDS) within 180 days of the date of conviction.” Both the DJJ and the Los Angeles County Public Defender's office suggested adding an item to form JV-732 to address this requirement.

Alternatives Considered

The committee considered not revising the form but elected to proceed with the proposal for the reasons stated above. In addition, the form has not been revised since 2012.

Implementation Requirements, Costs, and Operational Impacts

The committee does not anticipate that this proposal will result in costs to the courts other than printing costs in courts that continue to distribute printed copies of blank forms. The changes to the form will likely help to reduce the number of delays in the acceptance of youth at the Division of Juvenile Facilities, thus reducing extended stays at local facilities and additionally the need to redo paperwork.

Request for Specific Comments

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

- Is item 6 sufficiently clear regarding eligible offenses to include in the calculation of maximum commitment time?
- Will the proposed changes in item 7 provide greater clarity of the court's order for the maximum custody time?
- Does the designation of custody time served as "served at Division of Juvenile Facilities" and "served at a local holding facility" provide a useful distinction of custody time that will assist the court in sentencing?
- Are there other changes to form JV-732 in addition to those included in this proposal that would improve the form's clarity? (Please specify the particular changes.)
- Are there other changes to form JV-732 in addition to those included in this proposal that would help ensure that the youth can be committed to the California Department of Corrections and Rehabilitation without unnecessary delays? (Please specify the particular changes.)

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

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

Attachments and Links

1. Form JV-732, at pages 7–8

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT - Not approved by the Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
YOUTH'S NAME:	
COMMITMENT TO THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, DIVISION OF JUVENILE FACILITIES	CASE NUMBER: JUVENILE:

1. a. Youth's name:
 b. Youth's date of birth:
 c. Parent's/Guardian's name: _____
2. a. Date of hearing: _____ Dept.: _____ Room: _____
 b. Judicial officer (name): _____
 c. Persons present:
 Youth Youth's attorney Mother Father Guardian Deputy district attorney
 Others as reflected on the attached minute order

THE COURT FINDS AND ORDERS:

3. The youth was under the age of 18 years at the time of the commission of the offense for which the youth is being committed to the Division of Juvenile Facilities.
4. The mental and physical condition and qualifications of this youth render it probable that the youth will benefit from the reformatory discipline or other treatment provided by the Division of Juvenile Facilities.
5. a. The youth is committed to the Division of Juvenile Facilities for a 90-day period of observation and diagnosis.
 b. The youth is committed to the Division of Juvenile Facilities for acceptance.
 c. The youth is returned to the Division of Juvenile Facilities for a modification, as a sanction for a serious violation or a series of repeated violations of the conditions of supervision, under Welfare and Institutions Code section 1767.35. The court ordered release date is: _____
6. The youth has been declared a ward of the court and is committed based on the most recent offense(s):

	Code Section	with a max term of:		Enhancements <i>(code section and max term)</i>	Total
Principal felony is:	_____	_____	+	_____	=
Subordinate offense(s):	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor 1/3 midterm is:	+	_____	=
	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor 1/3 midterm is:	+	_____	=
	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor 1/3 midterm is:	+	_____	=
	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor 1/3 midterm is:	+	_____	=
	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor 1/3 midterm is:	+	_____	=

The maximum period of imprisonment that could be imposed upon an adult convicted of the offense or offenses which has brought the youth before the court is: _____

- Continued on attachment 6.
7. After having considered the individual facts and circumstances of the case under section 731(c), the court orders that the maximum period of confinement is: _____ . (If lower than the total in number 6, the court has used its discretion to modify the maximum confinement period under section 731(c).)

YOUTH'S NAME:	CASE NUMBER:
	JUVENILE:

8. The youth has credit for time served at Division of Juvenile Facilities of (state number): _____ days.
 The youth has credit for time served at a local holding facility of (state number): _____ days.
9. The youth is ordered to pay a restitution fine of: \$ _____
10. The youth is ordered to pay victim restitution as stated in attachment 10.
11. The youth has exceptional needs under Welfare and Institutions Code section 1742 (a, b, or c must be checked):
- a. The youth has an individualized education program under Education Code 56340 et. seq. which (check one):
 - is included as attachment 11a.
 - will be furnished to the Division of Juvenile Facilities upon delivery of the youth.
 - b. The youth is not an individual with exceptional needs.
 - c. It does not appear that a determination has been made regarding any exceptional needs the youth may have.
12. The court requests that a copy of the Clinical Summary Report be sent to the youth's attorney (name and address of attorney): _____
13. The probation officer is directed to forward a copy of the youth's medical records to the Division of Juvenile Facilities before delivery.
14. The youth has has not _____ been prescribed psychotropic medication. If a JV-220 has been completed for the youth, attach as attachment 14.
 If there is no form JV-220, specify the type and dosage of medication: _____
- Continued on attachment 14.
15. Such psychotropic medication, if still necessary based on an evaluation by a Division of Juvenile Facilities physician, may be continued for a period not to exceed 60 days from the date of delivery to the Division of Juvenile Facilities reception center and clinic.
16. The youth is ordered to submit to AIDS testing:
- a. under Welfare and Institutions Code section 1768.9.
 - b. under Penal Code section 1202.1(e) due to a sustained Penal Code section 290.008 offense.
17. The youth has been committed for a sex offense under Penal Code section 290.008, and the appropriate SARATSO score, selected pursuant to Penal Code section 290.04(d) or (e), was used to assess the minor. The court has read and considered the risk assessment and received it into evidence.
18. The court has determined that the youth has been in at least one foster care or other Title 42, U.S. Code, Part IV-E-eligible placement during the course of a dependency or delinquency case.
19. Other findings and orders:
- a. See attached.
 - b. (Specify): _____

Date: _____ ▶

JUDICIAL OFFICER

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Circulate for comment (September 1 cycle)**

RUPRO Meeting: December 12, 2016

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

Family Law: Simplifying Limited Scope Representation Forms and Procedures (amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL-956; revise forms FL-950, FL-955, FL-957, and FL-958)

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; Gabrielle D. Selden, 415-865-8085, 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, 2015.

Project description from annual agenda: FL-950, 955, 956 and 958 Limited Scope Representation; Rule 5.425
Amend to simplify the procedure for withdrawing when scope of work has been completed. The State Bar reports that many attorneys are unwilling to make court appearance because the procedure that we have adopted for withdrawal is too complicated. Most states have adopted a simpler process. Proposed changes would likely reduce the number of hearings regarding withdrawal of counsel and promote more representation in family law matters.

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.)

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

W17-

Title	Action Requested
Family Law: Simplifying Limited Scope Representation Forms and Procedures	Review and submit comments by February 14, 2017
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 5.425; approve forms FL-955-INFO and FL-956; revise forms FL-950, FL-955, FL-957, and FL-958	September 1, 2017
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Bonnie R. Hough, 415-865-7668 bonnie.hough@jud.ca.gov
Hon. Jerilyn L. Borack, Cochair	Gabrielle D. Selden, 415-865-8085 gabrielle.selden@jud.ca.gov
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee has been developing a proposal in response to requests from the legal community to simplify the procedure for an attorney to withdraw from limited scope representation when the attorney has completed the work agreed on with the party/client in a family law matter. The current proposal includes amending rule 5.425 of the California Rules of Court, approving two forms, and revising four existing forms.

The intent of the proposal is to simplify the current procedure for withdrawal. It incorporates a process adopted in many states as well as suggestions from the State Bar of California, family law attorneys, and family court professionals who commented on the initial version of this proposal, which circulated for comment from April 14 to June 14, 2016. The proposed changes to the withdrawal procedures are likely to promote more limited scope representation in family law matters, reduce the number of hearings regarding withdrawal of counsel, and reduce the impact on case management systems in family courts.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Background

Effective July 1, 2003, the Judicial Council adopted rules and forms “to enable limited scope representation so that attorneys can assist self-represented litigants, thereby increasing access to justice and encouraging court efficiency.”¹ The council adopted the rules and forms in response to the request and recommendations of the Board of Trustees of the State Bar of California.

The current rule requires that the attorney file an *Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation* (form FL-955), along with a proposed *Order on Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation* (form FL-958) if the party/client fails to sign a *Substitution of Attorney—Civil* (form MC-050) when the limited scope representation is complete. The next steps depend on whether the party/client files an objection to that application and proposed order.

- If the party/client does not object within 15 days of the service date, the attorney must file an updated form FL-955 to so inform the court and include a proposed *Order on Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation* (form FL-958). Then the clerk must forward the proposed order for judicial signature.
- If the party/client files an *Objection to Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation* (form FL-956), then the court clerk must set a hearing no later than 25 days from the date that the objection was filed. The court must then send the notice of the hearing to the parties and the attorney.

In response to suggestions by the California Commission on Access to Justice—as well as family law attorneys and judges—that the rules and forms should be simplified and reflect practice in other states, the committee proposed to change the current procedure by allowing the attorney to file a new *Notice of Completion of Limited Scope Representation* to withdraw from the case, instead of filing a motion to withdraw if the client fails to sign a substitution of attorney. The committee’s goal is to:

- Respond to the identified concern that attorneys would be more willing to accept limited scope assignments but for the difficulty associated with withdrawing from that assignment when the work has been completed;
- Increase court efficiencies by eliminating, in most cases, the need for the clerk to (1) process the application to be relieved as counsel each time a party/client fails to substitute out of the case on completion of the representation, (2) process the proposed order submitted with the application, and/or (3) set a hearing on the matter; and

¹ Judicial Council of Cal., Family and Juvenile Law Advisory Com. Rep., *Family Law: Limited Scope Representation* (Mar. 14, 2003), p. 1.

- Advance the Judicial Council’s goals and objectives of ensuring meaningful access to justice for all litigants and increasing the availability of legal representation and providing a continuum of legal services in family court.²

Prior Circulation

The Family and Juvenile Law Advisory Committee circulated an invitation to comment in the previous public comment cycle proposing a new procedure if a party/client fails to sign a substitution of attorney following completion of the agreed-upon limited scope services.³ As circulated, the rule and forms would have required that:

- The attorney file and serve a *Notice of Completion of Limited Scope Representation* (form FL-955).
- The attorney be deemed to have withdrawn from the case if the client does not file and serve an *Objection to Notice of Completion of Limited Scope Representation* (form FL-956) within 15 calendar days after the date that the *Notice of Completion* was served on the client.

Further, the invitation to comment proposed a specific procedure if the party/client objected to the *Notice of Completion* within 15 days from the date that it was served on him or her. The procedure would have required that:

- The party/client file an *Objection to Notice of Completion of Limited Scope Representation* (form FL-956) and proposed *Order on Objection to Notice of Completion of Limited Scope Representation* (form FL-958);
- The court clerk set a hearing on the objection no later than 25 days from the date the objection is filed;
- The attorney file a response to the objection at least nine court days before the hearing; and
- The attorney prepare a proposed *Order on Objection to Notice of Completion of Limited Scope Representation* (form FL-958), obtain the court’s signature after hearing, and serve the *Order* on all parties or the attorneys for all parties who have appeared in the case.

² “Equal justice for all is basic to our democracy. The first step toward equal justice is providing everyone, regardless of his or her economic circumstances, meaningful access to the courts. Today, too many people find themselves in family court without the assistance they need to present their cases. For those who are able to represent themselves, we need to provide more services to help them navigate the court system and get their day in court. For those who cannot represent themselves meaningfully, we need to find additional ways to increase representation.” Judicial Council of Cal., Task Force Rep., *Elkins Family Law Task Force: Final Report and Recommendations* (April 2010), Recommendation III, p. 58, www.courts.ca.gov/documents/elkins-finalreport.pdf.

³ The invitation to comment is available at www.courts.ca.gov/documents/SPR16-18.pdf.

Feedback received from the public about the proposal indicated that improvements were needed to:

- Reduce court costs to implement the rule’s procedures;
- Impose fewer requirements on the client if there is a disagreement about completion of limited scope services;
- Provide clarity about the actual date of the attorney’s withdrawal; and
- Provide more protections and awareness of the confidentiality of the communications between the attorney and the client.

The Proposal

The Family and Juvenile Law Advisory Committee proposes the following procedure if a party/client fails to sign a substitution of attorney following completion of the agreed-upon limited scope services:

1. The attorney would be required to serve the client with a *Notice of Completion of Limited Scope Representation* (form FL-955) that is marked as “Proposed,” a form entitled *Information for Client About Notice of Completion of Limited Scope Representation* (form FL-955-INFO), and a blank *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956). The attorney would also be required to indicate in the notice box of the *Objection* the date by which the client must file it. The date is 10 calendar days after service of the proposed *Notice of Completion* on the client.
2. Following the 10-day period, if the client agrees or does not respond to the attorney, the attorney must file and serve a *Notice of Completion of Limited Scope Representation* (form FL-955) that is marked as “Final” in the caption. In this situation, the attorney would be deemed to be relieved of his or her responsibilities upon filing and service of the final *Notice of Completion* on the client and parties to the action.
3. If, however, within the 10-calendar-day waiting period, the client files and serves the *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956):
 - The court clerk must set a hearing on the objection, and the hearing must be conducted no more than 25 court days after the objection is filed;
 - The attorney may file a *Response to Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-957); and

- Following the hearing, unless the court orders otherwise, the attorney must prepare and obtain the judge’s signature on the *Order on Completion of Limited Scope Representation* (form FL-958). The attorney must then file the order and serve it on the client and the parties or the attorneys for all parties in the case.

The proposed approach has a number of advantages:

- It would eliminate the need for the attorney to incur additional expenses to turn to the court to withdraw from the case if the client does not sign a substitution of attorney.
- Based on the current procedure, most clients would likely not disagree that the representation is ended. Thus, most withdrawals would be completed using the final *Notice of Completion of Limited Scope Representation* (form FL-952), thereby significantly reducing the workload of court staff and the impact on case management systems.
- It would provide clarity about the actual date of the attorney’s withdrawal. The withdrawal would be completed on service of a final *Notice of Completion* or the court order issued on form FL-958.

Although the rule would still require that the court clerk schedule a hearing so that the matter is heard within 25 days from the filing of the *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956), the proposed new process should greatly reduce the number of cases that require a hearing before the attorney can withdraw.

Flow charts showing the current and the proposed withdrawal procedure are attached at pages 26 and 27.

Rule 5.425. Limited scope representation; application of rules

The committee proposes amending the rule to reflect the new procedure to withdraw from limited scope representation. In addition, the rule would state that the attorney may not be charged a fee to file the final *Notice of Completion of Limited Scope Representation* (form FL-955), even if the attorney had not previously made an appearance in the case. The committee believes that this change will provide another incentive for attorneys to take on limited scope clients in family law cases.

Notice of Limited Scope Representation (form FL-950)

The committee proposes only minor technical changes to item 3 of this form. The caption would be revised to reflect that the attorney is expected to prepare the form. Therefore, the reference on the first line of the caption to “party without attorney” would be deleted.

In addition, the order of the headings would change to be consistent with other family law forms. For example, item 3a (“Child support”) would be moved to item 3b, and item 3d (“Child custody and visitation”) would be moved to 3a. Also, the headings under item 3 would be updated to be consistent with current forms. For example, “Child custody and visitation” would be changed to “Child custody and visitation (parenting time),” and “Spousal support” would be changed to “Spousal/Domestic partner support.”

Notice of Completion of Limited Scope Representation (form FL-955)

The proposed revised two-page form would be mandatory and include language to help attorneys implement the proposed amendments to rule 5.425. The caption would be changed to reflect that the attorney is expected to complete this form. It would also include check boxes for the attorney to indicate if it is a proposed or final version of the form.

Information for Client About Notice of Completion of Limited Scope Representation (form FL-955-INFO)

This form would provide specific information to a client about how to respond to a proposed *Notice of Completion of Limited Scope Representation* (form FL-955) and file and serve the *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956). This information would be essential for a client seeking court intervention in a dispute with the limited scope attorney about whether the attorney completed the representation. Among other things, the form would cover how to calculate the deadline by which the client must file and serve the objection and prepare for the hearing. It would also provide links to resources if the client has questions.

Objection to Application to be Relieved as Counsel Upon Completion of Limited Scope Representation (form FL-956)

This form would be revised and renamed “Objection to Proposed Notice of Completion of Limited Scope Representation.” The form would provide a space for the client to identify the services that he or she believes the attorney has not completed. However, the content would be tailored to reduce the likelihood of a client’s disclosing information that could potentially compromise the attorney-client privilege.

In addition, the notice box on the form would provide information about protecting the confidentiality of attorney-client communications. It would also include instructions directing the limited scope attorney to insert the date by which the client must file the *Objection*. Requiring the limited scope attorney to calculate the date that corresponds to “10 calendar days after the date that the attorney served the proposed *Notice of Completion*” would minimize confusion by the client because that date can vary depending on how the proposed *Notice of Completion* was served.

Response to Objection to Proposed Notice of Completion of Limited Scope Representation (form FL-957)

This proposed new form would be used by the limited scope attorney to indicate whether he or she agrees to continue representation or requests an order to be relieved as counsel. The form would include a notice for the attorney not to file additional documents with the form to protect attorney-client confidentiality but, instead, to bring any such evidence to the hearing. Finally, the form would include a proof of service on page 2.

Order on Application to Be Relieved as Counsel Upon Completion of Limited Scope Representation (form FL-958)

The committee proposes revising the form to implement the proposed new process to withdraw from limited scope representation. The title of the form would be changed to “Order on Completion of Limited Scope Representation,” and it would include new sections for the court’s findings and orders, as well as a section to note the client’s last known address and contact information.

In addition, the committee proposes revising the proof of service included on forms FL-950, FL-955, FL-956, and FL-958 to reflect the revised forms names that are required to be served. In addition, each would be expanded to include a section for attorneys who choose to serve the client with a *Notice of Completion* by overnight delivery or other agreed-upon method.

Alternatives Considered

The Family and Juvenile Law Advisory Committee considered changing the rule and forms based on comments received from the public and recommending that the Judicial Council adopt the recommendations effective January 1, 2017.

The committee decided to develop a new proposal to try to address the concerns and suggestions of commentators and circulate it for comment in the winter public comment cycle. Because there is no legislative mandate to revise the forms with a specified deadline for implementation, there would be no detriment inherent in allowing more time to develop recommendations to the Judicial Council about simplifying the limited scope representation procedures in family court.

Implementation Requirements, Costs, and Operational Impacts

The committee anticipates that this proposal will result in some costs to the courts to revise forms, train court staff about the changes to the rules and forms included in this proposal, and possibly 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 by clarifying and simplifying procedures.

Request for Specific Comments

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

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

Attachments and Links

1. Cal. Rules of Court, rule 5.425, at pages 9–12
2. Forms FL-950, FL-955, FL-955-INFO, FL-956, FL-957, and FL-958, at pages 13–25⁴
3. Attachment A: Flowchart of current limited scope process, page 26
4. Attachment B: Flowchart of proposed limited scope process, page 27

⁴ Please note that the recommended revisions to forms FL-955, FL-956, and FL-957 are so extensive that these revisions are not identified on the attached forms by using shading, as is the typical practice. The changes are described in the body of this invitation to comment.

Rule 5.425 of the California Rules of Court would be amended, effective September 1, 2017, to read:

1 **Rule 5.425. Limited scope representation; application of rules**

2
3 (a)–(c) * * *

4
5 (d) **Noticed limited scope representation**

6
7 (1) A party and ~~an~~ the limited scope attorney must provide the required notice of
8 their agreement for limited scope representation by serving other parties and
9 filing with the court a *Notice of Limited Scope Representation* (form FL-950).

10
11 (2) After the notice in (1) is received and until either a *Substitution of Attorney—*
12 *Civil* (form MC-050), a final *Notice of Completion of Limited Scope*
13 *Representation* (form FL-955), or an order to be relieved as attorney is filed
14 and served:

15
16 (A) The attorney must be served only with documents that relate ~~only~~ to the
17 issues identified in the *Notice of Limited Scope Representation* (form
18 FL-950); and

19
20 (B) ~~The party must be served directly with~~ Documents that relate to all
21 other issues outside the scope of the limited scope attorney's
22 representation must be served directly on the party or the attorney
23 representing the party on those issues.

24
25 (e) **Procedures to be relieved as counsel on completion of limited scope**
26 **representation if client has not signed a substitution of attorney**

27
28 An attorney who has completed the tasks specified in the *Notice of Limited Scope*
29 *Representation* (form FL-950) may use the following procedures in this rule to
30 request that he or she be relieved as attorney in the cases in which ~~the attorney has~~
31 ~~appeared before the court as an attorney of record and~~ the client has not signed a
32 *Substitution of Attorney—Civil* (form MC-050):

33
34 (1) ~~Application~~ *Notice of completion of limited scope representation*

35
36 ~~An application to be relieved as attorney on completion of limited scope~~
37 ~~representation under Code of Civil Procedure section 284(2) must be directed~~
38 ~~to the client and made on the~~ *Application to Be Relieved as Counsel Upon*
39 *Completion of Limited Scope Representation* (form FL-955). The limited
40 scope attorney must serve the client with the following documents (electronic
41 service of the proposed notice is permitted if the client previously agreed in
42 writing to accept service of documents electronically from the attorney):

- 1 (A) A Notice of Completion of Limited Scope Representation (form FL-
2 955) with the “Proposed” box marked;
3
4 (B) A blank Objection to Proposed Notice of Completion of Limited Scope
5 Representation (form FL-956) with the filing deadline on this form
6 completed by the attorney; and
7
8 (C) Information for Client About Notice of Completion of Limited Scope
9 Representation (form FL-955-INFO).

10
11 (2) ~~Filing and service of application~~

12
13 ~~The application to be relieved as attorney must be filed with the court and~~
14 ~~served on the client and on all other parties or attorneys for parties in the~~
15 ~~case. The client must also be served with a blank Objection to Application to~~
16 ~~Be Relieved as Counsel on Completion of Limited Scope Representation~~
17 ~~(form FL 956).~~

18
19 (2) *No objection*

20 ~~If no objection is served and filed with the court within 15 days from the date~~
21 ~~that the Application to Be Relieved as Counsel on Completion of Limited~~
22 ~~Scope Representation (form FL-955) is served on the client, the attorney~~
23 ~~making the application must file an updated form FL 955 indicating the lack~~
24 ~~of objection, along with a proposed Order on Application to Be Relieved as~~
25 ~~Counsel on Completion of Limited Scope Representation (form FL 958). The~~
26 ~~clerk must then forward the order for judicial signature. If the client does not~~
27 ~~file and serve an Objection to Proposed Notice of Completion of Limited~~
28 ~~Scope Representation (form FL-956) within 10 calendar days from the date~~
29 ~~that the Notice of Completion of Limited Scope Representation (form FL-955)~~
30 ~~was served, the limited scope attorney:~~

- 31
32 (A) Must serve the client and the other parties or, if represented, their
33 attorneys with a Notice of Completion of Limited Scope Representation
34 (form FL-955) with the “Final” box marked and file it with the court
35 with a completed proof of service;
36
37 (B) May not be charged a fee to file the final Notice of Completion, even if
38 the attorney has not previously made an appearance in the case; and
39
40 (C) Is deemed to be relieved as counsel on the date that the final Notice of
41 Completion is served on the client.
42

1 (4) *Objection*

2 ~~If an objection to the application is served and filed within 15 days, the clerk~~
3 ~~must set a hearing date on the *Objection to Application to Be Relieved as*~~
4 ~~*Counsel on Completion of Limited Scope Representation* (form FL-956). The~~
5 ~~hearing must be scheduled no later than 25 days from the date the objection is~~
6 ~~filed. The clerk must send the notice of the hearing to the parties and the~~
7 ~~attorney. If the client files the *Objection to Proposed Notice of Completion of*~~
8 ~~*Limited Scope Representation* (form FL-956) within 10 calendar days from~~
9 ~~the date that the proposed *Notice of Completion* was served, the following~~
10 ~~procedures apply:~~

11
12 (A) The clerk must set a hearing date on the *Objection to Proposed Notice*
13 *of Completion of Limited Scope Representation* (form FL-956) to be
14 conducted no later than 25 court days from the date the *Objection* is
15 filed.

16
17 (B) Service of the *Objection*, including the hearing details, must be
18 completed on the limited scope attorney and all other parties 16 court
19 days before the hearing, unless the court orders a different time for
20 service.

21
22 (C) If the limited scope attorney wishes, he or she may file and serve a
23 *Response to Objection to Proposed Notice of Completion of Limited*
24 *Scope Representation* (form FL-957). Any response should be filed
25 with the court and served on the client and other parties, or their
26 attorneys, at least nine court days before the hearing.

27
28 (D) The limited scope attorney must prepare the *Order on Completion of*
29 *Limited Scope Representation* (form FL-958) and obtain the judge's
30 signature.

31
32 (E) The attorney is responsible for filing and serving the *Order* on the
33 client and other parties after the hearing, unless the court orders
34 otherwise.

35
36 (F) If the court finds that the attorney has completed the agreed-upon work,
37 the representation is concluded upon service of the signed *Order on*
38 *Completion of Limited Scope Representation* (form FL-958).

39
40 (5) *Service of the order*

41
42 ~~If no objection is served and filed and the proposed order is signed, the~~
43 ~~attorney who filed the *Application to Be Relieved as Counsel on Completion*~~

1 *of Limited Scope Representation* (form FL 955) must serve a copy of the
2 signed order on the client and on all parties or the attorneys for all parties
3 who have appeared in the case. The court may delay the effective date of the
4 order relieving the attorney until proof of service of a copy of the signed
5 order on the client has been filed with the court.

6
7 (f) * * *

ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/CLAIMANT: _____	
NOTICE OF LIMITED SCOPE REPRESENTATION <input type="checkbox"/> AMENDED	CASE NUMBER: _____

1. Attorney (name): _____ and party (name): _____ have an agreement that attorney will provide limited scope representation to the party.

2. Attorney will represent the party (select one):
 - at the hearing on (date): _____ and for any continuance of that hearing
 - until submission of the order after hearing or judgment that is within the scope of representation.
 - until resolution of the issues checked on this form by trial or settlement
 - Other (specify duration of representation): _____

3. Attorney will serve as "attorney of record" for the party **only** for the following issues in the case:
 - a. Child custody and visitation (parenting time): (1) Establish (2) Enforce (3) Modify (specify): _____

 - b. Child support: (1) Establish (2) Enforce (3) Modify (describe in detail): _____

 - c. Spousal or domestic partner support: (1) Establish (2) Enforce (3) Modify (describe in detail): _____

 - d. Restraining order: (1) Establish (2) Enforce (3) Modify (describe in detail): _____

 - e. Division of property (describe in detail): _____

PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
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3. f. Pension issues *(describe in detail)*:

g. Contempt *(describe in detail)*:

h. Other *(describe in detail)*:

i. [See attachment 3i.](#)

4. By signing this form, the party agrees to sign form MC-050, *Substitution of Attorney—Civil* when the representation is completed.

5. The attorney named above is "attorney of record" and available for service of documents only for those issues specifically checked on pages 1 and 2. For all other matters, the party must be served directly. The party's name, address, and phone number are listed below for that purpose.

Name:

Address *(for the purpose of service)*

Phone:

Fax No.:

This notice accurately sets forth all current matters on which the attorney has agreed to serve as "attorney of record" for the party in this case. The information provided in this document is not intended to set forth all of the terms and conditions of the agreement between the party and the attorney for limited scope representation.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY)

ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	
NOTICE OF COMPLETION OF LIMITED SCOPE REPRESENTATION <input type="checkbox"/> Proposed <input type="checkbox"/> Final	
CASE NUMBER:	

1. In accordance with the terms of an agreement between (name): petitioner
 respondent other party/claimant and myself, I agreed to provide limited scope representation.
2. I was retained as attorney of record for the limited scope services described in Attachment 2.
3. On (date): _____ I completed all services within the scope of my representation.
4. The last known information for the petitioner respondent other party/claimant (for the purpose of service) is
 Mailing address:
 Telephone no.
 E-mail address:

NOTICE TO PARTY/CLIENT: Your attorney has served this *Notice of Completion of Limited Scope Representation* stating that he or she has completed the tasks that you agreed the attorney would perform.

If this form is marked "Proposed," you have the right to object if you believe that the attorney has not finished everything that he or she agreed to do. To object, you must complete the enclosed *Objection to Notice of Completion of Limited Scope Representation* (form FL-956), file it, and serve it.

If you do not file and serve the *Objection*, the attorney will file and serve a *Notice of Completion* marked "Final," and he or she will be removed as the attorney of record in your case.

If this form is marked "Final," the attorney no longer represents you in your limited scope action. You now represent yourself in all aspects of the case. All legal documents will be directed to you at your last known address in item 4. If that address is incorrect, you need to let the court and the other parties in the case know your correct mailing address as soon as possible. You can use *Notice of Change of Address or Other Contact Information* ([form MC-040](#)) for this purpose.

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 NAME)



 (SIGNATURE OF ATTORNEY)

PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
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PROOF OF SERVICE BY **PERSONAL SERVICE** **MAIL** **OVERNIGHT DELIVERY**

1. At the time of service, I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of (*specify*):
 - Proposed *Notice of Completion of Limited Scope Representation* (form FL-955), a blank *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956), and *Information for Client About Notice of Completion of Limited Scope Representation* (form FL-955-INFO).
 - Final *Notice of Completion of Limited Scope Representation* (form FL-955).
3. I served the above forms as follows (*for electronic service, see Proof of Electronic Service (form POS-050)*):
 - a. **Personal service.** The documents listed above were given to
 - (1) Name of person served:
 Address where served:
 Date served:
 Time served:
 - (2) Name of person served:
 Address where served:
 Date served:
 Time served:
 - b. **Mail.** I placed a copy of the forms listed above in the U.S. mail, in a sealed envelope with postage fully prepaid. The envelope was addressed and mailed as indicated below. I live or work in the county where the forms were mailed.
 - (1) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
 - (2) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
 - c. **Overnight delivery.** I placed a copy of the forms listed above in a sealed envelope, with Express Mail postage fully prepaid, and deposited it in a post office mailbox, subpost office, substation, mail chute or other like facility maintained by the United States Postal Service for receipt of Express Mail. The envelope was addressed and mailed as indicated below. I live in or work in the county where the forms were deposited for overnight delivery.
 - (1) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
 - (2) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
4. Server's information
 - a. Name:
 - b. Home or work address:
 - c. Telephone number:

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

Date:

_____ (TYPE OR PRINT NAME)

▶

_____ (SIGNATURE OF PERSON SERVING NOTICE)

FL-955-INFO

Information for Client About Notice of Completion of Limited Scope Representation

1 Why did I get this proposed Notice of Completion of Limited Scope Representation (form FL-955)?

When you and the limited scope lawyer (lawyer) signed the *Notice of Limited Scope Representation* (form FL-950), you agreed to sign the *Substitution of Attorney—Civil* (form MC-050) form when the lawyer completed the tasks listed on that form.

You have not yet signed that *Substitution of Attorney* form. By serving you a proposed *Notice of Completion* (form FL-955), your lawyer is telling you that he or she has completed the tasks agreed to and is taking action to be removed from your case.

2 Why is it marked “Proposed”?

The lawyer wants to give you a chance to respond if you agree or disagree that he or she completed the work for you.

3 What do I do if I agree?

You can contact the lawyer and say that you agree. But you don’t have to take any action.

4 What if I don’t take any action?

In about 10 days, the lawyer will send you a *Notice of Completion* form marked “Final.” When it is served on you, the lawyer no longer represents you. Unless you have a new lawyer, you now represent yourself.

5 What if I don’t agree and think that the lawyer is not finished with the work we agreed to?

Contact the lawyer right away and see if you can work it out. But, if you can’t, YOU MUST ACT RIGHT AWAY to file papers and ask for a court hearing.

6 How fast do I have to act?

You have only **10 days** from the date that form FL-955 was personally served on you to file papers with the court. If the form was served another way, the time to act is increased by a short time.

Look at the *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956). The attorney is required to fill in the date by which you have to file the form. To understand how that date was calculated, read **7**.

7 What do I have to do by the 10th day if I disagree?

Fill out form FL-956, *Objection to Proposed Notice of Completion of Limited Scope Representation*.

You should have been served with a blank form FL-956 along with the *Notice of Completion of Limited Scope Representation* that was marked “Proposed.” Form FL-956 is also available online at courts.ca.gov/documents/fl956.pdf.

Next, make 2 copies of the completed *Objection* (form FL-956).

File the original *Objection* with the court clerk by the following deadlines:

10 calendar days	from the date that form FL-955 was personally served on you.
10 calendar days, PLUS 2 court days	from the date that form FL-955 was served on you by e-mail, facsimile, express mail, or other overnight delivery.
10 calendar days, PLUS 5 calendar days	from the date that form FL-955 was served to you by mail within the state of California.

The court clerk will set the hearing no later than 25 court days from the date you file the *Objection* and give you filed copies of the *Objection* so that they can be served as described in item **11**.

8 Is there a filing fee for the Objection?

Yes, a fee is due when you file the *Objection* (form FL-956). If you cannot afford to pay and don't have a fee waiver order for your case yet, 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-955-INFO Information for Client About Notice of Completion of Limited Scope Representation

9 What else do I have to do?

Copies of the filed *Objection* have to be “served” on your lawyer and the other party in the case, or the other party’s lawyer if there is one. You cannot serve the papers yourself. Someone else (who is at least 18 years old) must do it. The server can be a friend, relative who is not involved in your case, sheriff, or professional process server.

10 How can the *Objection* be served?

A copy of the filed *Objection* can be served by:

- *Personal service.* The server handdelivers the papers. The server may leave the papers near the person if he or she will not take them.
- *Mail service.* The server places a copy of all documents in a sealed envelope and mails them to the address of each person being served. The server must be at least 18 years old and live or work in the county where the mailing took place.
- *Electronic service.* If you and your lawyer have agreed in writing that you can send each other documents by e-mail or other electronic transmission, you can serve each other that way.
- *Service by express mail or overnight delivery.* An authorized courier or driver authorized by the express service delivers the papers to a person's business or residence.

11 When does the *Objection* need to be served?

Everyone in the case needs to be served with the *Objection*, as described below, unless otherwise ordered by the court:

16 court days before the hearing	if personal service is used.
16 court days PLUS 2 court days before the hearing	if service is by fax, electronic service, or overnight delivery.
16 court days PLUS 5 calendar days before the hearing	if service is by mail within California. <i>For service outside of California, see item 15.</i>

12 What does my limited scope lawyer do if I file the *Objection*?

The lawyer may file form FL-957, *Response to Objection to Notice of Completion of Limited Scope Representation*, with the court at least nine court days before the hearing, and serve a copy on you and all the parties (or their attorneys) in the case. The hearing will go forward even if the attorney does not file and serve a *Response*.

13 Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing.
- Write down the tasks that the lawyer agreed to do but has not completed and bring that list to court.
- Bring any paperwork that helps prove that the work is incomplete.

Important! Your agreement with your lawyer is private and should not go into the court file. Letters between you and your lawyer are also private. If you want to bring these documents to court to show why you don’t think the tasks are completed, make two copies. Keep the original and give one copy to the judge and the other to the lawyer at the hearing. They will help the judge make the decision, but they should not be filed with form FL-956, *Objection*.

14 What happens at the hearing?

The judge will decide if your lawyer has finished the work agreed to or not. You will get an *Order on Completion of Limited Scope Representation* (form FL-958) signed by the judge.

15 Do you have questions or need help?

Talk to a lawyer or contact the Family Law Facilitator or Self-Help Center for information and assistance about any subject included in this form. Go to www.courts.ca.gov/selfhelp-courtresources.htm.



PARTY WITHOUT ATTORNEY OR ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	
OBJECTION TO PROPOSED NOTICE OF COMPLETION OF LIMITED SCOPE REPRESENTATION	
HEARING DATE: TIME: DEPARTMENT OR ROOM:	CASE NUMBER:

- I am the petitioner respondent other parent/claimant in this case.
- I object to the proposed *Notice of Completion of Limited Scope Representation* (form FL-955) that I received from my attorney. (Attach a copy if available.)
- I believe that my attorney has not finished everything he or she agreed to do in the *Notice of Limited Scope Representation* (form FL-950). I understand that this is the only reason that I can object to my attorney's proposed notice of completion.
- My attorney has not completed these specific services:
- Before I filed this *Objection*, I attempted to contact the attorney and resolve our difference of opinion about whether the representation was complete. That effort was unsuccessful.
- I request that the court not allow the attorney to withdraw from representation until those services have been completed.

NOTICE

If you want to object to the proposed *Notice of Completion of Limited Scope Representation* (form FL-955), you must complete this *Objection* and file it with the court clerk by date: *[to be filled in by the limited scope attorney]*, which is 10 calendar days after the date that the attorney served the proposed *Notice of Completion*.

A copy of the filed *Objection* must be served on the limited scope attorney and the other parties in the case (or on their attorneys). For more information, read *Information for Client About Notice of Completion of Limited Scope Representation* (form FL-955-INFO.)

Protect the confidentiality of the communications between you and your attorney! This form serves as your declaration to the court in support of your *Objection*. Do not file any other declarations with this form. Do not file any other papers that you received or sent to your attorney about your case! Instead, you may bring the papers or other evidence with you to your court hearing.

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 NAME)

▶

_____ (SIGNATURE)

PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
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PROOF OF SERVICE BY **PERSONAL SERVICE** **MAIL** **OVERNIGHT DELIVERY**

1. At the time of service, I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-957) as follows (for electronic service, see Proof of Electronic Service ([form POS-050](#))):
 - a. **Personal service.** The documents listed above were given to
 - (1) Name of person served:
 Address where served:
 Date served:
 Time served:
 - (2) Name of person served:
 Address where served:
 Date served:
 Time served:
 - b. **Mail.** I placed a copy of the forms listed above in the U.S. mail in a sealed envelope with postage fully prepaid. The envelope was addressed and mailed as indicated below. I live or work in the county where the forms were mailed.
 - (1) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
 - (2) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
 - c. **Overnight delivery.** I placed a copy of the forms listed above in a sealed envelope, with Express Mail postage fully prepaid, and deposited it in a post office mailbox, subpost office, substation, mail chute, or other like facility maintained by the U.S. Postal Service for receipt of Express Mail. The envelope was addressed and mailed as indicated below. I live or work in the county where the forms were deposited for overnight delivery.
 - (1) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
 - (2) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
3. Server's information
 - a. Name:
 - b. Home or work address:
 - c. Telephone number:

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

Date:

_____ (TYPE OR PRINT NAME)

▶

_____ (SIGNATURE OF PERSON SERVING NOTICE)

ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	
RESPONSE TO OBJECTION TO PROPOSED NOTICE OF COMPLETION OF LIMITED SCOPE REPRESENTATION	CASE NUMBER:
HEARING DATE: TIME: DEPARTMENT OR ROOM:	

1. I am the limited scope attorney for petitioner respondent other parent/claimant in this case.
2. In response to the *Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-956) (select one)
 - a. I agree to continue representation.
 - b. I request an order to be relieved as the limited scope attorney in this matter.

Notice: Protect the confidentiality of the communications between you and your client!

This form serves as your declaration for the *Response to Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-957). Do not file any other declarations with this form.

If you choose to do so, attach only a copy of the proposed *Notice of Completion of Limited Scope Representation* (form FL-955) that was served on the client. Do not attach or file any other papers that you received or sent to your client about the case. Instead, you may bring the papers or other evidence with you to your court hearing.

Following the hearing on the *Objection*, the limited scope attorney must file and serve an *Order on Completion of Limited Scope Representation* (form FL-958) as soon as possible, unless otherwise ordered by the court.

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

Date:

 (SIGNATURE OF PERSON SERVING NOTICE)

PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
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PROOF OF SERVICE BY **PERSONAL SERVICE** **MAIL** **OVERNIGHT DELIVERY**

1. At the time of service, I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of *Response to Objection to Proposed Notice of Completion of Limited Scope Representation* (form FL-957) as follows (for electronic service, see Proof of Electronic Service (form POS-050)):
 - a. **Personal service.** The documents listed above were given to
 - (1) Name of person served:
Address where served:
Date served:
Time served:
 - (2) Name of person served:
Address where served:
Date served:
Time served:
 - b. **Mail.** I placed a copy of the forms listed above in the U.S. mail in a sealed envelope with postage fully prepaid. The envelope was addressed and mailed as indicated below. I live or work in the county where the forms were mailed.
 - (1) Name of person served:
Address where served:
Date of mailing:
Place of mailing (*city and state*):
 - (2) Name of person served:
Address where served:
Date of mailing:
Place of mailing (*city and state*):
 - c. **Overnight delivery.** I placed a copy of the forms listed above in a sealed envelope, with Express Mail postage fully prepaid, and deposited it in a post office mailbox, subpost office, substation, mail chute, or other like facility maintained by the U.S. Postal Service for receipt of Express Mail. The envelope was addressed and mailed as indicated below. I live or work in the county where the forms were deposited for overnight delivery.
 - (1) Name of person served:
Address where served:
Date of mailing:
Place of mailing (*city and state*):
 - (2) Name of person served:
Address where served:
Date of mailing:
Place of mailing (*city and state*):
3. Server's information
 - a. Name:
 - b. Home or work address:
 - c. Telephone number:

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON SERVING NOTICE)

ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	
ORDER ON COMPLETION OF LIMITED SCOPE REPRESENTATION	CASE NUMBER:

1. The proceeding on the party's (name): _____ objection to the attorney's (name): _____ proposed *Notice of Completion of Limited Scope Representation* (form FL-955) was heard

a. on (date): _____ at (time): _____ in Dept.: _____ Room: _____
 by Judge (name): _____ Temporary Judge

- b. The following persons were present at the hearing:
- | | |
|--|---|
| <input type="checkbox"/> Petitioner | <input type="checkbox"/> Attorney (name): _____ |
| <input type="checkbox"/> Respondent | <input type="checkbox"/> Attorney (name): _____ |
| <input type="checkbox"/> Other parent/claimant | <input type="checkbox"/> Attorney (name): _____ |

2. THE COURT FINDS

- a. The attorney demonstrated that he or she has completed the services that the party and attorney agreed that the attorney would perform in the *Notice of Limited Scope Representation* (form FL-950).
- b. The party demonstrated that the attorney has not completed the services that the party and the attorney agreed would be performed in the *Notice of Limited Scope Representation* (form FL-950).
- c. Other (specify): _____

3. THE COURT ORDERS

- a. The request of the attorney to be relieved of limited scope representation is denied.
- b. The attorney is relieved as attorney of record for the client/party
- (1) effective immediately.
- (2) effective upon the filing of the proof of service of this signed order on the client.
- (3) effective on (specify date): _____
- c. The court further orders (specify): _____
- d. All legal documents and notices must be served directly on the party using the following address or contact information:
 Mailing address: _____
 Telephone no.: _____ E-mail address: _____
- e. The attorney must serve copies of this order on the parties and their attorneys of record, and file the proof of service with the court.

Date: _____

 JUDGE OF THE SUPERIOR COURT

NOTICE TO CLIENT/PARTY: If the court relieved the limited scope attorney as your attorney of record, you now represent yourself in the case. You may wish to seek other legal counsel to represent you. You must keep the court and the other parties in your case informed of your current mailing address and contact information. You can use *Notice of Change of Address or Other Contact Information* (form MC-040) for this purpose.

PETITIONER: RESPONDENT: OTHER PARENT/CLAIMANT:	CASE NUMBER:
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PROOF OF SERVICE BY **PERSONAL SERVICE** **MAIL** **OVERNIGHT DELIVERY**

1. At the time of service, I was at least 18 years of age and **not a party to this legal action.**

2. I served a copy of *Order on Completion of Limited Scope Representation* (form FL-958) as follows (*for electronic service, see Proof of Electronic Service (form POS-050)*):
 - a. **Personal service.** The documents listed above were given to
 - (1) Name of person served:
 Address where served:
 Date served:
 Time served:
 - (2) Name of person served:
 Address where served:
 Date served:
 Time served:

 - b. **Mail.** I placed a copy of the forms listed above in the U.S. mail in a sealed envelope with postage fully prepaid. The envelope was addressed and mailed as indicated below. I live or work in the county where the forms were mailed.
 - (1) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
 - (2) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):

 - c. **Overnight delivery.** I placed a copy of the forms listed above in a sealed envelope, with Express Mail postage fully prepaid, and deposited it in a post office mailbox, subpost office, substation, mail chute, or other like facility maintained by the U.S. Postal Service for receipt of Express Mail. The envelope was addressed and mailed as indicated below. I live or work in the county where the forms were deposited for overnight delivery.
 - (1) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):
 - (2) Name of person served:
 Address where served:
 Date of mailing:
 Place of mailing (*city and state*):

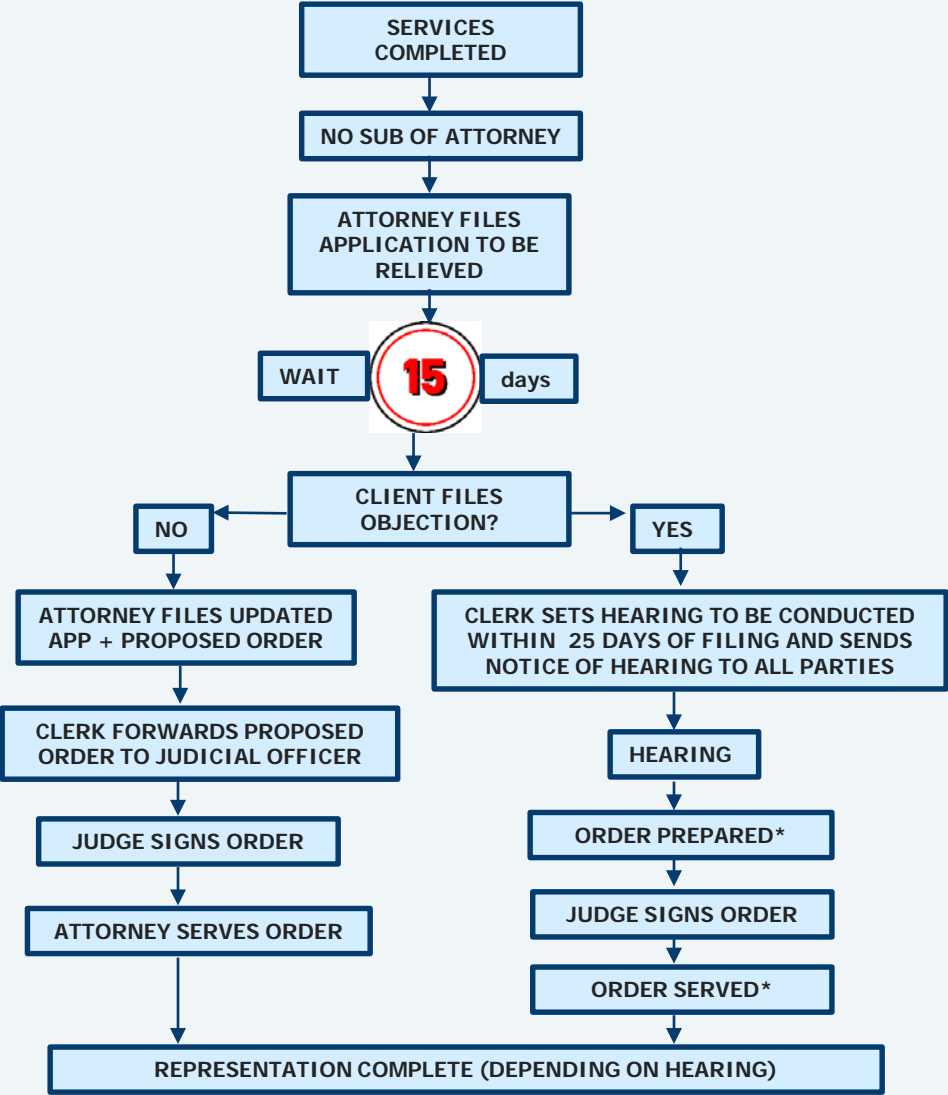
3. Server's information
 - a. Name:
 - b. Home or work address:
 - c. Telephone number:

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

Date:

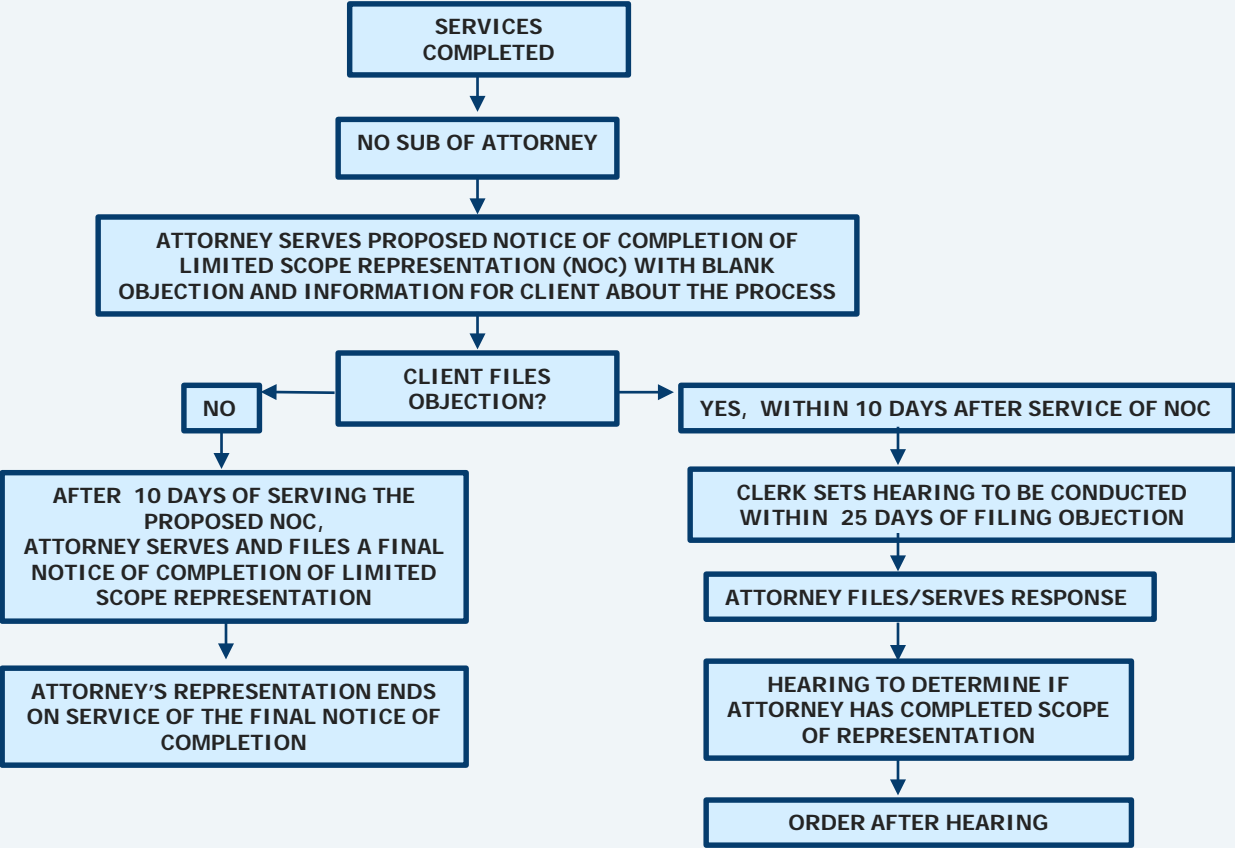
_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF PERSON SERVING NOTICE)

Limited Scope Representation Current Withdrawal Procedure



* Current rule does not assign responsibility for completing this action.

Limited Scope Representation Proposed Withdrawal Procedure



RUPRO ACTION REQUEST FORM

RUPRO action requested: **Circulate for comment (September 1 cycle)**

RUPRO Meeting: December 15, 2016

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

Family Law: Request to Continue Hearing and Declaration Regarding Notice of Request for Temporary Emergency Orders

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and e-mail): Gabrielle Selden, 415-865-8085, 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, 2015. Item 1

Project description from annual agenda: Provide subject matter expertise to the council by reviewing recent legislative changes directing Judicial Council action or as compiled by the Office of Governmental Affairs, and developing rules or form proposals as appropriate. Legislation for considerations includes: AB 1081 (Quirk) Protective orders Chapter 411, Statutes of 2015 Summary: Amends protective and restraining order statutes to allow either party to request a continuance of a hearing, and automatically extends temporary orders to the date of the new hearing, rather than having the temporary order lapse and be reissued.

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 proposed changes would respond to specific suggestions from court professionals about the rules and forms adopted by the Judicial Council, effective July 1, 2016, which were mandated by AB 1081.

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

W17-8

Title	Action Requested
Family Law: Request to Continue Hearing and Declaration Regarding Notice of Request for Temporary Emergency Orders	Review and submit comments by February 14, 2017
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 5.94; revise form FL-303; revoke form FL-306 and replace it with new forms FL-306 and FL-307	September 1, 2017
	Contact
	Gabrielle D. Selden, 415-865-8085 gabrielle.selden@jud.ca.gov
Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes revising the form used to ask for an order to continue the hearing on a *Request for Order* (form FL-300) by expanding its use beyond cases in which temporary emergency (ex parte) orders had been previously issued. The committee also proposes revising the form used to show compliance with the notice and service requirements when requesting a temporary emergency (ex parte) order by including a new space for the date, time, and location of the proposed emergency hearing or submission of documents. The proposed changes would respond to specific suggestions from court professionals and help increase efficiencies in the way courts process requests to continue hearings and requests for temporary emergency orders.

The Proposal

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

FL-303 is an optional form that can be used by a party to demonstrate compliance with the notice requirements of rule 5.165 of the California Rules of Court when requesting temporary

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

emergency (ex parte) orders. The Judicial Council approved the form, effective July 1, 2016, to help fill a need for a standard form that can be accepted for filing in family courts across the state.

Following publication, family law facilitators noted that the form was deficient in one respect: for situations in which the party was requesting waiver of the ex parte notice requirements, the form does not provide a space for a party to specify the hearing date requested for the “no notice hearing” or the date that the party will submit the request for the court to decide based on declarations, without a hearing. With no prompt on the form for a party to insert either date, the court clerk is unable to set the matter on the court’s calendar.

To address this issue, the committee proposes adding a space on the first page for the person completing the form to indicate the type of proceeding requested and specify the date, time, and location of the proposed emergency hearing or submission of documents. Former item 2.a.(2), which previously addressed notice of the new hearing date in certain situations would be deleted and the remaining items would be renumbered accordingly. The committee also proposes making other non-substantive, clarifying changes, such as adding headings to some of the items.

Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Orders (form FL-306)

FL-306 is a mandatory form used by a party to ask the court to continue a hearing on a *Request for Order* (form FL-300) and extend the temporary emergency (ex parte) orders granted by the court. The form also includes the court order on the request. The most recent changes to the form were made to comply with the amendments to Family Code section 245.¹

Effective July 1, 2016, the form’s title was changed from “Application for Order and Reissuance of Request for Order and Temporary Emergency (Ex Parte) Orders” to “Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Orders.” The form was also revised to delete references to any filing other than a request for order and temporary emergency (ex parte) orders.

¹ Family Code section 245 provides:

“(a) 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.

(d) If the court grants a continuance, the extended temporary restraining order shall state on its face the new date of expiration of the order.

(e) A fee shall not be charged for the extension of the temporary restraining order.”

This change has had unintended consequences. For example, court professionals noted that form FL-306 previously could be, and frequently was, used in parentage cases by the Department of Child Support Services to ask for the reissuance of an order to show cause for a party to seek work, an order to show cause regarding contempt, an order for appearance and examination, and other matters. However, the most recent revisions to form FL-306 no longer support these particular uses.

In addition, many courts reported that they relied on form FL-306 to continue a hearing on a *Request for Order* that did not include temporary emergency (ex parte) orders. Although the form was not specifically intended for that purpose, courts have reported that they no longer have a form to note the information for the continued hearing. As a result, court clerks in some counties have to take additional time to alter form FL-306. In other counties, in the absence of a form to continue a hearing on a request for order to effect service on the other party before the hearing, parties are required to refile the *Request for Order* (form FL-300) or file an amended form FL-300. In either case, additional, duplicative papers are added to the court file. The party is also required to pay an additional filing fee for the matter to be continued to a new date.

In response, the committee proposes revoking current form FL-306 and replacing it with two new forms—an application and an order. The title of new form FL-306 would be “Request to Continue Hearing” The content of new form FL-306 would be expanded to cover actions filed by the Department of Child Support Services in parentage cases and to allow a party to use the form to ask the court to continue a hearing on a *Request for Order* (form FL-300), order to show cause, or other moving papers without temporary emergency orders to allow time for service before the hearing.

The new form for the order, form FL-307, would be titled “Order on Request to Continue Hearing” and would cover orders on continuances in all the types of proceedings covered by new form FL-306.

Having a separate form for each function would:

- Make it easier for the party to complete the forms;
- Allow a party to more easily see and understand the orders on the request because they would be located on the first page instead of the back of an application;
- Harmonize the process with that used to continue hearings in other types of civil cases, including civil harassment, elder abuse, domestic violence, and workplace violence (for example, to continue a hearing in which temporary restraining orders have been issued, a party must complete a *Request to Continue Hearing* (form DV-115) and the order is then made using *Order on Request to Continue Hearing* (form DV-116)); and

- Reflect the policy of reducing multiuse forms to improve the processing of forms in the courts' case management systems.

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

In addition to the above form changes, the committee proposes amending rule 5.94. The title of the rule would be changed to “Order shortening time; other filing requirements; request to continue hearing.” The content of the rule would also be amended to generally to reflect the new forms FL-306 and FL-307.

Alternatives Considered

The committee considered not making the changes, but concluded that the changes to the forms will likely have a beneficial impact on litigants and court professionals alike. The committee also considered when to propose the changes to forms FL-303 and FL-306. For example, consideration was given about any potential legislation that would require other revisions to the forms in the near future. Given the interest in increasing efficiency for the courts, the committee, having found no relevant legislation, decided to submit this proposal for the winter 2017 public comment cycle for an effective date of September 1, 2017.

Implementation Requirements, Costs, and Operational Impacts

The committee anticipates that this proposal will result in some costs to the courts to revise forms and train court staff about the changes to the forms included in this proposal. However, the committee believes that once implemented, the changes to the rule and forms will save a significant amount of time for court clerks, self-help staff, self-represented litigants, and attorneys. Further, the committee believes that these savings will more than offset the initial investment of time.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments about the proposed changes to forms FL-306 and FL-307 as follows:

Family Code section 245 replaced the term “reissue” with “extend” in relation to temporary emergency orders included in a request to continue a hearing. Although the statute does not apply to requests to continue a hearing which do not include previously granted temporary emergency orders, the draft changes to forms FL-306 and FL-307 in the proposal apply the same terminology to that situation.

Instead of including entries on form FL-306 for the party to specifically ask the court to “reissue” a *Request for Order* (form FL-300) or an order to show cause when no temporary emergency orders were issued, the party would simply ask that the court continue the hearing. The court’s order would then be reflected in the *Order on Request to Continue Hearing* (form FL-307) and served on the other party. Please provide comments about this proposed change.

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

- Would the proposal provide cost savings? If so, please quantify.
- What 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?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?
- Is the information provided in plain language such that it will be accessible to a broad range of litigants, including self-represented litigants?
- What would the impact of this change be on low- and moderate-income litigants?

Attachments

1. Cal. Rules of Court, rule 5.94, at pages 6–8
2. Forms FL-303, FL-306, and FL-307, at pages 9–13

Rules 5.94 of the California Rules of Court would be amended, effective September 1, 2017, to read:

1 **Rule 5.94. Order shortening time; other filing requirements; request to continue**
2 **hearing and ~~extend temporary emergency (ex parte) orders~~**

3
4 (a)–(d) * * *

5
6 (e) **Failure to timely serve request for order and ~~temporary emergency (ex parte)~~**
7 **orders**

8
9 The *Request for Order* (form FL-300) or other moving papers such as an order to
10 show cause, including any ~~and~~ temporary emergency (ex parte) orders (form FL-
11 305) granted, will expire on the date and time of the scheduled hearing if the
12 requesting party fails to:

13
14 (1) Have the other party timely served before the hearing with the *Request for*
15 *Order* (form FL-300) or other moving papers, such as an order to show
16 cause; supporting documents; and any ~~orders issued on Temporary~~
17 *Emergency (Ex Parte) Orders* (form FL-305) ~~temporary emergency (ex~~
18 parte) orders granted; or

19
20 (2) Obtain a court order to continue the hearing.

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

24
25 (1) If a *Request for Order* (form FL-300), order to show cause, or other moving
26 papers that includes temporary emergency orders are not timely served on the
27 other party before the date of the hearing, and the party ~~granted the temporary~~
28 ~~emergency (ex parte) orders~~ wishes to proceed with the request, he or she
29 must ask the court to continue the hearing date. ~~On a showing of good cause,~~
30 ~~or on its own motion,~~ The court may:

31
32 (A) May continue the hearing on a showing of good cause or on its own
33 motion, and ~~extend the expiration date of the temporary emergency~~
34 orders until the end of the continued hearing or to another date ordered
35 by the court.

36
37 (B) May modify the or terminate any temporary emergency (ex parte)
38 orders granted as part of the *Request for Order* or order to show cause.

39
40 (C) By granting a continuance, must extend the expiration date of any
41 Terminate the temporary emergency (ex parte) orders until the end of
42 the continued hearing or to another date.

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(2) The party served with a *Request for Order* (form FL-300), order to show cause, or other moving papers that include temporary emergency (ex parte) orders:

(A) Is entitled to one continuance as a matter of course for a reasonable period of time to respond ~~and, thereafter, to a continuance based on a showing of good cause. A second or subsequent request by the~~ responding party to continue the hearing must be supported by facts showing good cause for the continuance.

(B) ~~Must file and serve a *Responsive Declaration to Request for Order* (form FL-320) as required by the court order. May use *Request to Continue Hearing* (form FL-306) to ask the court to continue the hearing.~~

(C) Must file and serve a *Responsive Declaration to Request for Order* (form FL-320) before the date of the new hearing, as required by the court or described in *Order on Request to Continue Hearing* (form FL-307).

(3) The following procedures apply to either party's request to continue the hearing:

(A) The party asking for the continuance must complete and submit an original ~~*Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Orders*~~ *Request to Continue Hearing* (form FL-306) with two copies for the court to review, as follows:

- (i) The form should be submitted to the court no later than five court days before the hearing date originally set on the *Request for Order, order to show cause, or other moving papers*.
- (ii) The party may present the form to the court ~~at~~ on the hearing date ~~of originally set on the *Request for Order* matter.~~
- (iii) The party who makes an oral request to the court ~~on~~ at the ~~date~~ time of the hearing is also required to complete and submit form FL-306 if the court grants the request to continue the hearing.

(B) ~~After the court signs and files form FL-306, a filed copy must be served on the other party, unless the court orders otherwise. If the continuance is granted:~~ Along with form FL-306, the party asking for the

1 continuance must submit to the court clerk an *Order on Request to*
2 *Continue Hearing* (form FL-307) with the caption and initial items
3 completed as described on the form.
4

5 (C) After the court signs and files form FL-307, a filed copy must be served
6 on the other party as follows, unless the court orders otherwise:
7

8 (i) ~~Before the other party is served with notice of the hearing and~~
9 ~~temporary emergency (ex parte) orders, then~~ If the continuance is
10 granted, *Order on Request to Continue Hearing* (form FL-3067)
11 must be attached as the cover page and served along with the
12 *Request for Order* (form FL-300) or other moving papers such as
13 an order to show cause; the original or modified any temporary
14 emergency (ex parte) orders; and supporting documents.
15

16 (ii) ~~To the responding party~~ If the court grants the responding party's
17 request for a continuance, and the party who asked for the
18 temporary emergency orders was absent when the continuance
19 was granted, then form FL-306 *Order on Request to Continue*
20 *Hearing* (form FL-307) must be attached as the cover page to any
21 documents the court orders served on that party.
22

23 (iii) Service must be in the manner required by rule 5.92 or as ordered
24 by the court.
25

26 (D) ~~If the *Request and Order to Continue Hearing and Extend Temporary*~~
27 ~~*Emergency (Ex Parte) Orders* *Order on Request to Continue Hearing*~~
28 ~~(form FL-3067), *Request for Order* (FL-300); or order to show cause,~~
29 ~~original or modified temporary emergency (ex parte) order, and~~
30 ~~supporting documents are not timely served on the other party, and the~~
31 ~~requesting party wishes to proceed with the hearing, he or she must~~
32 ~~repeat the procedures in this rule, unless the opposing party agrees to~~
33 ~~waive notice and proceed with the hearing.~~
34

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: FOR COURT USE ONLY DRAFT NOT ADOPTED 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:	
DECLARATION REGARDING NOTICE AND SERVICE OF REQUEST FOR TEMPORARY EMERGENCY (EX PARTE) ORDERS	CASE NUMBER:

NOTICE: Do not use this form to ask for domestic violence restraining orders. File this completed form with the court clerk when the request for temporary emergency orders is submitted. Local court procedures vary. Courts may grant temporary emergency orders with or without an emergency hearing. Check your court's local rules for the procedures at 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. I did did not give notice that on the date, time, and location indicated below
 there will be an emergency court hearing on a request for temporary emergency (ex parte) orders.
 papers will be submitted to the court asking a judicial officer to grant temporary emergency orders without a hearing.

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

3. **NOTICE** (Complete either a, b, or c)

a. I gave notice as described in items (1) through (5):

(1) I gave notice to (select all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Petitioner | <input type="checkbox"/> Petitioner's Attorney |
| <input type="checkbox"/> Respondent | <input type="checkbox"/> Respondent's Attorney |
| <input type="checkbox"/> Other Parent/Party | <input type="checkbox"/> Other Parent's/Party's Attorney |
| <input type="checkbox"/> Child's Attorney | <input type="checkbox"/> Other (specify): |

(2) I gave notice by this method:

- | | | | |
|--|----------------|------------------|-------------------------------|
| <input type="checkbox"/> personally on (date): | at (location): | , California; at | <input type="checkbox"/> a.m. |
| | | | <input type="checkbox"/> p.m. |
| <input type="checkbox"/> by telephone on (date): | telephone no.: | at | <input type="checkbox"/> a.m. |
| | | | <input type="checkbox"/> p.m. |
| <input type="checkbox"/> by voicemail on (date): | voicemail no.: | at | <input type="checkbox"/> a.m. |
| | | | <input type="checkbox"/> p.m. |
| <input type="checkbox"/> by fax on (date): | fax no.: | at | <input type="checkbox"/> a.m. |
| | | | <input type="checkbox"/> p.m. |

(3) 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):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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(4) I notified the person in 3a(1) that the following temporary emergency orders are being requested (specify):

(5) The person in 3a(1) responded as follows: Attachment 3a(5)

(6) I do do not believe that the person in 3a(1) will oppose the request for temporary emergency orders.

b. **Request for waiver of notice.** I did not give notice about the request for temporary emergency orders. I ask that the court waive notice to the other party to help prevent an immediate (identify the exceptional circumstances):

- (1) danger or irreparable harm to myself (or my client) or to the children in the case
- (2) risk that the children in the case will be removed from the state of California
- (3) loss or damage to property subject to disposition in the case
- (4) Other exceptional circumstances (specify):

Facts in support of the request to waive notice (specify): Attachment 3b.

c. **Unable to provide notice.** 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 3c.

4. **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 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 4c

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)

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">NOT ADOPTED BY THE JUDICIAL COUNCIL</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:		
<p style="text-align: center;">REQUEST TO CONTINUE HEARING</p> <input type="checkbox"/> Extend Temporary Emergency (Ex Parte) Orders <input type="checkbox"/> Other (specify):		CASE NUMBER:

1. Name of person seeking a continuance (specify):
2. I ask that the court continue the hearing on the
 - a. Request for Order
 - b. Order to Show Cause re Contempt Seek Work
 - c. Other (specify):
filed on (date):
3. The hearing is currently set for (date):
4. I ask that the hearing be continued because (check all boxes that apply)
 - a. the papers could not be served as required before the hearing date.
 - b. the court ordered that we meet with a child custody mediator or child custody recommending counselor.
 - c. I am entitled to one continuance for a reasonable period to respond to the request for temporary emergency orders.
 - d. Other good cause as stated below [on Attachment 4\(d\)](#)
5. The request to continue includes does not include temporary emergency (ex parte) orders previously issued.
Notice: If the court grants the continuance, the expiration date of any temporary emergency (ex parte) orders will be extended to the end of the new hearing, unless otherwise ordered by the court.

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

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT ADOPTED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
ORDER ON REQUEST TO CONTINUE HEARING	CASE NUMBER:

1. The hearing on this matter is currently scheduled for (date):
2. The party who filed the *Request for Order*, *Order to Show Cause*, or other matter is (name):
3. The party asking to continue the hearing is (name):
4. The request to continue includes does not include temporary emergency (ex parte) orders previously issued.

The court will complete the rest of this form.

5. Order on Request to Continue Hearing

- a. The request to continue the hearing is GRANTED as stated below.
- b. The request to continue the hearing is DENIED for the reasons specified below [on Attachment 5b.](#)

6. Order granting continuance and notice of new hearing

- a. The court hearing is continued to the date, time, and location shown below:

New Hearing Date:	Time:	Dept.:	Room:
at the street address of the court shown above.			

- b. By granting the continuance, any temporary emergency (ex parte) orders previously issued remain in effect until
 - (1) the end of the new hearing in 6a.
 - (2) (date):

7. Reason for the continuance

- a. The continuance is needed because
 - (1) the papers could not be served as required before the hearing date.
 - (2) the parties were referred to child custody mediation or child custody recommending counseling.
 - (3) the responding party asked for a first continuance in a matter involving temporary emergency (ex parte) orders.
 - (4) Other good cause as stated below [on Attachment 7\(a\)\(4\)](#)
- b. The court finds good cause and orders a continuance in its discretion.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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8. Changes to temporary emergency (ex parte) orders

- a. No temporary emergency (ex parte) orders were changed.
- b. The temporary emergency (ex parte) orders are MODIFIED as of this date. The new orders are stated in the attached
 - (1) *Request for Order* (form FL-300)
 - (2) *Temporary Emergency (Ex Parte) Orders* (form FL-305)
 - (3) *Order to Show Cause* Contempt Seek Work Other (*specify*):
 - (4) Other (*specify*):
- c. The temporary emergency (ex parte) orders are TERMINATED for the reasons stated [on Attachment 8c.](#)
 in this section:

9. Service of order

- a. No further service is required. Both parties were present at the hearing when the court granted this order.
- b. The documents listed in 10 must be served by (*date*): _____ on (*specify*): _____
 - (1) Petitioner/Plaintiff
 - (2) Respondent/Defendant
 - (3) Other Parent/Party
 - (4) Other (*specify*):
- c. All documents must be personally served served by mail.
- d. Other orders regarding service (*specify*):

10. Documents for service

A filed copy of this order (form FL-307) must be presented as the cover page to the following documents when served:

- a. A copy of the previously filed *Request for Order* or *Order to Show Cause*
- b. A copy of the extended or modified *Temporary Emergency (Ex Parte) Orders* (form FL-305)
- c. Other (*specify*):

11. A *Responsive Declaration to Request for Order* ([form FL-320](#)) must be filed and served on or before (*date*):

12. Other orders:

Date:



 JUDICIAL OFFICER

DRAFT Criminal Law Advisory Committee

Annual Agenda—2017

Approved by RUPRO: [TBD]

I. ADVISORY BODY INFORMATION

Chairs:	Hon. Tricia A. Bigelow, Chair; Hon. Richard Couzens (Ret.), Vice Chair
Staff:	Eve Hershcopf, Attorney, Criminal Justice Services Office
Advisory Body's Charge:	The Criminal Law Advisory Committee makes recommendations to the Judicial Council for improving the administration of justice in criminal proceedings. (Cal. Rules of Court, rule 10.42(a).)
Advisory Body's Membership:	The committee has 19 members: 1 appellate court justice, 7 judges, 3 court administrators, 3 prosecutors, 3 defense attorneys, and 2 probation officers.
Subgroups/Working Groups:	<p><i>Subcommittees (including only CLAC members):</i></p> <p>Limited Duration/Ad Hoc Subcommittee on Use of Risk Needs Assessment Information at Sentencing [work group suspended during 2016, will reconvene in 2017 to complete project].</p>
Advisory Body's Key Objectives for 2017:	<ol style="list-style-type: none">1. Provide recommendations to the Judicial Council to promote the administration of the criminal justice system, including concerning implementing Propositions 64 and 57, bail, the imposition of fines and fees, and the court's role in addressing mental health issues in the criminal context, implementing criminal justice realignment, and incorporating evolving evidence-based practices as appropriate.2. Recommend Judicial Council approval of various rule and form proposals to promote timely, consistent, and effective criminal case processing.3. Assist Governmental Affairs staff in developing Judicial Council-sponsored legislation involving criminal court administration, and responding to proposed legislative developments.

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p>Implementation of Proposition 64: Develop proposals to facilitate court implementation of Proposition 64, The Adult Use of Marijuana Act. Specific proposals to consider include:</p> <ul style="list-style-type: none"> Development of forms to enable the filing of the petitions and applications, as mandated by the Act. 	1(b), 1(c)	<p>Judicial Council Direction:</p> <p>Strategic Plan Goal 3: Modernization of Management and Administration.</p> <p>Operational Plan Objective 5: Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.³</p> <p>Origin of Project: Initiative measure.</p> <p>Resources: Family and Juvenile Law Advisory Committee</p> <p>Key Objective Supported: 1.</p>	It is anticipated that forms will be considered by the Judicial Council at its January 2017 meeting and, if adopted, will be effective immediately and circulate for public comment during regular Spring cycle for a January 1, 2108 effective date.	Recommendation for forms.
2.	<p>Implementation of Proposition 57: Develop proposals to facilitate court implementation of Proposition 57, The Public</p>	1(b)	<p>Judicial Council Direction:</p> <p>Strategic Plan Goal 3, Operational Plan Objective 5.</p>	January 1, 2108	Recommendation for rules.

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

² For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

³ Much of the work by the Criminal Law Advisory Committee falls within this pair of Strategic/Operational Plan Goals. This pair of goals is referred to through the rest of this agenda as “Strategic Plan Goal 3, Operational Plan Objective 5.”

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>Safety and Rehabilitation Act. Specific proposals to consider include:</p> <ul style="list-style-type: none"> Potential amendments to rules of court including rule 4.480 regarding sentencing judge's statement under Penal Code section 1203.01. 		<p>Origin of Project: Proposition measure.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 1</p>		
3.	<p>Continued Implementation of Proposition 47: Develop proposals to facilitate court implementation of Proposition 47, The Safe Neighborhoods and Schools Act. Specific proposals to consider include:</p> <ul style="list-style-type: none"> Potential amendments to trial court record retention provisions of Gov. Code section 68152(c) in light of Prop. 47 exception for treatment of reduced felonies as misdemeanors for all purposes other than firearms reporting. 	2(a), 2(b)	<p>Strategic Plan Goal 3, Operational Plan Objective 5.</p> <p>Origin of Project: Proposition measure.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 1</p>	January 1, 2019	Recommendations for legislation.
4.	<p>Omnibus Rule Proposal: Develop an omnibus rule proposal to update all criminal rules of court to reflect changes to felony sentencing and other</p>	1(b)	<p>Judicial Council Direction:</p> <p>Strategic Plan Goal 3, Operational Plan Objective 5.</p>	January 1, 2018	Recommendations for rules and/or forms.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>relevant laws. Potential amendments to consider, in addition to those referenced elsewhere on this annual agenda, include:</p> <ul style="list-style-type: none"> • Potential amendments to rule 4.551, form MC-275, and/or other rules and forms regarding standard of review for writs of habeas corpus and post-conviction relief (see S.B. 1134, Habeas corpus: new evidence: motion to vacate judgment: indemnity; A.B. 813, Criminal procedure: post-conviction relief.) 		<p>Origin of Project: Required in response to legislative changes.</p> <p>Resources: Not applicable.</p> <p>Key Objectives Supported: 1.</p>		
5.	<p>Evidence-Based Practices: Develop recommendations for Judicial Council approval in response to Senate Bill 678, which requires the council to “consider adoption of appropriate modifications to the Criminal Rules of Court, and other judicial branch policies, procedures, and programs, affecting felony probation services that would support the implementation” of evidence-</p>	1(f)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5.</p> <p>Origin of Project: Senate Bill 678 (Leno; Stats. 2009, ch. 608).</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 1 and 2.</p>	January 1, 2018	Recommendations for rules, standards of judicial administration, and/or legislation.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>based felony probation practices. Specific proposals to consider include:</p> <ul style="list-style-type: none"> • Proposal to develop standards of judicial administration to govern court use of information from risk/needs assessments, and/or legislative recommendations to the Judicial Council. 				
6.	<p>Mental Health Issues: Collaborate with other advisory committees to consider and implement recommendations originally developed by the Mental Health Implementation Task Force to improve the resolution of mental health issues during criminal proceedings. Specific proposals to consider developing include:</p> <ul style="list-style-type: none"> • Proposals related to incompetence to stand trial procedure generally including amendments to rule 4.130 to identify what information must be included, in addition to the information required by Penal Code section 	1(b)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5.</p> <p>Origin of Project: Mental Health Implementations Task Force; judges.</p> <p>Resources: Collaborative Justice Courts Advisory Committee.</p> <p>Key Objective Supported: 1 and 2.</p>	Ongoing	Recommendations for rules, forms, and/or legislation.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>1369, in court-appointed expert reports.</p> <ul style="list-style-type: none"> • Monitor pending proposed regulations of Department of State Hospital on the incompetence to stand trial admission process to consider potential amendments to Welfare and Institutions Code section 6510.5. • Potential amendments to Penal Code section 1370(c)(2) to authorize courts to order a conservatorship investigation for Lanterman-Petris-Short conservatorships other than Murphy conservatorships. • Proposals, if necessary, to implement A.B. 1962, mental competence, which requires Department of State Hospitals to develop a work group and adopt guidelines for education and training standards for a psychiatrist or licensed psychologist to be 				

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	considered for appointment by the court to evaluate a defendant who may be incompetent to stand trial.				
7.	Revise Plea Form, With Explanations and Waiver of Rights – Felony (Criminal), CR-101: including to clarify advisement to defendants of the consequences of violations of terms of mandatory supervision; and clarify circumstances of the court accepting pleas and court authority to withdraw approval. (See <i>People v. Silva</i> (2016) 247 Cal. App. 4th 578.)	1(a)	Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5. Resources: Not applicable. Key Objective Supported: 1.	January 1, 2018	Recommendation for forms.
8.	Criminal Law Legislation: Review and recommend Judicial Council positions on pending criminal law legislation and assist Governmental Affairs staff in pursuing Judicial Council-sponsored legislation developed by the committee in 2016; and consider potential rule amendment and form revision proposals to implement legislation enacted effective January 1, 2017. (See Item 5, above.)	1(c)	Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5. Origin of Project: Legislative proposals were originally developed at the request of judges and/or court administrators. Resources: Governmental Affairs. Key Objectives Supported: 1.	Ongoing	Recommendations for rules, forms, and/or legislation.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
9.	Review all approved initiatives and enacted legislation referred to the committee by the Judicial Council's Governmental Affairs office that may have an impact on criminal court administration and propose, for the council's consideration, rules and forms as may be appropriate for implementation of these initiatives and legislation.	1(c)	<p>Judicial Council Direction:</p> <p>Strategic Plan Goal 3, Operational Plan Objective 5.</p> <p>.</p> <p>Origin of Project: Legislative proposals were originally developed at the request of judges and/or court administrators.</p> <p>Resources: Governmental Affairs.</p> <p>Key Objectives Supported: 1.</p>	Ongoing	Recommendations for rules, forms, and/or legislation.
10.	<p>Modernize Trial Court Rules to Support E-Business: In conjunction with the Court Technology Advisory Committee, develop rule, form, and legislative proposals to promote e-business in criminal court proceedings. Specific proposals to consider include:</p> <ul style="list-style-type: none"> • Potential amendments to rules governing remote access to electronic court records by parties, attorneys, and local justice partners. • Potential amendments to rules 2.250 - 2.261 relating to electronic 	1(d)	<p>Judicial Council Direction:</p> <p>Strategic Plan Goal 3, Operational Plan Objective 5.</p> <p>.</p> <p>Origin of Project: Court Technology Advisory Committee; judges.</p> <p>Resources: Information Technology Advisory Committee.</p> <p>Key Objective Supported: 2.</p>	Ongoing	Recommendations for rules, forms, and/or legislation.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>filing. (See AB 1867, Evidence: judicial notice: official records of conviction.)</p> <ul style="list-style-type: none"> Potential amendments to Penal Code section 1526 to permit alternative methods to confirm warrant affidavits. 				
11.	<p>Bail and Fines/Fees in Non-Traffic Infraction and other Criminal Cases: Collaborate with other advisory committees to consider rule, form, or other recommendations necessary to promote access to justice in infraction cases, including recommendations related to post-conviction proceedings and ability to pay issues; and issues concerning criminal fines and fees generally. Specific proposals to consider include:</p> <ul style="list-style-type: none"> Potential amendments to Penal Code section 1237.2 or rules of court to expand appellate court remand of issues concerning imposition of fine or fees. 	1(d)	<p>Judicial Council Direction:</p> <p>Strategic Plan Goal 3, Operational Plan Objective 5.</p> <p>Origin of Project: Multiple</p> <p>Resources: Traffic Advisory Committee; Appellate Advisory Committee.</p> <p>Key Objective Supported: 1 and 2.</p>	January 1, 2018	Recommendations for rules, forms, and/or legislation.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
12.	<p>Victim Restitution Rights Form: Update the Judicial Council “Crime Victims’ Compensation” form required by Penal Code section 1191.2; the current form has not been updated since adoption in 1997.</p>	2(b)	<p>Judicial Council Direction:</p> <p>Strategic Plan Goal 3, Operational Plan Objective 5.</p> <p>Origin of Project: The form is required by Penal Code section 1191.2.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 1.</p>	January 1, 2018 (approved on prior Annual Agenda)	To be determined.
13.	<p>DNA Expungement Instruction Form: Develop form revisions to update and enhance the Judicial Council DNA expungement forms (CR-185/JV-796 and CR-185/JV-798) in light of recent changes in the law regarding DNA samples obtained from defendants.</p>	2(b)	<p>Judicial Council Direction:</p> <p>Strategic Plan Goal 3, Operational Plan Objective 5.</p> <p>Origin of Project: Department of Justice representatives.</p> <p>Resources: Not applicable.</p> <p>Key Objective Supported: 2.</p>	January 1, 2018	Recommendation for forms.
14.	<p>Criminal and Dismissal Procedures and for Veteran Defendants: Collaborate with other advisory committees to consider proposals to implement legislative sentencing considerations and restorative relief provisions for criminally charged current or former</p>	2(b)	<p>Judicial Council Direction:</p> <p>Strategic Plan Goal 3, Operational Plan Objective 5.</p> <p>Origin of Project: Collaborative Justice Courts Advisory Committee</p>	Ongoing	Recommendations for rules, forms, and/or legislation.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	members of the U.S. Military. Specific proposal to consider include: <ul style="list-style-type: none"> • Rule or legislative proposal to facilitate multi-county collaborative court programs and/or veteran stand down programs. 		Resources: Collaborative Justice Courts Advisory Committee Key Objective Supported: 1 and 2.		

III. STATUS OF 2016 PROJECTS:

Item⁴	Project	Completion Date/Status
1	Supervision Procedures	See item 11 below.
2, 15	Intercounty Transfer Procedures Generally; Collection and Disbursement of Fines and Fees After Intercounty Case Transfers	Effective January 1, 2017, the Judicial Council approved amendments to rule 4.530. It is anticipated that at its December 2016 meeting, the Judicial Council will approve proposed Judicial Council sponsored legislation to amend the Penal Code 1203.9.
3	Criminal Justice Realignment	This project is ongoing (and covered more specifically by other projects).
4	Proposition 47	This project is ongoing.
5	Evidence-Based Practices/Risk Needs Assessments in Sentencing	This project was suspended during 2016 as staff monitored legal and other relevant developments; the committee will commence work on this project in early 2017.
6	Appeals from Imposition of Fines and Fees	Judicial Council-sponsored legislation to limit the appeals of the erroneous imposition or calculation of fines and fees at sentencing became effective January 1, 2016. The committee will develop a proposal to amend this section in light of recent authority supporting expanding limited remand provisions.
6	Criminal Law Legislation	The committee provided subject matter expertise on numerous pending criminal law bills in 2016. In addition to other proposed legislation listed here, it is anticipated that at its December 2016 meeting, the Judicial Council will approve proposed Judicial Council sponsored legislation to amend section 1319.5 re expanding availability of pretrial release to individuals with prior failures to appear.
7	Risk/Needs Assessment Information	This project is ongoing.
8	Rule 4.411.5: Military Status	Effective January 1, 2017, the Judicial Council approved amendments to rule 4.411.5.
9	Victim Restitution Rights Form	This project is ongoing.

⁴ Number corresponds with item number of 2016 Annual Agenda.

10	Rule Modifications Needed to Promote E-Business	It is anticipated that at its December 2016 meeting, the Judicial Council will approve proposed Judicial Council sponsored legislation to amend the Penal Code to authorize electronic filing and service. This project is otherwise ongoing.
11	Omnibus Rule Proposal	Effective January 1, 2017, the Judicial Council approved amendments to rules 4.403, 4.405, 4.406, 4.409, 4.410, 4.412, 4.414, 4.415, 4.420, 4.421, 4.423, 4.425, 4.427, 4.431, 4.433, 4.435, 4.452, 4.472, and 4.480). The project to update additional criminal rules is ongoing.
11	Dismissal Following Deferred Entry of Judgment Forms	Effective January 1, 2017, the Judicial Council approved revisions to forms CR-180 and CR-181.
12	Abstract of Judgment Forms	Project deferred.
13	DNA Expungement Instruction Form	This project is ongoing.
14	Incompetence to Stand Trial	This project is ongoing.
15	Intercounty Transfer Procedures	See item 2 above.
16	Mental Health Issues	This project is ongoing.
17	Magistrates and Subordinate Judicial Officers	It is anticipated that at its December 2016 meeting, the Judicial Council will approve proposed Judicial Council sponsored legislation to amend Penal code section 808 to include commissioners in the definition of “magistrate”.
18	Criteria affecting the imposition of mandatory supervision	Effective January 1, 2017, the Judicial Council approved amendments to rule 4.415
19	Multi-County Concurrent/Consecutive Sentences	It is anticipated that at its December 2016 meeting, the Judicial Council will approve proposed Judicial Council sponsored legislation to amend Penal Code sections 1170(h) and 1170.3 regarding multi-county sentences.
20	Criminal Sentencing	See item 11 above.
21	Waiver of Appellate Rights and Pleas, CR 101	The committee declined to develop a proposal to revise CR 101 to include reference of waiver of appellate rights. The committee is developing different proposed revisions to this form as discussed above.

22	Bail in Non-Traffic Infraction Cases	It is anticipated that at its December 2016 meeting, the Judicial Council will approve proposed rules of court for infraction procedures regarding bail, fines, fees, and assessments; mandatory courtesy notices; and ability-to-pay determinations.
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IV. Subgroups/Working Groups – Detail

Subgroups/Working Groups:

Ad Hoc/Limited Duration Subcommittee: Use of Risk/Needs Assessments at Sentencing

Purpose of subgroup or working group: The Criminal Law Advisory Committee is working to develop a proposed Standard of Judicial Administration to provide California courts guidance on using risk/needs assessments in criminal proceedings, including sentencing.

Number of advisory body members on the subgroup or working group: Seven members of CLAC work on this subcommittee. The subcommittee has consulted with subject matter experts.

Ongoing or date work is expected to be completed: Unknown.

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Submit to JC (without circulating for comment)**

RUPRO Meeting: December 15, 2016

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

Criminal Procedure and Juvenile Law: Judicial Council Optional Forms under Proposition 64 (approve forms CR-187, CR-188, JV-744 and JV-745)

Committee or other entity submitting the proposal:

Criminal Law Advisory Committee
Hon. Tricia Ann Bigelow, Chair

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

Staff contact (name, phone and e-mail):

*Kimberly DaSilva, 415-865-4534
kimberly.dasilva@jud.ca.gov;*

*Tracy Kenny, 916-263-2838
tracy.kenny@jud.ca.gov*

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

Approved by RUPRO: To be considered at the December 15, 2016 meeting

Project description from annual agenda: Develop form proposal to enable the filing of petitions and applications under Proposition 64, the "Control, Regulate and Tax Adult Use of Marijuana Act." Proposition 64 authorizes resentencing, dismissal and record sealing which require the proposed forms.

If requesting July 1 or out of cycle, explain:

The committees are requesting that these forms be submitted to the Judicial Council at its January 20 meeting, to be effective on January 23, 2017, while they are also being circulated for public comment. New statutory provisions went into effect on November 9, 2016 requiring the Judicial Council to adopt all necessary forms to allow for the filing of petitions and applications for resentencing, dismissal and sealing under Proposition 64. The forms need to be implemented quickly. Because of this, these proposed forms have been available as sample forms on the California Courts website since the effective date of the initiative. The committees are also separately requesting approval to circulate the forms for public comment.

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

A separate request has been submitted to RUPRO to approve the forms to circulate for public comment from December 16, 2016 to February 13, 2017. The committees are requesting Council adoption during the comment period to accommodate the immediate need by the courts.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: January 19–20, 2017

Title	Agenda Item Type
Criminal Procedure and Juvenile Law: Judicial Council Optional Forms under Proposition 64	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Approve forms CR-187, CR-188, JV-744, and JV-745	January 23, 2017
Recommended by	Date of Report
Criminal Law Advisory Committee Hon. Tricia Ann Bigelow, Chair Hon. J. Richard Couzens, Vice-chair	December 8, 2016
Family and Juvenile Law Advisory Committee	Contact
Hon. Jerilyn Borack, Cochair Hon. Mark Juhas, Cochair	Kimberly DaSilva, 415-865-4534 kimberly.dasilva@jud.ca.gov Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov

Executive Summary

The Criminal Law and the Family and Juvenile Law Advisory Committees recommend that the Judicial Council approve four optional forms to enable petitioner/applicants to file for resentencing, dismissal, and record sealing under the “Control, Regulate and Tax Adult Use of Marijuana Act” (“Proposition 64”), and for the forms to become effective January 23, 2017. This request responds to the enactment of Proposition 64, effective November 9, 2016, which directs the Judicial Council to “promulgate and make available all necessary forms to enable the filing of the petitions and applications” provided for in the initiative. The proposed forms are currently circulating for public comment; the comment period began on December 16, 2016, and will end on February 13, 2017. To ensure that the forms are available to courts as soon as possible, the committees seek out-of-cycle approval of the forms, prior to the closing of the period for public

comment. The committees will propose any necessary revisions to the forms based on comments received to be effective September 1, 2017.

Recommendation

The Criminal Law Advisory Committee and the Family and Juvenile Law Advisory Committee jointly recommend that, effective January 23, 2017, the Judicial Council:

1. Approve optional *Petition/Application (Health and Safety Code § 11361.8(b))* (form CR-187) to allow adult offenders to obtain a new sentence, dismissal and sealing of records of specified marijuana-related convictions under Health and Safety Code section 11361.8.
2. Approve optional *Order After Petition/Application (Health and Safety Code § 11361.8(f))* (form CR-188) for courts to make the relevant orders on the request for relief under Health and Safety Code section 11361.8 for adult offenses.
3. Approve optional *Request to Reduce Juvenile Marijuana Offense (Health and Safety Code § 11361.8(m))* (form JV-744) to allow juvenile marijuana offenders to obtain a new disposition or to have their offenses redesignated as infractions under Health and Safety Code section 11361.8.
4. Approve optional *Juvenile Order After Request to Reduce Marijuana Offense (Health and Safety Code § 11361.8(m))* (form JV-745) for courts to make the relevant orders on the requests for relief under Health and Safety Code section 11361.8 for juvenile offenses.

The proposed optional forms are attached at pages 8–16.

Previous Council Action

There has been no previous action on this proposal.

Rationale for Recommendation

Background

On November 8, 2016, the people of the state of California voted to enact Prop. 64. Effective November 9, 2016, Prop. 64 legalizes and redesignates specified marijuana-related offenses and regulates legalized use. Specifically, Prop. 64 (1) legalizes specific marijuana activity for adults 21 years of age or older¹; (2) reduces criminal penalties of specified marijuana-related offenses for adults, designating different offense levels for adults ages 18–20 and adults 21 and older²; (3) reduces criminal penalties of specified marijuana-related offenses for juveniles³; (4) authorizes

¹ See Health & Saf. Code, § 11362.1.

² See Health & Saf. Code, §§ 11357, 11358, 11359, and 11360.

³ *Id.*

resentencing, dismissal, and sealing of prior, eligible convictions⁴; and (5) amends specific court record destruction provisions.⁵ It also includes regulation provisions.⁶

The resentencing and dismissal provisions set forth in Health and Safety Code section 11361.8 permit persons previously convicted of designated marijuana-related offenses to obtain a reduced conviction or sentence if they would have received the benefits of Prop. 64 if it had been in effect when the crime was committed. If the conviction was for conduct now legal, Prop. 64 provides for dismissals of those convictions, and for the sealing of records of dismissed convictions for persons who have completed their sentences. As discussed below, juvenile offenders are also eligible for retroactive relief under Prop. 64 based on the reclassification of juvenile marijuana-related offenses as infractions.

Under the initiative, persons convicted of the following marijuana-related offenses are eligible for relief:

- Possession under Health and Safety Code section 11357;
- Cultivation under Health and Safety Code section 11358;
- Possession for sale under Health and Safety Code section 11359; and
- Unlawful transport under Health and Safety Code section 11360.

(See Health & Saf. Code, § 11361.8(a), (e).)

The initiative directs the Judicial Council to promulgate and make available all necessary forms to enable the filing of the petitions and applications to resentence, dismiss, and seal prior eligible convictions as newly authorized by the proposition. (See Health & Saf. Code, § 11361.8(l).) Because the new resentencing and redesignation provisions went into effect on November 9, 2016, the day after the state election, courts had an immediate need for forms to implement the procedures. In response, the committees developed the proposed optional forms and placed them on the California Courts public website, where they have been publicly available since the effective date of the initiative. The forms are currently not identified as official Judicial Council forms. However, if the Judicial Council approves the attached recommended forms, they will be official optional forms.

Criminal forms for use by adults

The adult resentencing and dismissal provisions of Prop. 64 apply to persons currently serving a sentence for an eligible offense and those who have completed their sentence. (See Health & Saf. Code, § 11361.8(b), (f).) The request must be made before the trial court that entered the judgment of conviction in the case. (See Health & Saf. Code, § 11361.8(a), (e).) For persons currently serving a sentence, if the petition satisfies the criteria for resentencing or dismissal of

⁴ See Health & Saf. Code, § 11361.8.

⁵ See Health & Saf. Code, § 11361.5.

⁶ See Bus. & Prof. Code, Div. 10.

sentence, the court must grant the petition unless the court determines that granting it would pose an unreasonable risk of danger to public safety. (Health & Saf. Code, § 11361.8(b).) If the court grants a request to redesignate an eligible offense as a misdemeanor or an infraction, the conviction is to be treated as a misdemeanor or an infraction for all purposes. (See Health & Saf. Code, § 11361.8(h).)

Proposition 64 also provides for the sealing of records of convictions dismissed under the proposition of persons who have completed their sentence. The court must “*seal the conviction as legally invalid as now established under [Proposition 64].*” (Health & Saf. Code, § 11361.8(f).)

The committees propose two optional criminal forms for use in cases involving adults: (1) a Petition/Application, and (2) an Order After Petition/Application, under Health and Safety Code section 11361.8(b), (f).

The *Petition/Application* (form CR-187) may be used by persons currently serving eligible sentences and persons who have completed eligible sentences. This form allows the petitioner/applicant to:

- Identify one or two eligible convictions;
- Identify his or her age at the time of the conduct that gave rise to the conviction;
- Identify the nature of the substance that resulted in the conviction;
- Identify the quantity of the substance that resulted in the conviction;
- Request the desired relief;
- Waive the statutory requirement under section 11361.8 that the matter be heard by the original sentencing judge; and
- Waive his/her appearance.

It also requires the petitioner/applicant to serve the prosecuting agency with a copy of the petition/application, which contains an area for that agency to object to the request and/or to request a hearing on the matter. Proof of service on the prosecuting agency is not expressly required by Prop. 64. However, it does require that the court grant the petition unless “the party opposing the petition” proves by clear and convincing evidence that the petitioner/applicant does not satisfy the criteria of section 11361.8(a), (f). Therefore, the proposition requires that the prosecuting agency receive the petition/application before the court may grant the requested relief. The integrated proof of service is intended to help petitioners/applicants document service of the petition/application on the prosecuting agency and to provide the court with information as to whether the prosecuting agency has been made aware of the petition/application.

The *Order After Petition/Application* (form CR-188) provides the court with the ability to:

- Grant the relief;
- Deny the relief and to state the reasons for the denial;

- Provide notice that any redesignation to a misdemeanor or an infraction shall thereafter be a misdemeanor or an infraction for all purposes;
- Relieve the petitioner from any applicable registration requirements for narcotics offenders; and
- Seal the record of conviction as applicable.

Juvenile forms designed for use by younger petitioners

Prop. 64 does not entirely decriminalize marijuana offenses for minors, but rather provides that they are all infractions that can be sanctioned only with court-ordered drug education or counseling and community service. Because juvenile offenses will remain as infractions, application of the adult resentencing and redesignation provisions to juveniles will not require dismissal or sealing of the conviction record. The committees propose two optional juvenile forms: (1) a Request to Reduce Juvenile Marijuana Offense, and (2) a Juvenile Order After Request to Reduce Marijuana Offense, under Health and Safety Code section 11361.8(m).

The *Request to Reduce Juvenile Marijuana Offense* (form JV-744) allows juvenile marijuana offenders to petition the court to obtain a new disposition, or to have their offenses redesignated as infractions under section 11361.8. This form is modeled on the proposed criminal *Petition/Application* (form CR-187). However, because the users of the juvenile form will primarily be either minors or young adults, the Family and Juvenile Law Advisory Committee sought to use plainer language and to streamline the form to require only the information that the offender is likely to be able to obtain. As a result, form JV-744 does not require the offender to specify the amount of marijuana involved in the offense, but only the dates and the Health and Safety Code violation for which the child was adjudicated. It also structured so that a separate form must be completed for each eligible offense a person is requesting be redesignated under Prop. 64. It includes one additional item not on the adult petition/application to allow the petitioner to request a hearing. This item was added because section 11361.8 provides that a hearing is required if requested by the petitioner. In addition, consistent with juvenile court practice in other contexts, the form is designed to be routed by the court clerk to the probation department and prosecuting attorney after filing, rather than requiring the petitioner to serve the request on the prosecuting agency.

The *Juvenile Order After Request to Reduce Marijuana Offense* (form JV-745) provides courts with the ability to make the relevant orders on the requests for relief under section 11361.8 for juvenile offenses. The form is consistent with the proposed criminal *Order After Petition/Application* (form CR-188) and adds content specifically relevant to juvenile offenders, including an option for the court to order drug education or counseling and community service when ordering a new disposition for the offense as those sanctions are allowed by Prop. 64 for offenses committed by minors.

Comments, Alternatives Considered, and Policy Implications

Comments

Because these proposed forms are still circulating for public comment, there are no comments at this time.

Alternatives Considered

The committees considered making the forms mandatory but determined that optional forms would allow courts the flexibility of developing their own forms to fit their unique needs, while still providing the convenience of a standard form for those courts that choose to use them. Courts will still be required to accept petitions/applications submitted on the proposed optional Judicial Council forms even if they develop their own forms, under California Rules of Court, rule 1.35(a).

The committees considered proposing these forms through the regular cycle for Judicial Council approval, in order to have circulation for public comment prior to council review. However, due to the immediate need, the committees determined that approval of the forms under the regular cycle would not satisfy the needs of the courts for immediate guidance under the new law.

The committees also considered creating a single form to accommodate both adult and juvenile petitions and applications. However, the Family and Juvenile Law Advisory Committee found that the terminology and the legal provisions were sufficiently distinct that it would be confusing to try to accommodate both case types on one set of forms, thus necessitating the creation of separate forms for criminal and juvenile courts.

The committees considered creating an attachment form to allow petitioners to include multiple offenses. However, they concluded that such a form might create problems for the courts issuing the orders because the relief allowed under Prop. 64 is tied to the nature of the offense, whether the offender is currently subject to a sentence/disposition and whether the offender has completed that sentence/disposition.

The Criminal Law Advisory Committee considered not including the proof of service requirement on the adult Petition/Application (form CR-187). However, the proposition assumes service on the prosecution by providing that “the party opposing” the petition/application may put forth evidence that it does not meet the criteria for relief. Therefore, the committee determined that the guidance to the defendant and the information gained by the court in terms of notice to the prosecuting agency, outweighed the inconvenience of the additional step. If it is determined that a rule of court would provide needed guidance, the committee will develop a rule at a later time.

Lastly, the committees considered enacting rules of court to set forth uniform timelines and procedures for carrying out the requirements of section 11361.8 but determined that such rules are not necessary given court’s efforts to implement the law, which would be well under way by

the time the rules went into effect. If, however, it is determined that rules of court for those or other reasons would provide needed guidance, the committees will develop such rules at a later time.

Implementation Requirements, Costs, and Operational Impacts

Court staff and judicial resources required to enable the filing of the petitions and applications provided in newly enacted Health and Safety Code section 11361.8 may be significant. Unfortunately, this is unavoidable due to the change in the law. The proposed optional forms are intended to mitigate court burdens by providing forms to help streamline the process.

Attachments and Links

1. Forms CR-187, CR-188, JV-744, and JV-745 at pages 8–16.
2. Prop. 64, available at: [https://www.oag.ca.gov/system/files/initiatives/pdfs/15-0103%20\(Marijuana\)_1.pdf](https://www.oag.ca.gov/system/files/initiatives/pdfs/15-0103%20(Marijuana)_1.pdf).

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Circulate for comment (September 1 cycle)**

RUPRO Meeting: December 15, 2016

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

Criminal Procedure and Juvenile Law: Judicial Council Forms Under Proposition 64 (Approve forms CR-187, CR-188, JV-744, and JV-745)

Committee or other entity submitting the proposal:

Criminal Law Advisory Committee
Hon. Tricia Ann Bigelow, Chair

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

Staff contact (name, phone and e-mail): Kimberly DaSilva, 415-865-4534

Kimberly.DaSilva@jud.ca.gov; Tracy Kenny, 916-263-2838

Tracy.Kenny@jud.ca.gov

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

Approved by RUPRO: To be considered at the December 15th meeting

Project description from annual agenda: Develop rule and form proposal to implement Proposition 64, the "Control, Regulate and Tax Adult Use of Marijuana Act," commonly known as the "Adult Use of Marijuana Act." The Act legalizes and redesignates specified marijuana related offenses and regulates legalized use and for minors provides that most marijuana-related offenses are infractions.

If requesting July 1 or out of cycle, explain:

New statutory provisions went into effect on November 9, 2016 requiring the Judicial Council to adopt all necessary forms to allow for the filing of petitions and applications for resentencing/dismissal under Proposition 64. Forms need to be implemented quickly and as they are proposed to be approved initially without circulation for comment, it is critical that the comment period begin as soon as possible.

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

These forms are also being submitted to RUPRO to be recommended for approval by the Judicial Council at the January 20, 2017 meeting to take effect on January 23, 2017 without circulation for comment.

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INVITATION TO COMMENT

[ItC prefix as assigned]-__

Title	Action Requested
Criminal Procedure and Juvenile Law: Judicial Council Forms Under Proposition 64	Review and submit comments by February 14, 2017
Proposed Rules, Forms, Standards, or Statutes Approve forms CR-187, CR-188, JV-744, and JV-745.	Proposed Effective Date September 1, 2017
Proposed by Criminal Law Advisory Committee Hon. Tricia Ann Bigelow, Chair	Contact Kimberly DaSilva, 415-865-4534 Kimberly.DaSilva@jud.ca.gov
Family and Juvenile Law Advisory Committee Hon. Jerilyn Borack, Cochair Hon. Mark Juhas, Cochair	Tracy Kenny, 916-263-2838 Tracy.Kenny@jud.ca.gov

Executive Summary and Origin

On November 8, 2016, the people of the state of California voted to enact Proposition 64, the “Control, Regulate and Tax Adult Use of Marijuana Act” (“Proposition 64”). To implement Proposition 64, the Criminal Law and the Family and Juvenile Law Advisory Committees are proposing four optional forms to be used to petition the court for relief and make the appropriate orders under Health and Safety Code section 11361.8.

Background

Proposition 64, which became effective on November 9, 2017, includes resentencing and dismissal provisions which permit persons previously convicted of designated marijuana-related offenses to obtain a reduced conviction or sentence, if they would have received the benefits of the law had it been in effect when the crime was committed. As discussed below, juvenile offenders are also eligible for retroactive relief under Proposition 64 based on the reclassification of juvenile marijuana offenses as infractions. The proposition specifically directs the Judicial Council to “promulgate and make available all necessary forms to enable the filing of the petitions and applications” provided for in the initiative.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Provisions for resentencing, dismissal, and sealing

Proposition 64 includes resentencing and dismissal provisions set forth in newly added Health and Safety Code section 11361.8. This section permits persons previously convicted of designated marijuana-related offenses to obtain a reduced conviction or sentence, if they would have received the benefits of Proposition 64 had it been in effect when the crime was committed. If the conviction was for conduct now legal, Proposition 64 provides for dismissals of those convictions and for the sealing of dismissed convictions for persons who have completed their sentences.

Proposition 64 provides relief to persons convicted of the following marijuana-related offenses:

- Possession under Health and Safety Code section 11357;
- Cultivation under Health and Safety Code section 11358;
- Possession for sale under Health and Safety Code section 11359; and
- Unlawful transport under Health and Safety Code section 11360.

(See Health & Saf. Code, § 11361.8(a), (e).)

The adult resentencing and dismissal provisions of Proposition 64 apply to persons currently serving a sentence for an eligible offense and for those who have completed their sentence. (See Health & Saf. Code, § 11361.8(b), (f).)

The request must be made before the trial court that entered the judgment of conviction in the case. (See Health & Saf. Code, § 11361.8(a), (e).) Unless the prosecution proves by clear and convincing evidence that the petitioner/applicant does not satisfy the criteria for relief, the court must presume that the petitioner/applicant does satisfy the criteria and grant relief. However, for persons currently serving a sentence, the court may deny a petition/application if it determines that granting the relief would pose an unreasonable risk of danger to public safety. (Health & Saf. Code, § 11361.8(b).)

If the court grants a request to redesignate an eligible offense as a misdemeanor or an infraction, the conviction is to be treated as a misdemeanor or an infraction for all purposes. (See Health & Saf. Code, § 11361.8(h).)

Proposition 64 also provides for the sealing of records of convictions dismissed under the proposition of persons who have completed their sentence. The court must “*seal the conviction as legally invalid as now established under [Proposition 64].*” (Health & Saf. Code, § 11361.8(f).)

Resentencing and redesignation of offense provisions apply to juvenile adjudications

Proposition 64 expressly provides that the provisions of Health and Safety Code section 11361.8 for resentencing and redesignation of offenses apply equally to juvenile delinquency adjudications and dispositions. Proposition 64 does not entirely decriminalize marijuana offenses

for minors, but rather provides that they are all infractions that can only be sanctioned with court-ordered drug education or counseling and community service. Because juvenile offenses will remain as infractions, application of the adult resentencing and redesignation provisions to juveniles will not require dismissal or sealing.

Forms to be considered by the Judicial Council while they circulate for public comment

In order to assist the trial courts with implementation of the new law, working groups of the Criminal Law and Family and Juvenile Law Advisory Committees developed sample forms that were made available on November 9, 2016, on the California Courts website for courts to begin implementing the provisions of section 11361.8. This immediate action was taken because Proposition 64 specifically directs the Judicial Council to promulgate and make available all necessary forms to enable the filing of the petitions and applications provided in newly added Health and Safety Code section 11361.8. The forms in this proposal reflect some refinement of those sample forms that the committees have undertaken in the period since the election. At the same time that these forms are circulating for comment, the two committees are also jointly recommending to the Judicial Council that the forms in this proposal be approved by the council at its January 20, 2017 meeting without circulation for comment with an effective date of January 23, 2017. This action will ensure that official council forms are available on a more expedited basis while the committees simultaneously gather feedback on the forms during the public comment period so that the council can consider revised forms to become effective on September 1, 2017.

The Proposal

The proposal recommends approval of four optional forms (two criminal and two juvenile) to allow for requests for resentencing and dismissal/redesignation and sealing of offenses to be made in criminal and juvenile marijuana matters. The criminal forms would be available to anyone convicted of an eligible offense at age 18 or older, while the juvenile forms are for those offenses adjudicated when the offender was under the age of 18. Each form set includes a form to request relief and an order form to make relevant orders. As discussed in more detail below, there are some differences between the proposed criminal and juvenile forms, some, but not all, of which are based on differences in the applicable statutes or proceedings. Input would particularly be appreciated on whether the forms should more closely parallel each other where possible.

Criminal forms

Petition/Application. Optional *Petition/Application (Health and Safety Code, § 11361.8)* (form CR-187) may be used by both persons currently serving eligible sentences and persons who have completed eligible sentences. The form allows the petitioner/applicant to:

- Identify one or two eligible convictions;
- Identify his or her age at the time of the conduct that gave rise to the conviction;
- Identify the nature of the substance that resulted in the conviction;
- Identify the quantity of the substance that resulted in the conviction;
- Request the desired relief;

- Waive the statutory requirement under section 11361.8 that the matter be heard by the original sentencing judge; and
- Waive his/her appearance.

It also requires the petitioner/applicant to serve the prosecuting agency with a copy of the petition/application, which contains an area for that agency to object to the request and/or to request a hearing on the matter. Because Prop. 64 appears to assume that the prosecuting agency has been served, by providing that the “party opposing the” petition/ application may put forth evidence that the petitioner/applicant does not satisfy the criteria for relief, an integrated proof of service is included to help petitioners/applicants document their service of the petition/application on the prosecuting agency as well as to provide the court with information as to whether the prosecuting agency has been made aware of the petition/application.

Order form. *Optional Order After Petition/Application (Health and Safety Code, § 11361.8)* (form CR-188) provides the court with the ability to:

- Grant the relief;
- Deny the relief and to state the reasons for the denial;
- Provide notice that any redesignation to a misdemeanor or an infraction shall thereafter be a misdemeanor or an infraction for all purposes;
- Relieve the petitioner from any applicable registration requirements for narcotics offenders; and
- Seal the conviction.

Juvenile forms

Petition/Application form. *Optional Request to Reduce Juvenile Marijuana Offense (Prop. 64 – Health and Safety Code, § 11361.8(m))* (form JV-744) is designed to make it possible for a self-represented party to prepare and file the request to obtain a new juvenile disposition and/or to redesignate eligible offenses under Proposition 64. It is modeled on the adult petition/application form described above, but because the users of this form will primarily be either minors or young adults, it is written in plain language and streamlined to obtain only information that the offender is likely to be able to obtain. Thus, it does not ask for the nature or quantity of the substance involved. It also structured so that a separate form must be completed for each eligible offense a person is requesting be redesignated under Proposition 64. It includes one additional item not on the adult petition/application to allow the petitioner to request a hearing in the event that the prosecution does not make such a request. This item was added because section 11361.8 provides that a hearing is required if requested by the petitioner. In addition, consistent with juvenile court practice in other contexts, the form is designed to be routed by the court clerk to the probation department and prosecuting attorney after filing, rather than requiring the petitioner to serve the request on the prosecuting agency.

Order form. *Optional Juvenile Order After Request to Reduce Marijuana Offense (Prop. 64 – Health and Safety Code, § 11361.8(m))* (form JV-745) is for courts to make the relevant orders

on the requests under section 11361.8 for juvenile offenses. This form is very consistent with the adult order form described above, but has some additional content that is specifically relevant to juvenile offenders including a place to order drug education or counseling and community service as required by Proposition 64. It does not provide for dismissal or sealing as all juvenile offenses remain as infractions.

Alternatives Considered

The committees considered making the forms mandatory but determined that optional forms would allow courts the flexibility of developing their own forms to fit their own unique needs, while still providing the convenience of a standard form for those courts which choose to use them. Courts will still be required to accept petitions/applications submitted on the proposed optional Judicial Council forms even if they develop their own forms, under California Rules of Court, rule 1.35(a).

The committees considered proposing these forms through the regular cycle for Judicial Council approval, which would have meant circulation for public comment prior to council review. However, due to the immediate need, the committees determined that approval of the forms under the regular cycle—which would have taken an entire year—would not be soon enough to satisfy the needs of the courts under the new law.

The committees considered creating dual-use forms for criminal and juvenile matters but concluded that the terminology and the legal provisions were sufficiently distinct that it would be preferable to create separate forms for criminal and juvenile courts. The committees considered enacting rules of court to set forth uniform timelines and procedures for carrying out the requirements of section 11361.8 but determined that such rules superior court's efforts to implement the law, which would be well under way by the time the rules went into effect.

The committees considered creating an attachment form to allow petitioners to include multiple offenses but concluded that such a form might create problems for the courts issuing the orders, as the relief that is allowed under Prop 64 is tied to the nature of the offense and whether the offender is currently subject to a sentence/disposition or has completed that sentence or disposition.

Implementation Requirements, Costs, and Operational Impacts

The requirements of section 11361.8 will impose significant workload burdens on the court to process and act upon the requests for relief by those who are eligible for retroactive relief under Proposition 64. The optional forms proposed here are intended to mitigate those burdens by providing courts with forms that can streamline this process. The total volume of these requests is unknown, but it is anticipated that Proposition 64 will result in far fewer petitions than the courts have been required to consider under Proposition 47.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Should the criminal and juvenile forms should more closely parallel each other where possible, including but not limited to:
 - Should form CR-187, the application/petition form for adults be in more plain language format like form JV-744 to make it easier for self-represented individuals to complete the form?
 - Does section 2 of form JV-744 provide the court with sufficient information to take action on the request or should it be modified to be more like form CR-187 in terms of requesting information on the quantity of marijuana involved in the offense?
 - Is it preferable for the juvenile court to route filed JV-744 requests for relief to the other stakeholders (probation and the prosecuting agency), or, similar to CR-187, should juvenile petitioners be required to serve the petition on those entities?
 - Should form CR-187 and form JV-744 be that same in terms of whether they allow for a request for relief for multiple eligible convictions/offenses on a single petition/application or require separate petitions/applications for each conviction/offense?
- Should there be an attachment form for additional cases?
- Should form CR-187 retain an integrated proof of service? If not, why?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

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

Attachments and Links

1. Proposed new forms CR-187, CR-188, JV-744, and JV-745 at pages 7–15.
2. Proposition 64: [https://www.oag.ca.gov/system/files/initiatives/pdfs/15-0103%20\(Marijuana\)_1.pdf](https://www.oag.ca.gov/system/files/initiatives/pdfs/15-0103%20(Marijuana)_1.pdf).

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____	CASE NUMBER: _____
PETITION/APPLICATION (Health and Safety Code, § 11361.8) ADULT CRIME(S) <input type="checkbox"/> FOR RESENTENCING OR DISMISSAL <input type="checkbox"/> REDESIGNATION OR DISMISSAL/SEALING <input type="checkbox"/> (Health & Saf. Code, § 11361.8(b)) <input type="checkbox"/> (Health & Saf. Code, § 11361.8(f))	FOR COURT USE ONLY Date: _____ Time: _____ Department: _____

INSTRUCTIONS

- Before filing this form, petitioner/applicant should consult local court rules and court staff to determine if a formal hearing on the petition/application will be scheduled.
- If the petitioner is currently serving a sentence for a qualified crime, please fill out sections 1 and 2(a).
- If the applicant has completed the sentence for a qualified crime, please fill out sections 1 and 2(b).
- Complete sections 3 and 4 as necessary.
- Upon the filing of the petition/application, the petitioner/applicant is required to immediately serve the office of the prosecuting agency (the district attorney or city attorney, as appropriate) with a copy of the petition/application. It may be served personally or by mail; the signed Proof of Service, attached to this form, must be filed with the court.

1. CONVICTION INFORMATION

CONVICTION A:

On (date): _____, Petitioner/Applicant, the defendant in the above-entitled criminal action, was convicted of the following Health and Safety Code section 11357 11358 11359 11360, which has been reclassified under Proposition 64.

Petitioner/Applicant further states that when committing the conduct resulting in the conviction he/she was:
 18 to 20 years of age; 21 years old or older. Date of birth: _____

Petitioner/Applicant further states that the nature of the substance which resulted in the conviction was:
 marijuana not in the form of concentrated cannabis; concentrated cannabis; marijuana plants;
 other: _____

Petitioner/Applicant further states that the quantity of the substance which resulted in the conviction was:
 not more than 28.5 grams of marijuana not in the form of concentrated cannabis; not more than 4 grams of marijuana in the form of concentrated cannabis; not more than 8 grams of marijuana in the form of concentrated cannabis;
 not more than 6 marijuana plants.

CONVICTION B:

On (date): _____, Petitioner/Applicant, the defendant in the above-entitled criminal action, was convicted of the following Health and Safety Code section 11357 11358 11359 11360, which has been reclassified under Proposition 64.

Petitioner/Applicant further states that when committing the conduct resulting in the conviction he/she was:
 18 to 20 years of age; 21 years old or older. Date of birth: _____

Petitioner/Applicant further states that the nature of the substance which resulted in the conviction was:
 marijuana not in the form of concentrated cannabis; concentrated cannabis; marijuana plants;
 other: _____

Petitioner/Applicant further states that the quantity of the substance which resulted in the conviction was:
 not more than 28.5 grams of marijuana not in the form of concentrated cannabis; not more than 4 grams of marijuana in the form of concentrated cannabis; not more than 8 grams of marijuana in the form of concentrated cannabis;
 not more than 6 marijuana plants.

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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2. REQUEST FOR RELIEF

a. **RESENTENCING/DISMISSAL**

Petitioner is currently serving the sentence for the crime noted above, and requests the sentence be recalled and that he/she be resentenced or the charge be dismissed as required by law.

Other: _____

b. **REDESIGNATION/DISMISSAL/SEALING**

Applicant has completed the sentence for the crime noted above, and requests the sentence be recalled and the conviction be redesignated or dismissed. If the conviction is dismissed, applicant requests the court's record of conviction be sealed.

Other: _____

3. WAIVER OF HEARING BY ORIGINAL SENTENCING JUDGE

Petitioner/applicant waives the right to have this matter heard by the original sentencing judge. The presiding judge of the court may designate any judge to rule on this matter.

4. WAIVER OF APPEARANCE

Petitioner/applicant understands there is a right to personally attend any hearing held in this matter. Petitioner/applicant gives up that right; the matter may be heard without his/her appearance.

Dated: _____



Signature of petitioner/applicant

PROSECUTING AGENCY RESPONSE

The prosecuting agency has no objection to this petition/application. Petitioner/applicant is entitled to the requested relief without a hearing.

The prosecuting agency requests a hearing and objects to the granting of the petition/application because:

Petitioner/applicant was not convicted of an eligible offense.

Other: _____

Petitioner is eligible for relief, but relief should be denied because petitioner presents an unreasonable risk of danger to public safety if he/she is resentenced.

The prosecuting agency does not object to the petitioner's/applicant's eligibility for relief, but requests a hearing on the issue of resentencing.

Dated: _____

Signature of prosecuting attorney

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.:	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:		
PROOF OF SERVICE Check Method of Service (only one): <input type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail		CASE NUMBER: FOR COURT USE ONLY Date: Time: Department:

1. Person serving: I am over the age of 18 and not a party to this action.
(1) Name: _____
(2) Residence or Business Address: _____
(3) Telephone: _____
2. I served a copy of the Petition/Application for Resentencing or Reduction to Infraction on the person or persons listed below as follows:
(1) Name of person served: _____
(2) Address where served: _____
(3) Date Served: _____
(4) Time Served: _____ AM PM
3. The documents were served by the following means (*specify*):
 - a. **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 2. Delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening.
 - b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 2 and (*specify one*):
 - (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):

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

Date: _____



(Signature of Declarant)

(Printed Name of Declarant)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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3. RESENTENCING/REDESIGNATION DENIED

- The petitioner/applicant is ineligible for the requested relief. The request for resentencing/redesignation/dismissal/sealing is **DENIED** as to crime(s): _____ for the following reasons:
- The petitioner/applicant was convicted of an offense that is not eligible for the requested relief.
- The petitioner's/applicant's age at the time the crime(s) was/were committed makes petitioner/applicant ineligible for the requested relief.
- The nature of the marijuana substance constituting the basis of the crime(s) makes petitioner/applicant ineligible for the requested relief.
- The quantity of the marijuana substance constituting the basis of the crime(s) makes petitioner/applicant ineligible for the requested relief.
- Although petitioner is eligible for relief, for reasons set forth on the record, the court finds that resentencing of petitioner would pose an unreasonable risk of danger to public safety.
- Other: _____

4. MISDEMEANOR/INFRACTION FOR ALL PURPOSES

Any misdemeanor resentenced as an infraction as a result of this order shall thereafter be an infraction for all purposes. Any felony conviction resentenced as a result of this order as a misdemeanor or infraction shall be a misdemeanor or infraction for all purposes.

5. REGISTRATION

- The petitioner/applicant is relieved from the requirement to register as a narcotics offender under Health and Safety Code, §11590.

6. SEALING OF CONVICTION

- The court's record of conviction is ordered sealed. No access to the information shall be permitted without court order.

IT IS SO ORDERED.

Dated: _____
_____ JUDICIAL OFFICER

PARTY WITHOUT AN ATTORNEY OR ATTORNEY: STATE BAR NO. (if applicable): NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
REQUEST TO REDUCE JUVENILE MARIJUANA OFFENSE (Prop. 64—Health and Safety Code, § 11361.8(m))	CASE NUMBER: Date: Time: Department:

INSTRUCTIONS

- Use this form if you went to court for a marijuana-related offense when you were under the age of 18 and you want your record changed. You need to use a different form if you were 18 or older at the time of the offense.
- You need to use a separate form for each juvenile marijuana offense on your record.
- If this form asks for information that you do not have, you can contact your attorney. If you don't have an attorney, the public defender's office or the court in the county where you went to court can probably help you get these records.
- How to fill out the form without an attorney:
 - A. Put your name and contact information in the box at the top of the form and in item 1 below.
 - B. Put the address of the court from your court papers here. This form must be filed in the county where you went to court for this offense.
 - C. Fill out number 2 about the marijuana offense.
 - D. If you are on probation now for the marijuana offense, also check number 3 to ask the judge to make new dispositional orders (a new sentence) based on the new law. The new orders cannot be more severe than your original sentence.
 - E. If you have completed probation for the marijuana offense, check number 4 to ask the judge to redesignate your offense to an infraction. So, if it was a misdemeanor or a felony, it will now be classified like a traffic ticket.
 - F. You can check number 5 if you are willing to have any available judge hear your request. If you check that box the presiding judge may have a different judge hear your request.
 - G. A hearing is not required unless you request it. You can check one of the boxes in number 6 if you want the court to set a hearing.
 - H. You can check number 7 if you do not want to come to court if there is a hearing.

For more information about Proposition 64 and filling out this form, go to www.courts.ca.gov/prop64.htm.

1. MY INFORMATION

My name is:

I was born on (date):

2. OFFENSE INFORMATION

On (date): I was found to come within the jurisdiction of the court under Welfare and Institutions Code section 602 for a violation of Health and Safety Code section (check one)

- 11357—Possession of Marijuana
- 11358—Cultivation of Marijuana
- 11359—Possession of Marijuana for Sale
- 11360—Transportation, Distribution, or Importation of Marijuana

This offense has been reclassified as an infraction when committed by a person under the age of 18 under Proposition 64. At the time of the offense, I was under the age of 18.

CASE NAME:	CASE NUMBER:
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3. REQUEST FOR A NEW DISPOSITIONAL ORDER (RESENTENCING)

I am currently subject to a dispositional order (on probation) for the marijuana offense in number 2. I request that the order be recalled and relief be granted in accordance with Health and Safety Code section 11361.8(b) so that I will be resentenced.

4. REQUEST FOR REDESIGNATION

I am no longer a ward of the court (probation completed) for the marijuana-related offense in number 2. I request the court's dispositional order be recalled and relief be granted in accordance with Health and Safety Code section 11361.8(f) so that the offense will be redesignated as an infraction.

5. WAIVER OF HEARING BY ORIGINAL SENTENCING JUDGE

I know that I have the right to have this matter heard by the judge who originally sentenced me. I am willing to have any available judge hear the case.

6. REQUEST FOR HEARING

I request a hearing if the prosecuting agency opposes my application. I understand that by checking this box, the court will set a hearing only if it is opposed by the Prosecution/Prosecution Agency.

I request that the court set a hearing even if my application is not opposed by the Prosecution/Prosecution Agency.

7. WAIVER OF APPEARANCE

I understand that I have a right to personally attend any hearing held in this matter and argue on my behalf. I give up that right. The case may be heard without my appearance.

Date: _____



SIGNATURE OF PETITIONER

File this form with the court. The court will send a copy to the probation department and to the prosecuting agency to respond.

TO BE FILLED OUT BY THE PROSECUTING AGENCY

8. PROSECUTING AGENCY RESPONSE

The prosecuting agency has no objection to this petition. Petitioner is entitled to the requested relief without a hearing.

The prosecuting agency does not object to the petitioner's eligibility for relief, but requests a hearing on the issue of a new dispositional order.

The prosecuting agency requests a hearing and objects to the granting of the petition because:

The prosecuting agency does not agree that the petition should be granted because the offense for which petitioner was found to be within the jurisdiction of the court under Welfare and Institutions Code section 602 is not eligible for the requested relief under Health and Safety Code section 11361.8.

Petitioner is eligible for relief, but relief should be denied because petitioner presents an unreasonable risk of danger to public safety if he/she is resentenced.

Other : _____

Date: _____

SIGNATURE OF PROSECUTING AGENCY

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: _____	
CASE NAME: _____	
JUVENILE ORDER AFTER REQUEST TO REDUCE MARIJUANA OFFENSE (Prop. 64–Health and Safety Code, § 11361.8(m))	CASE NUMBER: _____
<input type="checkbox"/> FOR NEW DISPOSITION (Health & Saf. code 11361.8(b))	<input type="checkbox"/> REDESIGNATION (Health & Saf. code 11361.8(f))
	Date: _____ Time: _____ Department: _____

From the petition/application filed in this matter, the records of the court, and any other evidence presented in this matter, the court finds as follows:

1. NEW DISPOSITION GRANTED

- The petitioner is eligible for the requested relief. The petition is **GRANTED**. The court hereby recalls its disposition for the designated offense and makes the following additional orders:
 - The following offense is redesignated as an infraction (indicate offense): _____
 - Petitioner is required to complete:
 - _____ hours of drug education and counseling and/or
 - _____ hours of community service, within _____ days from the date of this order.
 - Wardship and delinquency jurisdiction for this offense is terminated.
 - Other: _____

2. REDESIGNATION GRANTED

- The petitioner is eligible for the requested relief. The application is **GRANTED**. The court hereby redesignates the following offense for which the child was found to be within the jurisdiction of the court under Welfare and Institutions Code section 602 as an infraction (indicate offense): _____.

3. NEW DISPOSITION/REDESIGNATION DENIED

- The petitioner is ineligible for the requested relief. The request for a new dispositional order/redesignation is **DENIED** for the following reasons:
 - The offense for which petitioner was found to be within the jurisdiction of the court under Welfare and Institutions Code section 602 is not eligible for the requested relief under Health and Safety Code section 11361.8.
 - Although petitioner is eligible for relief, for reasons set forth on the record, the court finds that modifying the petitioner's disposition would pose an unreasonable risk of danger to public safety.
 - Other: _____

CASE NAME:	CASE NUMBER:
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4. INFRACTION FOR ALL PURPOSES

Any offense redesignated as an infraction as a result of this order shall thereafter be an infraction for all purposes.

IT IS SO ORDERED.

Dated: _____

JUDICIAL OFFICER

Traffic Advisory Committee
Annual Agenda—2017
Approved by RUPRO: _____

I. ADVISORY BODY INFORMATION

Chair:	Hon. Gail Dekreon
Staff:	Ms. Kimberly DaSilva and Ms. Jamie Schechter, Criminal Justice Services
Advisory Body's Charge: Under rule 10.54 of the California Rules of Court, the committee makes recommendations to the council for improving the administration of justice in the area of traffic procedure, practice, and case management and in other areas as set forth in the fish and game, boating, forestry, public utilities, parks and recreation, and business licensing bail schedules.	
Advisory Body's Membership: Thirteen members; 6 trial court judicial officers, 1 juvenile traffic hearing officer, 2 judicial administrators, 1 criminal defense lawyer, 1 representative from the California Highway Patrol, 1 representative from the Department of Motor Vehicles, and 1 representative from the California Office of Traffic Safety.	
Subgroups/Working Groups: None	
Advisory Body's Key Objectives for 2017: Provide recommendations to the Judicial Council that: <ol style="list-style-type: none">1. Support rule, form, and bail schedule proposals to promote timely, effective, technologically current, fair, and accessible processing of traffic proceedings;2. Support proposals on traffic fines, fees, assessments, and forfeitures to promote improved and fair imposition and collection, while also improving access;3. Assist Governmental Affairs in developing Judicial Council-sponsored legislation involving proceedings in traffic court, and responding to proposed legislative developments;4. Create tools to assist bench officers, court staff, justice partners, and the public in traffic proceedings;5. Educate bench officers, court staff, justice partners, and the public on procedures in traffic court.	

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	2018 Bail Schedules Revision. Revise and reexamine the annual Uniform Bail and Penalty Schedules.	1 – Must be done	<p>Judicial Council Direction: Strategic Plan Goal III. Modernization of Management and Administration; Operational Plan Objective: III.4. Uphold the integrity of court orders, protect court user safety, and improve public understanding of compliance requirements; improve the collection of fines, fees, and forfeitures statewide.</p> <p>Origin of Project: Vehicle Code section 40310 requires the Judicial Council to adopt an annual schedule for nonparking traffic infractions.</p> <p>Resources: Governmental Affairs (GA) staff assists committee and Criminal Justice Services staff with tracking legislation affecting the bail schedules.</p> <p>Key Objectives Supported: 1, 4.</p>	December, 2017. The committee will circulate an invitation to comment in October and will report to the council at December 2017 meeting.	Adoption of revised statewide Uniform Bail and Penalty Schedules to conform to legislation and use for updating courts' county bail schedules as required by Penal Code section 1269b.
2.	Rules Modernization Project a. In collaboration with ITAC, identify and develop priorities for potential rule and statutory	1(d)-(f) or 2(b) depending	Judicial Council Direction: Strategic Plan Goal: Goal VI – Branchwide Infrastructure for Service Excellence.	January 2018 or 2019.	Amendment and/or adoption of rules or statutes.

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

² For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>modifications so that the rules and statutes will be consistent with modern business practices. (For example, consider electronic notification to replace mail, paying fines online, etc.).</p> <p>b. Review rules and statutes in a systematic manner and develop recommendations for comprehensive changes.</p>	on rule or statute	<p>Operational Plan Objective: VI, Objective 4, Implement new tools to facilitate the electronic exchange of court information while balancing privacy and security.</p> <p>Origin of Project: The Judicial Council mandate based on recommendations from Information Technology Advisory Committee and other advisory committees.</p> <p>Resource: ITAC.</p> <p>Key Objectives Supported: 1.</p>		<p>Approval of revised guidelines for reporting on remote video proceedings in traffic infraction cases.</p> <p>Approval of optional online interface traffic forms: TR-300(online) and TR-310(online).</p>
3.	<p>Rules and Forms for Access to Justice in Infraction Cases. Consider development of rules and forms to promote access to justice in all infraction cases, including recommendations of optional forms related to reminder notices, civil assessment notices, ability to pay determinations and other forms.</p>	1(e)	<p>Judicial Council Direction: Strategic Plan Goal: III. Modernization of Management and Administration.</p> <p>Operational Plan Objective: III.5. Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: This item is added in response to specific concerns expressed to the Judicial Council by courts and law enforcement agencies.</p> <p>Resources: Court Executives Advisory Committee and Information Technology Advisory Committee to provide</p>	January 2018.	Adoption of revised or new rules and forms.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>recommendations on court practices and procedures.</p> <p>Key Objectives Supported: 1, 2.</p>		
4.	<p>Legislation for Access to Justice in Infraction Cases. Recommend development of legislation to promote access to justice in all infraction cases, including recommendations related to Vehicle Code section 42003, community service, post-conviction proceedings, or procedures after a defendant has previously failed to appear or pay, such as imposing civil assessments or placing holds on a driver’s license.</p>	2 – Should be done	<p>Judicial Council Direction: Strategic Plan Goal: III. Modernization of Management and Administration.</p> <p>Operational Plan Objective: III.5. Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p> <p>Origin of Project: This item is added in response to specific concerns expressed to the Judicial Council by courts and law enforcement agencies.</p> <p>Resources: Criminal Law Advisory Committee, Providing Access and Fairness, Court Executives Advisory Committee and Information Technology Advisory Committee to provide recommendations on court practices and procedures.</p> <p>Key Objectives Supported: 1, 2, and 3.</p>	December 2017.	Recommendation of legislation to the Judicial Council for sponsorship.
5.	<p>Community Outreach. Provide advice to Judicial Council staff for implementation and maintenance of community</p>	2 – Should be done	<p>Judicial Council Direction: Strategic Plan Goal: I. Access, Fairness, and Diversity; IV. Quality of Justice and Service to the Public.</p> <p>Operational Plan Objective: I.2. Identify and eliminate barriers to all levels of service;</p>	Ongoing.	Revision of traffic outreach materials, including the Self-Help Traffic material, on the California Courts

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	outreach materials developed for use by bench officers.		<p>ensure that interactions with the court are understandable, convenient, and perceived as fair; Objective IV.1. Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: Outreach materials were developed by the committee in 2001 in response to a directive by the Judicial Council and regularly updated to enhance community outreach and improve public trust and confidence in the courts.</p> <p>Resource: CJER to provide consultation regarding improvement of outreach educational materials.</p> <p>Key Objectives Supported: 2 and 5.</p>		Website, and posting on the Judicial Resources Network.
6.	<p>Traffic Bench Officer and Temporary Judge Training. Provide advice as requested by the Center for Judicial Education and Research with development of traffic training programs and materials for bench officers and temporary judges assigned to traffic proceedings, including instruction on options for appearance in court after a failure to appear and referral to collections.</p>	2 – Should be done	<p>Judicial Council Direction: Strategic Plan Goal: V. Education for Branchwide Professional Excellence.</p> <p>Operational Plan Objective: V.1. Provide relevant and accessible education and professional development opportunities for all judicial officers (including court-appointed temporary judges) and court staff.</p> <p>Origin of Project: Recommended by committee to support the Center for Judicial Education and Research (CJER) and research in preparation and presentation of</p>	Ongoing.	Provide assistance for CJER training programs for traffic bench officers.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>statewide training programs for traffic bench officers.</p> <p>Resource: CJER Governing Committee to provide advice and recommendations to CJER as requested for traffic training programs and materials.</p> <p>Key Objectives Supported: 4 and 5.</p>		
7.	<p>Develop Rules and Forms for Trials Under Vehicle Code Sections 40902 and 40903. Develop revised rules and forms to standardize and improve processing of trials by written declaration and trials in absentia for traffic infractions under Vehicle Code sections 40902 and 40903.</p>	2(a)	<p>Judicial Council Direction: Strategic Plan Goal: III. Modernization of Management and Administration; VI. Branchwide Infrastructure for Service Excellence. Operational Plan Objective: III.5. Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases; Objective IV.1. Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.</p> <p>Origin of Project: Proposed in response to requests from courts to reduce expense and clarify rules and procedures for trial by written declaration. As required by Vehicle Code section 40902, the council has adopted rules and forms for trials by written declaration requested by a defendant. Vehicle Code section 40903 provides that a defendant who fails to appear may be</p>	January 1, 2018	Amend rules; new forms, and revised forms.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>deemed to have elected to have a trial by written declaration.</p> <p>Resources: Court Executives Advisory Committee and Trial Court Presiding Judges Advisory Committee to provide recommendations on best practices and development of forms and procedures.</p> <p>Key Objectives Supported: 1.</p>		

III. STATUS OF 2016 PROJECTS:

#	Project	Completion Date/Status
1.	Bail Schedule Revision.	Ongoing/ revised Uniform Bail and Penalty Schedules will be on the December agenda for adoption by council effective January 1, 2017, in accordance with Vehicle Code section 40310.
3.	Revise forms TR-300 and TR-310.	Submitted to RUPRO to recommend adoption by the Judicial Council at the December 2016 meeting.
4.	Support legislation to improve efficiencies for Trials by Written Declaration Under Vehicle Code Sections 40902.	Legislation proposed in 2016 did not receive support in the Legislature.
5.	Adopt forms TR-300 (online), TR-310 (online), and companion rule 4.108.	Submitted to RUPRO to recommend adoption by the Judicial Council at the December 2016 meeting.
6.	Remote Video Proceedings.	Recommended a revised set of guidelines to be approved by the Judicial Council's Technology Committee. Completed November 2016.
7.	Community Outreach, including revision of California Courts website Self-Help Traffic page.	July 2016 revised the California Courts website Self-Help Traffic page / Ongoing. See Item 5 on agenda.
8.	Traffic Bench Officer and Temporary Judge Training.	Ongoing. See Item 6 on agenda.

VI. Subgroups/Working Groups - Detail

Subgroups/Working Groups: *[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]*

Subgroup or working group name: None

Purpose of subgroup or working group: N/A

Number of advisory body members on the subgroup or working group: N/A

Number and description of additional members (not on this advisory body): N/A

Date formed: N/A.

Number of meetings or how often the subgroup or working group meets: N/A

Ongoing or date work is expected to be completed: N/A

PROBATE AND MENTAL HEALTH ADVISORY COMMITTEE

Annual Agenda—2017

Approved by RUPRO: _____

I. ADVISORY BODY INFORMATION

Chair:	Hon. John H. Sugiyama, Judge, Superior Court of California, County of Contra Costa
Staff:	Corby Sturges, Attorney, Judicial Council Center for Families, Children & the Courts (CFCC)
<p>Advisory Body's Charge: <i>California Rules of Court, Rule 10.44:</i> Probate and Mental Health Advisory Committee</p> <p>(a) Area of focus The committee makes recommendations to the council for improving the administration of justice in proceedings involving:</p> <ul style="list-style-type: none">(1) Decedents' estates, trusts, conservatorships, guardianships, and other probate matters; and(2) Mental health and developmental disabilities issues. <p>(b) Additional duty The committee must coordinate activities and work with the Family and Juvenile Law Advisory Committee in areas of common concern and interest.</p>	

Advisory Body’s Membership: There are currently 16 members of the committee, allocated in the following membership categories:

- (1) Judicial officer with experience in probate: **4 members**
- (2) Lawyer or examiner who works for the court on probate or mental health matters: **4 members**
- (3) Lawyer whose primary practice involves decedents' estates, trusts, guardianships, conservatorships, or elder abuse law: **3 members**
- (4) Investigator who works for the court to investigate probate guardianships or conservatorships: **1 member**
- (5) Person knowledgeable in mental health or developmental disability law: **2 members***
- (6) Person knowledgeable in private management of probate matters in a fiduciary capacity: **1 member**
- (7) County counsel, public guardian, or other similar public officer familiar with guardianship and conservatorship issues: **1 member**

*The members appointed under category 5 are Hon. James N. Bianco, Site Judge of the Superior Court of Los Angeles County’s Mental Health Court, and Hon. Garrett L. Wong, Judge of the Superior Court of San Francisco. A third member qualified under this category is Hon. Maria E. Stratton, supervising judge of the Probate Division of the Superior Court of Los Angeles County, who was previously Assistant Supervising Judge of LA’s Mental Health Court.

Subgroups/Working Groups: *[List the names of each subgroup/working group, including groups made up exclusively of advisory body members and joint groups with other advisory bodies, and provide additional information about the subgroups/working groups in Section IV below. To request approval for the creation of a new subgroup/working group, include “new” before the name of the proposed subgroup/working group and describe its purpose and membership in section IV below.¹]*

Subgroup or working group name: Legislation Subcommittee; Ad Hoc Subcommittee on Mental Health Issues in Non-Criminal Proceedings; **new** Joint Working Group on Crossover Issues in Family Law Child Custody, Probate Guardianship, and Juvenile Dependency Proceedings *(with Family and Juvenile Law Advisory Committee)*

Advisory Body’s Key Objectives for 2017:

[An objective is a strategic aim, purpose, or “end of action” to be achieved. Enter as bullet points the advisory body’s objectives for the coming year.]

1. Make recommendations to improve practice, access to the courts, court supervision of fiduciaries, and protection of vulnerable persons in court proceedings under the Probate Code.
2. Integrate consideration of mental health into appropriate aspects of committee work. Develop recommendations for promoting access to court and procedural fairness for persons with mental disorders or intellectual disabilities in probate and other civil proceedings.

¹ California Rules of Court, rule 10.30(c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

3. Revise Judicial Council forms for use in probate guardianship proceedings to simplify judicial practice and procedure and promote meaningful access to the courts.
4. Collaborate with Family and Juvenile Law Advisory Committee to examine issues crossing over among family law child custody, probate guardianship, and juvenile dependency proceedings.
5. Develop forms needed to facilitate delivery of notice in probate proceedings by electronic means. Forms would provide for consent to receive electronic notice, withdrawal of consent, and change of electronic address.
6. Continue implementation of the California Conservatorship Jurisdiction Act (a) to develop a process for petitioners to establish requisite jurisdictional facts and (b) to facilitate transfers of conservatorships into and out of California.
7. Develop recommendations to promote greater efficiency and cost savings in court management of probate proceedings.

II. ADVISORY BODY PROJECTS

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	Proposal for general review and possible revision of the forms used for guardianship proceedings to simplify them and make them more accessible to self-represented litigants.	1(e)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B1; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Probate Attorneys, Superior Courts of Los Angeles, Orange, Riverside, and San Joaquin Counties</p> <p><i>Resources:</i></p> <p><i>Key Objectives Supported:</i> 1, 3, 7</p>	This project would be a two-year project, with the analysis to take place in 2017 and the revisions, if any are decided upon, to go forward in 2018, effective January 1, 2019.	Revised Judicial Council forms for use in guardianship proceedings.
2.	Collaborate with Family and Juvenile Law Advisory Committee to identify, consider, and propose resolution of issues crossing over among probate guardianship, family law custody, and juvenile dependency proceedings. Issues already identified include disparate investigatory resources, the availability of remedial services and judicial authority to order them, and	1(e)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B1; Goal IV, Policies 3, 4, 5, 8; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Family and Juvenile Law Advisory Committee; Probate, Juvenile, and Family Court Judges, Superior Courts of Los Angeles, Orange, Sacramento, San Bernardino, San Diego, and Santa Clara Counties.</p>	This project will probably take two years, with the discussion and analysis taking place in 2017 and recommendations, if any, to go forward in 2018. Any proposals for rules or forms would be effective January 1, 2019.	Possible legislation to promote consistency in treatment of abused and neglected children. Possible rules of court or Judicial Council forms, in coordination with item 2, to promote efficient coordination of judicial proceedings to involving child abuse and neglect.

² All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

³ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	procedures for referrals from family or probate court to child welfare if the court has reason to believe that a child may be abused or neglected.		<p><i>Resources:</i> Family and Juvenile Law Advisory Committee; Center for Families, Children & the Courts; Legal Services</p> <p><i>Key Objectives Supported:</i> 1, 3, 4, 7</p>		
3.	Monitor the implementation, in probate guardianship proceedings, of the directives in section 155 of the Code of Civil Procedure (added by Stats. 2014, ch. 685, § 1) and section 1510.1 of the Probate Code (added by Stats. 2015, ch. 694) concerning judicial findings to support (proposed) wards' petitions for Special Immigrant Juvenile (SIJ) status in federal immigration proceedings.	1(b)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal IV, Policy 3; Operational Plan, Goal IV, Objectives 1d and 1f.</p> <p><i>Origin of Project:</i> Legislation enacted in response to wave of unaccompanied immigrant children entering California. When appropriate, implementation will be in collaboration with the Family and Juvenile Law Advisory Committee; the Center for Families, Children & the Courts; and the Center for Judiciary Education and Research.</p> <p><i>Resources:</i> Family and Juvenile Law Advisory Committee; Center for Families, Children & the Courts; and Center for Judiciary Education and Research</p> <p><i>Key Objectives Supported:</i> 1, 7</p>	Ongoing	Possible amended rules of court and revised Judicial Council forms to the extent needed to help courts to process petitions for SIJ findings in probate guardianship proceedings.

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
4.	Identify and consider action to promote access to court and protect the legal interests of persons suffering from mental disorders or intellectual disabilities, including action recommended by the Mental Health Issues Implementation Task Force and referred by the Judicial Council to PMHAC (recommendations 24–27 in the 2015 MHIITF final report). Recommend appropriate action within the committee’s purview.	1	<p><i>Judicial Council Direction:</i> As referred by the Judicial Council and Strategic Plan, Goal III, Policy 6; Goal IV, Policies 3, 4, 5, 8; Operational Plan, Goal III, Objective B5a</p> <p><i>Origin of Project:</i> The Judicial Council’s Task Forces for Criminal Justice Collaboration on Mental Health Issues and Mental Health Issues Implementation.</p> <p><i>Resources:</i> Center for Families, Children & the Courts (CFCC), Criminal Justice Services</p> <p><i>Key Objectives Supported:</i> 1, 2, 7</p>	Ongoing	Better coordination of criminal and mental health conservatorship proceedings; legislation to permit joinder of county conservatorship investigator, public guardian or conservator, and private mental health conservators in criminal cases involving (proposed) mental health conservatees; and legislation to permit judicial officers in criminal cases involving mentally ill criminal defendants to order conservatorship evaluations.
5.	Develop model protocol to coordinate civil commitment proceedings, conservatorship proceedings under the Probate Code and the Lanterman-Petris-Short Act, and criminal proceedings when directed at the same person.	2(b)	<p><i>Judicial Council Direction:</i> As referred by the Judicial Council and Strategic Plan, Goal III, Policy 6; Goal IV, Policies 3, 4, 5, 8; Operational Plan, Goal III, Objective B5a</p> <p><i>Origin of Project:</i> The Judicial Council’s Task Forces for Criminal Justice Collaboration on</p>		

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>Mental Health Issues and Mental Health Issues Implementation.</p> <p><i>Resources:</i> Center for Families, Children & the Courts (CFCC), Criminal Justice Services</p> <p><i>Key Objective Supported:</i> 1, 2, 7</p>		
6.	<p>Proposal for revision of the <i>Capacity Declaration—Conservatorship</i> (form GC-335) to facilitate completion of the form by clinical psychologists and psychiatrists consistent with law without diminishing its usefulness to the courts. Provide expressly for placement of a submitted form in the confidential portion of the case file.</p>	1(e)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal IV, Policy 3; Operational Plan, Goal IV, Objective 1f.</p> <p><i>Origin of Project:</i> Committee Chair, probate judges and court attorneys</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported:</i> 1, 2, 7</p>	<p>This would be a multi-year project, with 2017 devoted to consultation with medical experts and analysis of whether legislation would be required.</p>	<p>Possible amendment of Prob. Code section 811; substantially revised Capacity Declaration for use in conservatorship cases.</p>
7.	<p>Review and consider recommendations for changes in law, practice, and procedure in limited conservatorships for the developmentally disabled, including rules of court concerning qualifications and continuing education requirements for counsel appointed by the court for (proposed) limited conservatees.</p>	2, 1(f)	<p><i>Judicial Council Direction:</i> CRC, rule 10.44(a)(1) Strategic Plan, Goal I, Policy 10; Goal IV, Policy 3; Operational Plan, Goal I, Objective 3; Goal IV, Objective 1f.</p> <p><i>Origin of Project:</i> This project arose out of a 2014 request from the Disability & Abuse Project of the Spectrum Institute for</p>	<p>This is a two-year project, concluding with effective date of rule amendments or form revisions, if any are proposed, of January 1, 2019.</p>	<p>Possible legislation, amended rules of court, and revised Judicial Council forms, including provisions for training of judicial officers, court staff, and court-appointed counsel in limited conservatorship cases.</p>

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>creation of a limited conservatorship task force modeled after the 2006 Chief Justice’s Probate Conservatorship Task Force. The committee considered the request at a public portion of its November 2014 meeting, but did not recommend creating a task force.</p> <p><i>Resources:</i> Governmental Affairs, Advisory Committee on Providing Access and Fairness; Center for Families, Children & the Courts; Center for Judiciary Education and Research</p> <p><i>Key Objective Supported:</i> 1, 2, 7</p>		
8.	Proposals for new Judicial Council forms to implement transfer of conservatorships under the California Conservatorship Jurisdiction Act (Chapter 8 of Part 3 of Division 4 of the Probate Code, commencing with section 1980), added by SB 940 (Stats. 2014, ch. 553), and revised forms to clarify necessary jurisdictional facts under the Act.	1(b)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2 Operational Plan, Goal III, Objective 5.</p> <p><i>Origin of Project:</i> California Conservatorship Jurisdiction Act, SB 940 (Stats. 2014, ch. 553), probate court attorneys</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported:</i> 1, 6, 7</p>	This is a two year project, ending with additional forms effective in January 2018 and possibly others in September 2018.	The end product in 2018 is expected to be forms for transfers of conservatorship cases into or out of this state and revisions to petitions to specify necessary jurisdictional facts.

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
9.	Modernization Project—Phase 2 (with ITAC): Monitor legislative progress of Judicial Council-sponsored amendments of Probate Code provisions governing service of notice to permit consensual e-service of notice. Revise existing Judicial Council forms to provide for consent to e-service of notice and proof of service by electronic means.	1	<p><i>Judicial Council Direction:</i> Goal III, Policy B1 Operational Plan, Goal III, Objective 5a</p> <p><i>Origin of Project:</i> Court Technology Advisory Committee</p> <p><i>Resources:</i> Court Technology Advisory Committee, Information Technology Advisory Committee</p> <p><i>Key Objective Supported:</i> 1, 5, 7</p>	Ongoing. This project continues item no. 10 of the committee’s 2016 Annual Agenda. If rule amendments and form revisions required, effective either January 1, 2018, or September 1, 2018.	Amendment of Probate Code provisions prescribing service of notice by mail to permit e-service to consenting recipients in the 2017 Legislature. If successful, the changed provisions would be effective on January 1, 2018. Rule and form changes, possibly effective January 1, 2018.
10	Consult with CEAC on proposal to address possible conflict in court records retention statutes affecting retention of original wills and codicils, a joint project with CEAC. This proposal carries over from 2016, as CEAC withdrew that element of its legislative proposal addressing records retention.	2	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy A2; Operational Plan, Goal III, Objective 2b.</p> <p><i>Origin of Project:</i> Court Executives Advisory Committee</p> <p><i>Resources:</i> Court Executives Advisory Committee JCC Governmental Affairs JCC Legal Services, Legal Opinions Unit</p> <p><i>Key Objective Supported:</i> 1, 7</p>	The proposal is for legislation in the 2018 Legislature that would become effective on January 1, 2019.	Clarification of the law to specify which original wills and codicils held by courts may be stored electronically and which must be stored in their original form.

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
11	Develop legislative proposal to apply section 2361's requirement that a conservator give notice of the conservatee's death to conservators of the estate and to require notice to all persons entitled under section 2581 of the code.	1	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy A2; Operational Plan, Goal III, Objective 2b.</p> <p><i>Origin of Project:</i> This project is required to implement the legislative intent of AB 1085 (Stats. 2015, ch. 92, § 3), which added section 2361 to the code.</p> <p><i>Resources:</i> JCC Governmental Affairs JCC Legal Services, Legal Opinions Unit</p> <p><i>Key Objective Supported:</i> 1, 7</p>	The proposal is for legislation in the 2018 Legislature that would become effective on January 1, 2019.	Clarify broad application of statutory notice provision and ensure notice to persons affected.
12	Consider proposal for rules of court and forms for simplified guardianship accountings in which all funds are held in blocked account.	2, 2(b)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Judge of the Superior Court, County of San Bernardino</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported:</i> 1, 7</p>	This would be a two-year project, with 2017 to be devoted to a preliminary review to determine whether the proposal should be pursued in the 2018 committee year.	Streamlined and simplified procedure and forms for use in appropriate guardianship accountings.
13	Consider proposed legislation to dispense with filing fees for petitions to establish a guardianship of the person only, and for petitions filed by appointed guardians in these cases.	2	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B1; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Probate Attorney, Superior Court of San Joaquin County</p>	This proposal would be a 2017 item, which would become effective, if legislation is successful, on January 1, 2019.	Elimination of filing fees for guardians of the person and petitioners for their appointment would eliminate the complex new fee waiver process in these matters, with

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p><i>Resources:</i></p> <p><i>Key Objective Supported: 1, 7</i></p>		<p>little loss of revenue, because virtually all guardianships of the person qualify for fee waivers under the 2014 law and the forms adopted effective in September of 2015.</p>
14	<p>Proposal for legislation to amend Probate Code to permit funeral expenses of a decedent to be treated as administration expenses and thus payable without creditors' claims in his or her estate.</p>	2	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Managing Probate Attorney, Superior Court of Riverside County</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 1, 7</i></p>	<p>Effective date of legislation, January 1, 2019.</p>	<p>Smoother estate administration that would permit estates to reimburse funeral expenses paid at or before commencement of administration by the decedent's family members.</p>
15	<p>Review and analyze pending legislation affecting practice and procedure in proceedings under the Probate Code and in mental health law to assist the Judicial Council in developing positions concerning the legislation.</p>	1	<p><i>Judicial Council Direction:</i> CRC, rule 10.44(a)</p> <p><i>Origin of Project:</i> This project has been a core committee function since creation of the permanent committee in 2000.</p> <p><i>Resources:</i> Governmental Affairs</p> <p><i>Key Objective Supported: 1, 7</i></p>	<p>Ongoing</p>	<p>Recommendations to the Judicial Council's Policy Coordination and Liaison Committee for council positions on the legislation.</p>

#	Project ²	Priority ³	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
16	Review and analyze reported appellate court decisions in proceedings under the Probate Code and in civil mental health matters during the current year and make recommendations for legislative changes and changes in practice and procedure made necessary or advisable by these decisions.	1	<p><i>Judicial Council Direction:</i> CRC, rule 10.44(a)</p> <p><i>Origin of Project:</i> This project has been a core committee function since the committee was made a permanent advisory committee in 2000.</p> <p><i>Key Objective Supported:</i> 1, 7</p>	Ongoing	Recommendations for legislation or changes in court rules and forms in response to appellate court decisions.

III. STATUS OF 2016 PROJECTS:

[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1	Complete Third Edition of the Judicial Council’s <i>Handbook for Conservators</i> .	The final draft of the <i>Handbook for Conservators, 2016 Edition</i> , was approved by the Judicial Council at its October 2016 meeting. It is posted on the California courts website at www.courts.ca.gov/documents/handbook.pdf . Files will be made available to the courts for printing by January 1, 2017.
2	Implement, in probate guardianship proceedings, the directives contained in SB 873 (Stats. 2014, ch. 685) § 1, which added Chapter 7 to Title 1 of Part 1 of the Code of Civil Procedure, commencing with section 155, concerning findings in state court proceedings involving qualified minors that would support their applications for favored immigration status as Special Immigrant Juveniles (SIJS).	This project has been completed. The committee will monitor implementation of the statutory requirements and, to the extent needed, recommend modification of rules and forms as needed to help courts process petitions more efficiently and to respond to any further legislation.
3	Develop rules of court and Judicial Council forms as necessary to implement the provisions of AB 900 (Stats. 2015, ch. 694), which creates a new type of guardianship of the person for persons 18 to 21 years of age “in connection with a petition to make the necessary findings regarding special immigrant juvenile status pursuant to subdivision (b) of Section 155 of the Code of Civil Procedure.”	See response to item 2.
4	Consider Mental Health Issues Implementation Task Force (MHIITF) referrals: Review and consider recommendations referred by the Judicial Council following the task force’s final report to the council. Recommend appropriate action within the committee’s purview (Recommendations 24–27 of the 2015 draft of the final report).	The committee received referrals from the Judicial Council of four recommendations from the MHIITF. In response, the committee has assembled an ad hoc Mental Health Issues Subcommittee to consider further action on the referrals and other mental health issues confronting courts in civil proceedings. This subcommittee continues its work with the addition of a second former MHIITF member to its ranks.
5	Review and consider recommendations for changes in law, practice, and procedure in limited conservatorships for the developmentally disabled.	The committee recommended revisions to four Judicial Council forms, effective January 1, 2016, January 15, 2016, and July 1, 2016, in response to the passage of SB 589 (Stats. 2015, ch. 736). This legislation changed the standard for termination of a conservatee’s voting rights. The old standard was expressed in

		four Judicial Council forms. The revisions eliminated the standard entirely from the petition form and added the new standard to the other three. Committee staff continues to work with the Secretary of State to implement reporting requirements related to disqualifications from voting and restoration of voting rights imposed by SB 589 and AB 1020 (Stats. 2015, ch. 728).
6	Proposal from Spectrum Institute for rules of court and a Standard of Judicial Administration concerning qualifications, continuing education requirements, and performance standards for court-appointed counsel in limited conservatorships.	The committee began work to identify any of the proposals within its and the Judicial Council's purview. To date, none have been identified. The committee will continue this process in the coming year, with a goal of recommending new or amended rules of court if appropriate.
7	Proposals for Judicial Council forms in addition to those specifically mandated by the California Conservatorship Jurisdiction Act (Chapter 8 of Part 3 of Division 4 of the Probate Code, commencing with section 1980), added by SB 940 (Stats. 2014, ch. 553), and possible rules of court to complete implementation of the Act.	The committee deferred recommendation of forms for transferring conservatorships into and out of California to the coming year. Circulation of proposed forms for January 2018 effect is anticipated.
8	Rules Modernization Project, Phase 2 (with ITAC): Statutory amendments to authorize e-notice (revision of Probate Code mail service provisions to permit consensual e-service)	The committee collaborated with ITAC to develop amendments to the Probate Code to permit e-service in appropriate proceedings. The Judicial Council approved PCLC's recommendation to sponsor legislation that includes these amendments in the 2017 legislative session.
9	Proposal to address possible conflict in court records retention statutes affecting retention of original wills and codicils, a joint project with CEAC.	After circulation for comment, CEAC and PMHAC determined that the time frames appropriate for storage of original wills needed further consideration. That element was withdrawn from the CEAC legislative proposal.
10	Proposal for legislation to authorize automatic appointment of counsel for (proposed) conservatees in limited conservatorship cases.	Section 1471(c) of the Probate Code appears to require the automatic appointment of counsel for a (proposed) conservatee in a limited conservatorship proceeding unless the conservatee has or intends to retain his or her own counsel.
11	Proposal for revision of the <i>Capacity Declaration—Conservatorship</i> (form GC-335)	The committee did not work on this project this year. Staff has contacted clinicians to begin consulting on possible revisions to the form.

12	Proposal for legislation and rules of court and forms for simplified guardianship accountings in which all funds are held in blocked account.	The committee did not work on this project this year.
13	Proposal for development of a form petition for the establishment of a special needs trust and/or a model trust or checklist for petitions to establish this kind of trust.	The committee did not work on this project this year.
14	Proposal for legislation to dispense with filing fees for petitions to establish a guardianship of the person only, and for petitions filed by appointed guardians in these cases.	This committee did not work on this project this year.
15	Proposal for general review and possible modification of the forms used for guardianship appointments.	The committee did not work on this proposal this year, but plans to make it a high priority in the coming year.
16	Proposal to modify <i>Petition for Probate</i> (form DE-111) to state: whether the decedent was a citizen of a foreign country; whether the will offered for probate is lost; and whether the appointment is sought as a successor personal representative.	The Judicial Council adopted the committee's recommendation for a revised <i>Petition for Probate</i> (form DF-111) at its October 2016 meeting for January 1, 2017, effect.
17	Proposal to study development of expedited trials and other court procedures for self-represented litigants in probate matters.	The committee did not work on this proposal this year.
18	Proposal for creation of a form for court confirmation of a trustee's sale of real property.	The committee did not work on this proposal this year.
19	Proposal to revise <i>Petition to Determine Succession to Real Property</i> (form DE-310) to require a statement of the character of the property as community, separate, or quasi-community.	The Judicial Council adopted the committee's recommendation for a revised <i>Petition to Determine Succession to Real Property</i> (form DE-310) at its October 2016 meeting for January 1, 2017, effect.
20	Proposal for legislation to amend Probate Code to permit funeral expenses of a decedent to be treated as administration expenses and thus payable without creditors' claims in his or her estate.	The committee did not work on this project this year.
21	Proposal to amend Probate Code section 10953 to permit awards to Public Administrators for services they render under Probate Code section 7600, et seq. because of estate personal representative's failure to account even if the Public Administrator is not appointed successor administrator.	The committee did not work on this project this year.
22	Review and analyze pending legislation affecting practice and procedure in proceedings under the Probate Code and in mental health law to assist the Judicial Council in developing positions concerning the legislation.	The committee, led by its Legislation Subcommittee, reviewed and analyzed voluminous proposed and pending legislation and made recommendations to the Judicial Council in developing positions concerning that legislation.

23	Review and analyze reported appellate court decisions in proceedings under the Probate Code and in civil mental health matters during the current year and make recommendations for legislative changes and changes in practice and procedure made necessary or advisable by these decisions.	The committee and staff reviewed and analyzed appellate decisions reported this year in proceedings under the Probate Code and in civil mental health proceedings
24	Develop and propose adoption of a form for the conservator to use to give notice of the conservatee's death to persons interested in the conservatorship.	The Judicial Council adopted the committee's recommended <i>Notice of the Conservatee's Death</i> (form GC-399) at its October 2016 meeting for January 1, 2017, effect.

IV. Subgroups/Working Groups—Detail

Subgroups/Working Groups: *[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]*

Subgroup or working group name: Legislation Subcommittee

Purpose of subgroup or working group:

Review current legislation affecting the judicial branch and make recommendations to Judicial Council’s Policy Coordination and Liaison Committee for development of the Judicial Council positions on the legislation; provide technical assistance to make improvements in probate-related legislative proposals.

Number of advisory body members on the subgroup or working group: **5**

Number and description of additional members (not on this advisory body): **0**

Date formed:

At time of formation of permanent advisory committee (from the previous Probate and Mental Health Task Force) on July 1, 2000.

Number of meetings or how often the subgroup or working group meets:

Legislation Subcommittee meets monthly (by teleconference) when the California Legislature is in session.

Ongoing or date work is expected to be completed: Ongoing

Subgroup or working group name: Ad Hoc Mental Health Issues Subcommittee

Purpose of subgroup or working group:

Review current mental health issues arising in proceedings under the Probate Code and in civil mental health proceedings, including recommendations referred by the Judicial Council from the Mental Health Issues Implementation Task Force, identify issues within committee purview, and recommend appropriate Judicial Council action. Provide technical assistance to make improvements in mental health proposals that cross over from criminal, family, and juvenile law.

Number of advisory body members on the subgroup or working group: **5**

Number and description of additional members (not on this advisory body): **0**

Date formed:

February 26, 2016

Number of meetings or how often the subgroup or working group meets:

The ad hoc Mental Health Issues Subcommittee meets as needed (by teleconference) when issues arise. The subcommittee may meet more regularly in the coming year if its work justifies such a schedule.

Ongoing or date work is expected to be completed: To be determined.

Subgroup or working group name: Joint Working Group on Abuse and Neglect in Family Law Custody, Probate Guardianship, and Juvenile Dependency Proceedings

Purpose of subgroup or working group:

Number of advisory body members on the subgroup or working group: **TBD**

Number and description of additional members (not on this advisory body): **TBD**

Date formed:

TBD

Number of meetings or how often the subgroup or working group meets:

TBD

Ongoing or date work is expected to be completed: TBD.

Appellate Advisory Committee
Annual Agenda—2017
Approved by E&P/RUPRO:

I. ADVISORY BODY INFORMATION

Chair:	Justice Louis R. Mauro
Staff:	Heather Anderson, Supervising Attorney, Legal Services
<p>Advisory Body's Charge:</p> <ul style="list-style-type: none">• Identify issues and concerns affecting appellate court administration and make recommendations to the Judicial Council for improving the administration of justice in appellate proceedings;• Propose necessary changes to appellate rules, standards, and forms in response to legislative and case law changes as well as to proposals from committee members and others;• Review pending legislation affecting appellate court administration and make recommendations to the Policy Coordination and Liaison Committee on whether to support or oppose it;• Recommend to the council new legislation relating to appellate court administration;• Recommend to the council pilot projects and other programs to evaluate new appellate court procedures or practices;• Make proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research; and• Act on assignments referred by the council or an internal committee. <p>(California Rules of Court, rules 10.34 and 10.40).</p>	
<p>Advisory Body's Membership: The committee currently has a total of 20 members in the following categories:</p> <ul style="list-style-type: none">• Supreme Court justice – 1;• Court of Appeal justice - 6;• Trial court judicial officer with experience in the appellate division - 2;• Supreme Court clerk administrator - 1• Appellate court administrator - 1;• Trial court judicial administrator - 1;• Civil appellate lawyer - 3;• Criminal defense appellate lawyer - 2;• State Public Defender - 1;• Appellate lawyer of the Attorney General's Office – 1; and• Appellate lawyer of the Court of Appeal or Supreme Court - 1. <p>(California Rules of Court, rule 10.40)</p>	

Subgroups/Working Groups:*Subcommittees including only AAC members*

- Rules Subcommittee
- Legislative Subcommittee
- Subcommittee to consider concerns regarding privacy protection in appellate opinions

Subcommittees including members in addition to AAC members

- Appellate Division Subcommittee (approved in 2014, but not yet formed)
- Joint AAC/CTAC Appellate Technology Subcommittee

Advisory Body's Key Objectives for 2016:

1. Increasing efficiencies in appellate proceedings and providing opportunities for saving court costs; and
2. Improving the administration of justice in appellate proceedings.

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	Improve Rules and Forms: This is a continuing project; with slight differences, it was listed as item 1 on the committee's annual agendas for 2012 – 2016. Working through the Rules	1 ³	Judicial Council Direction: Strategic Plan Goal 3 – Modernization of Management & Administration, Operational Plan Objective 5. Develop and implement effective trial and appellate case management rules, procedures, techniques and practices	Ongoing	Improved rules and forms

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

² For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

³ This is the general charge of the committee in the rules and forms area and so does not fall within any of the categories for specific rules and forms projects.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	Subcommittee, review case law changes that impact appellate courts and appellate procedure and suggestions from committee members, justices, judges, court staff, the bar, and the public concerning appellate rules and forms and appellate court administration and make recommendations to the council for necessary changes to appellate rules, standards, and forms.		<p>to promote the fair, timely, consistent, and efficient processing of all types of cases⁴</p> <p>Origin of Project: Required by committee charge in California Rules of Court, rules 10.34 and 10.40.</p> <p>Resources: N/A</p> <p>Key Objective Supported: 1 and 2</p>		
2.	<p>Review Pending Legislation: This is a continuing project; it was listed as item 2 on the committee’s annual agendas for 2012 – 2016. Working through the Legislative Subcommittee, review pending legislation affecting appellate court administration and make recommendations to the Policy Coordination and Liaison Committee as to whether the council should support or oppose the legislation.</p>	1	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Required by committee charge in California Rules of Court, rules 10.34 and 10.40.</p> <p>Resources: Governmental Affairs staff identifies pending legislation affecting appellate court administration for the committee’s review</p> <p>Key Objective Supported: 1 and 2</p>	Ongoing	Recommendations to the Policy Coordination and Liaison Committee (PCLC) regarding legislation affecting appellate court administration

⁴ Much of the work by the Appellate Advisory Committee falls within this pair of Strategic/Operational Plan Goals. This pair of goals is referred to through the rest of this agenda as “Strategic Plan Goal 3, Operational Plan Objective 5.”

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
3.	<p>Legislative Implementation: Review all enacted legislation referred to the committee by the Judicial Council’s Governmental Affairs office that may have an impact on appellate court administration and propose, for the council’s consideration, rules and forms as may be appropriate for implementation of this legislation.</p>	1	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Required by committee charge in California Rules of Court, rules 10.34 and 10.40.</p> <p>Resources: Governmental Affairs staff identifies enacted legislation affecting appellate court administration for the committee’s review</p> <p>Key Objective Supported: 1 and 2</p>	Ongoing	Implementing rules and forms
4.	<p>Reporter’s transcripts: Consider whether to recommend/support amendments to statute requiring that the original reporter’s transcript be in paper format</p>	1	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Suggestion received from Court of Appeal Justice</p> <p>Resources: Governmental Affairs staff assistance in working with appropriate constituencies on proposal and in presenting recommendations to PCLC.</p> <p>Key Objective Supported: 1</p>	January 1, 2018	Revised statute

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
5.	<p>Privacy protection – Consider whether to recommend amendments to the Rules of Court or other actions to better protect the privacy of victims, witnesses, and others who are described in or otherwise affected by appellate opinions.</p>	1 (e)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Suggestion received from members of Family and Juvenile Law Advisory Committee and Access and Fairness Advisory Committee.</p> <p>Resources:</p> <ul style="list-style-type: none"> • AAC subcommittee to consider concerns regarding privacy protection in appellate opinions • Family and Juvenile Law Advisory Committee, Access and Fairness Advisory Committee, Criminal Law Advisory Committee, Civil and Small Claims Advisory, Committee, Joint Appellate Technology Subcommittee Information Technology Advisory Committee. <p>Key Objective Supported: 2</p>	January 1, 2018	Amended rules, education recommendations
6.	<p>Settled Statements – Consider whether to recommend amendments to the rule regarding settled statements or a form to address difficulties in the timely preparation of these statements.</p>	1(e)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Suggestion received from Court of Appeal clerk/executive officer</p>	January 1, 2018	Amended rules, form

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Resources: N/A Key Objective Supported: 2		
7.	Record Designation in Limited Civil Appeals – Consider whether to recommend revisions to the form for designating the record in limited civil appeals to address concerns about frequent defaults by appellant	1(e)	Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5 Origin of Project: Suggestion received from two superior courts Resources: N/A Key Objective Supported: 2	January 1, 2018	Revised form
8.	Appealability of Orders Following Voluntary Dismissal – Consider whether to recommend amendments to statute on appealability to permit appeals from orders following a voluntary dismissal	2	Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5 Origin of Project: Suggestion received from attorney Resources: Governmental Affairs staff assistance in working with appropriate constituencies on proposal and in presenting recommendations to PCLC. Key Objective Supported: 2	January 1, 2019	Amended statute
9.	Modernize Appellate Court Rules for E-Filing and E-Business	2(b)	Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5	January 1, 2018	Amended rules and revised forms

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>a. Review appellate rules to ensure consistency with e-filing practice; evaluate, identify and prioritize potential rule modifications where outdated policy challenges or prevents e-business.</p> <p>b. Consider rule modifications to remove requirements for paper versions of documents (by amending individual rules or by introducing a broad exception for e-filing/e-service).</p>		<p>Origin of Project: ITAC</p> <p>Resources: JATS and ITAC</p> <p>Key Objective Supported: 1</p>		
10.	<p>Civil Case Information Statement - Consider whether to recommend revising this form to add a proof of service</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Suggestion received from clerk of Court of Appeal</p> <p>Resources: N/A</p> <p>Key Objective Supported: 2</p>	January 1, 2018	Revised form

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
11.	Record on Appeal in Juvenile Case – Consider whether to develop rule regarding the record in cases where the appellant is not a party who would ordinarily have access to the record of the trial court proceedings	2(b)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Suggestion received from attorney at California Appellate Project</p> <p>Resources: N/A</p> <p>Key Objective Supported: 2</p>	January 1, 2018	Amended rule
12.	Verification of Writ Petitions - Consider whether to recommend amendments to the rules regarding writ petitions to consistently reflect statutory requirements for verification of petitions	2(b)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Suggestion received from appellate attorney</p> <p>Resources: N/A</p> <p>Key Objective Supported: 2</p>	January 1, 2018	Amended rule
13.	Service of briefs – Consider amending the rule on service of briefs in misdemeanor appeals to make it more consistent with the rule relating to briefs in felony appeals	2(b)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Suggestion received from appellate attorney</p> <p>Resources: N/A</p> <p>Key Objective Supported: 2</p>	January 1, 2018	Amended rules

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
14.	<p>Payment for transcripts in abandoned appeals – Consider whether to recommend amendments to clarify the payment for partially prepared transcripts in misdemeanor appeals</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Suggestion received from appellate attorney</p> <p>Resources: N/A</p> <p>Key Objective Supported: 2</p>	January 1, 2018	Amended rules
15.	<p>Length of briefs – Consider whether to recommend shortening the permissible length of briefs</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Suggestion received from appellate attorney</p> <p>Resources: N/A</p> <p>Key Objective Supported: 1</p>	January 1, 2019	Amended rules
16.	<p>Late briefs – Consider whether to eliminate the “grace period” for filing late briefs in civil appeals</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5</p> <p>Origin of Project: Suggestion received from appellate attorney</p> <p>Resources: N/A</p> <p>Key Objective Supported: 2</p>	January 1, 2019	Amended rules

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
17.	Advisement of the right to appeal in juvenile cases – Consider whether to recommend amendments to the rule relating to advisement of the right to appeal in juvenile cases to improve its clarity and accuracy	2(b)	Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5 Origin of Project: Suggestion received from attorney Resources: Family and Juvenile Law Advisory Committee Key Objective Supported: 2	January 1, 2019	Amended rule
18.	Appointment of counsel in misdemeanor appeals – Consider whether to recommend amendments to the rule regarding appointment of counsel in misdemeanor appeals to clarify its application in certain cases	2(b)	Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5 Origin of Project: Suggestion received from court staff attorney Resources: Family and Juvenile Law Advisory Committee Key Objective Supported: 2	January 1, 2019	Amended rule
19.	Appellate Division forms – Consider recommending revisions to various appellate division forms to make them clearer and easier to use	2(b)	Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5 Origin of Project: Suggestions received from courts and court staff Resources: Family and Juvenile Law Advisory Committee	January 1, 2019	Revised forms

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Key Objective Supported: 2		
20.	Branch and Model Court Privacy Policies on Electronic Court Records and Access in the Appellate Courts - (a) Develop a comprehensive statewide privacy policy addressing electronic access to appellate court records and data to align with both state and federal requirements. (b) Develop a model appellate court privacy policy, outlining the key contents and provisions to address within each court's specific policy.	2(b)	Judicial Council Direction: Strategic Plan Goal 3, Operational Plan Objective 5 Origin of Project: Suggestions received from courts and court staff Resources: Information Technology Advisory Committee Key Objective Supported: 2	January 1, 2019	Statewide and model policies

III. STATUS OF 2016 PROJECTS:

[List each of the projects that were included in the 2016 Annual Agenda and provide the status for the project.]

#	Project ⁵	Completion Date/Status
1.	Improve Rules and Forms: This is a continuing project; it was listed as item 1 on the committee's annual agendas for 2012 – 2016. Working through the Rules Subcommittee, review legislative and case law changes and suggestions from committee members, justices, judges, court staff, the bar, and the public concerning appellate rules and forms and	Completed for 2016. All rule and forms suggestions received through October 31, 2016 have been reviewed and prioritized. Those assigned priority 1 or 2 are listed as new proposals on this annual agenda Ongoing

⁵ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

#	Project ⁵	Completion Date/Status
	appellate court administration and make recommendations to the council for necessary changes to appellate rules, standards, and forms.	This is part of the committee's general charge and is an ongoing project. It is listed as item 1 on the list of 2017 committee projects.
2.	Review Pending Legislation: This is a continuing project; it was listed as item 2 on the on the committee's annual agendas for 2012 – 2016. Working through the Legislative Subcommittee, review pending legislation affecting appellate court administration and make recommendations to the Policy Coordination and Liaison Committee as to whether the council should support or oppose the legislation.	Completed for 2016. All legislation received through October 30, 2015 has been reviewed and recommendations made to PCLC. Ongoing This is part of the committee's general charge and is an ongoing project. It is listed as item 2 on the list of 2017 committee projects.
3.	Reporter's transcripts: Consider whether to recommend/support amendments to statute requiring that the original reporter's transcript be in paper format	The committee worked on this project, including meeting with representatives of the California Court Reporter's Association. Based on those meetings, the committee did not pursue a legislative proposal last year. This remains on the list of 2017 committee projects, as item 4, with a proposed completion date of January 1, 2018.
4.	Reporter's transcripts: Consider whether to recommend rule amendments to address party and clerk responsibilities when parties purchase reporter's transcript directly from reporter pro tempore	After further consideration, the committee decided not to pursue this project.
5.	Record on appeal in juvenile cases - Consider whether to recommend amendments to the rules regarding the record on appeal in juvenile cases to clarify requirements for inclusion of items relating to Indian Child Welfare Act compliance.	Completed October 2016. Proposal presented to and approved by the Judicial Council at its October 27, 2016 meeting. Amended rules will take effect January 1, 2017
6.	Privacy protection – Consider whether to recommend amendments to the Rules of Court or other actions to better protect the privacy of victims,	Partially completed. Proposal presented to and approved by the Judicial Council at its October 27, 2016 meeting. Amended rules will take effect January 1, 2017. The committee will consider additional recommendations to

#	Project ⁵	Completion Date/Status
	witnesses, and others who are described in or otherwise affected by appellate opinions.	address this issue. This is item 5 on the list of 2017 committee projects with a proposed completion date of January 1, 2018.
7.	Application of rules on juvenile appeals - Consider whether to recommend amendment to the rules on juvenile appeals to clarify that they apply to appeals under Probate Code 1516.5	Completed October 2016. Proposal presented to and approved by the Judicial Council at its October 27, 2016 meeting. Amended rules will take effect January 1, 2017
8.	E-Filing rules - Review the rules on electronic filing in the appellate courts and compare with local practices to determine if there are inconsistencies that need to be addressed or where uniform practice might be beneficial	Completed October 2016. Proposal presented to and approved by the Judicial Council at its October 27, 2016 meeting. Amended rules will take effect January 1, 2017
9.	Modernize Appellate Court Rules for E-Filing and E-Business <ul style="list-style-type: none"> c. Review appellate rules to ensure consistency with e-filing practice; evaluate, identify and prioritize potential rule modifications where outdated policy challenges or prevents e-business. d. Consider rule modifications to remove requirements for paper versions of documents (by amending individual rules or by introducing a broad exception for e-filing/e-service). 	Phase 2 of this project completed October 2016. Proposal presented to and approved by the Judicial Council at its October 27, 2016 meeting. Amended rules and revised forms will take effect January 1, 2017. The committee intends to work on Phase 3 of this project this year. This is item 9 on the list of 2017 committee projects with a proposed completion date of January 1, 2018.
10.	Marsden transcripts – Consider whether to recommend a rule amendment to clarify requirement to provide copy of Marsden transcript to defendant’s appellate counsel or, if not yet appointed, the district appellate project	Completed October 2016. Proposal presented to and approved by the Judicial Council at its October 27, 2016 meeting. Amended advisory committee comment will take effect January 1, 2017.

#	Project ⁵	Completion Date/Status
11.	Amicus Briefs – Consider whether to recommend amendments to rules on amicus briefs to address whether a party may file a response to an amicus supporting that party and whether to develop rules regarding amicus briefs in writ proceedings	Completed October 2016. Proposal presented to and approved by the Judicial Council at its October 27, 2016 meeting. Amended rules will take effect January 1, 2017.
12.	Record on Appeal in Juvenile Case – Consider whether to develop rule regarding the record in cases where the appellant is not a party who would ordinarily have access to the record of the trial court proceedings	To be completed January 1, 2018. It is listed as item 11 on the list of 2017 committee projects.
13.	Verification of Writ Petitions - Consider whether to recommend amendments to the rules regarding writ petitions to consistently reflect statutory requirements for verification of petitions	To be completed January 1, 2018. It is listed as item 12 on the list of 2017 committee projects.
14.	Civil Case Information Statement - Consider whether to recommend revising this form to add a proof of service	To be completed January 1, 2018. It is listed as item 10 on the list of 2017 committee projects.
15.	Appealability of Orders Following Voluntary Dismissal – Consider whether to recommend amendments to statute on appealability to permit appeals from orders following a voluntary dismissal	To be completed January 1, 2018. It is listed as item 8 on the list of 2017 committee projects.

IV. Subgroups/Working Groups - Detail

Subgroups/Working Groups:

Subcommittees including only AAC members

Subgroup or working group name: **Rules Subcommittee**

Purpose of subgroup or working group: To review legislative and case law changes and suggestions from committee members, justices, judges, court staff, the bar, and the public concerning appellate rules and forms and appellate court administration and make recommendations to the council for necessary changes to appellate rules, standards, and forms

Number of advisory body members on the subgroup or working group: 13

Number and description of additional members (not on this advisory body): None

Date formed: In existence since at least 2001

Number of meetings or how often the subgroup or working group meets: 3-6 conference call meetings per year

Ongoing or date work is expected to be completed: Ongoing

Subgroup or working group name: **Legislative Subcommittee**

Purpose of subgroup or working group: To review pending legislation affecting appellate court administration and make recommendations to the Policy Coordination and Liaison Committee as to whether the council should support or oppose the legislation

Number of advisory body members on the subgroup or working group: 6

Number and description of additional members (not on this advisory body): None

Date formed: In existence since at least 2001

Number of meetings or how often the subgroup or working group meets: 1-3 conference call meetings per year

Ongoing or date work is expected to be completed: Ongoing

Subgroup or working group name: **Subcommittee to consider concerns regarding privacy protection in appellate opinions**

Purpose of subgroup or working group: Consider whether to recommend amendments to the Rules of Court or other actions to better protect the privacy of victim, witness, or other such information in appellate opinions (see proposed project 6 above).

Number of advisory body members on the subgroup or working group: Anticipate approximately 6 members.

Number and description of additional members (not on this advisory body): None anticipated, but the subcommittee will consult with the Family and Juvenile Law Advisory Committee, Access and Fairness Advisory Committee, Criminal Law Advisory Committee, Civil and Small Claims Advisory, Committee, Joint Appellate Technology Subcommittee, and Information Technology Advisory Committee as needed.

Date formed: 2016

Number of meetings or how often the subgroup or working group meets: Anticipate 5-6 conference call meetings per year

Ongoing or date work is expected to be completed: January 1, 2018

Subcommittees including members in addition AAC members

Subgroup or working group name: **Appellate Division Subcommittee**

Purpose of subgroup or working group: The Appellate Advisory Committee (AAC) is responsible for developing proposals and reviewing suggestions for improving the rules and forms for the superior court appellate division. This subcommittee will assist the committee in performing this function. The new subcommittee is needed because the committee does not have sufficient members with experience in appellate division proceedings to appropriately perform this function.

Number of advisory body members on the subgroup or working group: At least three (3) members from the AAC, appointed by its Chair

Number and description of additional members (not on this advisory body):

(a) At least two (2) judges serving in the appellate division, appointed by the Chair of the Trial Court Presiding Judges Advisory Committee

(b) At least two (2) court administrators with experience in appellate division matters, appointed by the Chair of the Court Executives Advisory Committee

The subcommittee membership will not exceed 10 members.

Date formed: 2016.

Number of meetings or how often the subgroup or working group meets: Anticipate 3 to 5 meetings per year, by conference calls.

Ongoing or date work is expected to be completed: Ongoing.

Subgroup or working group name: **Joint Appellate Technology Subcommittee**

Purpose of subgroup or working group: The Joint Appellate Technology Subcommittee makes recommendations to its oversight advisory committees (ITAC and AAC) for improving the administration of justice within the appellate courts through the use of technology; and, for fostering cooperative endeavors to resolve common technological issues within the appellate courts. Neither advisory committee, AAC or

ITAC, is equipped to adequately address appellate technology issues by itself. AAC lacks technology expertise and ITAC lacks expertise in appellate procedure and a focus on appellate-specific technology issues.

Number of advisory body members on the subgroup or working group: At least four (4) members from the AAC, appointed by its Chair

Number and description of additional members (not on this advisory body):

(a) At least four (4) members from the ITAC, appointed by its Chair

(b) At least one (1) member from the Appellate Presiding Justices Advisory Committee (APJAC), appointed by its Chair

The subcommittee membership will not exceed 12 members.

Date formed: 2014

Number of meetings or how often the subgroup or working group meets: The subcommittee plans to meet by teleconference between 4-6 times

Ongoing or date work is expected to be completed: The Joint Appellate Technology Subcommittee will be a standing committee with no sunset date; however, the need for this subcommittee will be re-evaluated annually as part of the annual agenda development process for ITAC and AAC.