



JUDICIAL COUNCIL OF CALIFORNIA

RULES AND PROJECTS
COMMITTEE

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RULES AND PROJECTS COMMITTEE

OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))

THIS MEETING IS BEING RECORDED

Date: Thursday, April 26, 2018
Time: 12:10 a.m.- 1:10 p.m.
Location: Conference Call
Public Call-In Number 1-877-820-7831/Listen Only Passcode: 8254930

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

II. DISCUSSION AND POSSIBLE ACTION ITEMS

JUDICIAL ADMINISTRATION

Item 01

Judicial Administration: Public Disclosure of Settlement Agreements (amend rule 10.500)
(Action required – approve for circulation)

Presenters: Patrick O'Donnell

PROBATE

Item 32 (Deferred from 4.05.18)

Probate Guardianship: Response to Petition (revise forms GC-211 and GC-212) (Action required – approval for circulation for comment)

Presenter: Corby Sturges

PROTECTIVE ORDERS

Item 34 (Deferred from 4.05.18)

Protective Orders: Protective Orders: Entry of Interstate and Tribal Protective Orders, Canadian Protective Orders, and Gun Violence Restraining Orders into CLETS; New Form for Registration of Canadian Domestic Violence Protective Orders; Addition of Gun Violence Restraining Orders to Rule 2.503(c) (amend rule 1.51 and 2.503; adopt form DV-630) (Action required – approval for circulation for comment)

Presenters: Greg Tanaka, Frances Ho, Sarah Abbott and Patrick O'Donnell

Item 35 (Deferred from 4.05.18)

Protective Orders: Protecting Information of People Under 18 Years Old (adopt rules 5.382 and 3.1161, and renumber rule 3.1152; adopt forms DV-160; DV-165; DV-170; DV-175; CH-160; CH-165; CH-170; CH-175, and revise forms DV-109 and CH-109. (Action required – approval for circulation for comment)

Presenters: Frances Ho, Patrick O'Donnell and Anne Ronan

III. ADJOURNMENT

Adjourn

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Circulate for comment (out of cycle)**

RUPRO Meeting: April 26, 2018

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

Judicial Administration: Public Disclosure of Settlement Agreements

Committee or other entity submitting the proposal:

Rule 10.500 Working Group

Staff contact (name, phone and e-mail): Patrick O'Donnell, 415-865-7665

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

Approved by RUPRO: N/A (Chief Justice Tani G. Cantil-Sakauye appointed the working group for this rules project.)

Project description from annual agenda: N/A (See project description under Additional Information below.)

If requesting July 1 or out of cycle, explain:

This rules project is on a special cycle so that the proposed amendments to rule 10.500 may be considered at the Judicial Council's May 24, 2018 meeting.

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

On April 10, 2018, Chief Justice Tani G. Cantil-Sakauye asked the Judicial Council to take immediate action to revise court rules on public records to ensure that all levels of the state court system be required to disclose the names of judicial officers who entered into settlement agreements to resolve sexual harassment and discrimination complaints. She created a working group to develop the rule changes required to achieve this goal. The working group recommends that the Judicial Council amend California Rules of Court, rule 10.500, on public access to judicial administrative records, to clarify that settlement agreements must be disclosed in response to public records requests and that the names of judicial officers must not be redacted from settlement agreements produced in response to these requests.

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INVITATION TO COMMENT

SP18-09

Title	Action Requested
Judicial Administration: Public Disclosure of Settlement Agreements	Review and submit comments by May 1, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 10.500	May 25, 2018
Proposed by	Contact
Rule 10.500 Working Group Hon. Marsha G. Slough, Chair	Deborah Brown, 415-865-7667 deborah.brown@jud.ca.gov
	Patrick O'Donnell, 415-865-7665 patrick.o'donnell@jud.ca.gov

Executive Summary and Origin

On April 10, 2018, Chief Justice Tani G. Cantil-Sakauye asked the Judicial Council to take immediate action to revise court rules on public records to ensure that all levels of the state court system be required to disclose the names of judicial officers who entered into settlement agreements to resolve sexual harassment and discrimination complaints. She created a working group to develop the rule changes required to achieve this goal. The working group recommends that the Judicial Council amend California Rules of Court, rule 10.500, on public access to judicial administrative records, to clarify that settlement agreements must be disclosed in response to public records requests and that the names of judicial officers must not be redacted from settlement agreements produced in response to these requests.

Background

The adoption of rule 10.500

The public has a strong interest in access to records that show how the people's business is conducted and how public funds are expended. In enacting the California Public Records Act (CPRA) in 1968, the Legislature stated that it "finds and declares that access to information concerning the conduct of people's business is a fundamental and necessary right of every person in this state." (Gov. Code, § 6250.) The act further states that "every person has a right to inspect any public records, except as hereafter provided." (Gov. Code, § 6250.)

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.

Although the CPRA is not directly applicable to the judicial branch, the branch for many years looked to the act for guidance in the disclosure of court administrative records. Then the Judicial Council, effective January 1, 2010, adopted rules of court applicable to judicial branch entities that “provide public access to nondeliberative or nonadjudicative court records, budget and management information.”¹

Rule 10.500 states that it “clarifies and expands the public’s right of access to judicial administrative records and must be broadly construed to further the public’s right of access.” (Cal. Rules of Court, rule 10.500(a)(2).) The rule applies to “judicial branch entities,” which are defined as “the Supreme Court, each Court of Appeal, each superior court, and the Judicial Council.” (Rule 10.500(c)(3).) The rule also states: “Unless otherwise indicated, the terms used in this rule have the same meaning as under the Legislative Open Records Act (Gov. Code, § 9070 et seq.) and the California Public Records Act (Gov. Code, § 6250 et seq.) and must be interpreted consistently with the interpretation applied to terms under those acts.” (Cal. Rules of Court, rule 10.500(d)(1).)

Public concern about sexual harassment and discrimination

There is nationwide interest in, and concern about, issues of sexual harassment and discrimination. This type of serious misconduct has been revealed in the movie industry, the media, technology firms, and government. Government entities have recognized that some immediate action is urgently needed to address these concerns. For example, the California Legislature has voluntarily provided responses to requests for records relating to sexual harassment complaints, despite certain exemptions in the Legislative Open Records Act (LORA); and two bills have been introduced in the Legislature to amend LORA to ensure greater public access to records in sexual harassment cases in the future.²

Chief Justice’s direction for expedited action

The Chief Justice’s announcement on April 10 states that she wants rule 10.500 revised to ensure that all California courts are required to disclose the names of judicial officers who entered into settlement agreements to resolve sexual harassment and discrimination complaints. As quoted in the announcement, the Chief Justice states, “I want to make sure there’s no ambiguity as to whether courts should be required to disclose those records now The current rule does not make it clear enough that these records should be disclosed. Judicial independence relies in part on judicial accountability. The judiciary relies on the trust and confidence of the public it serves, and the public has the right to know how the judicial branch spends taxpayer funds.”³ Thus, the

¹ Judicial Council of Cal., report on Public Access to Judicial Administrative Records (Dec. 7, 2009) (report).

² See Assembly Bill 2032 and Senate Bill 908.

³ Judicial Council of Cal., “Chief Justice Presses for Expedited Court Rule on Disclosure of Sexual Harassment Claims,” *California Courts Newsroom*, April 10, 2018.

Chief Justice called for immediate action to revise the rule and appointed a five-member working group to undertake this task.⁴

The Proposal

To implement the task it was assigned, the Rule 10.500 Working Group focused its initial attention on what amendments should be made to the rule on public access to judicial administrative records to ensure that the public has access to settlement agreements that resolve sexual harassment and discrimination claims against judicial officers. The group concluded that this goal can be accomplished expeditiously by amending subdivision (f)(7) of rule 10.500 to clarify that that exemption does not apply to settlement agreements and that therefore judicial branch entities must disclose such agreements in response to records requests.

Amendments to rule 10.500(f)(7)

Rule 10.500(f)(7) provides an exemption for “[r]ecords related to evaluations of, complaints regarding, and investigations of justices, judges (including temporary judges), subordinate judicial officers, and applicants or candidates for judicial office.” (Cal. Rules of Court, rule 10.500(f)(7).) This exemption is unique to the judicial branch. Based on the rule language, the scope of the exception in (f)(7) is ambiguous. The exception could be interpreted as making confidential virtually all records relating to any kinds of evaluations of, complaints regarding, or investigations of judicial officers, which could include settlement agreements. Alternatively, it could be interpreted as applying only to records that directly relate to evaluations, complaints, and investigations, which would not include settlement agreements in sexual harassment and discrimination cases.

In determining whether (f)(7) needs to be amended and, if so, how, several matters were considered. First, even though the language of (f)(7) is broad, by its express terms the exemption in (f)(7) applies to “evaluations,” “complaints,” and “investigations,” and it does not identify “settlement agreements”; hence, if the exemption is narrowly construed, settlement agreements would not be exempt from disclosure under (f)(7). (See *Songstad v. Superior Court* (2001) 93 Cal.App.4th 1202, 1208 [“when a statute contains a specific list of matters, by negative implication the Legislature did not intend to extend that list beyond the specified matters”].) However, if (f)(7) is read more broadly, an argument could be made that because settlement agreements are *related to* “complaints regarding” or “investigations of” judicial officers, they should be exempted under (f)(7).

Second, the exemption in (f)(7) should be harmonized with that in (f)(2). Rule 10.500(f)(2) provides an exemption for records “pertaining to pending or anticipated claims or litigation”; however, this exemption exists only “until the pending litigation or claim has been finally adjudicated or otherwise resolved.” Because a settlement agreement resolves a case, a settlement

⁴ The five Judicial Council members appointed to work on the rule change are Justice Marsha G. Slough, Judge Kyle S. Brodie, Judge Stacy Boulware-Eurie, and attorneys Rachel W. Hill and Gretchen Nelson. Justice Harry E. Hull, Jr., Chair of the council’s Rules and Projects Committee, is also participating with the working group.

agreement is not subject to the exemption in (f)(2). Under the rules of construction, the exemption in (f)(7) should be harmonized with that in (f)(2). (See *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 122 [conflicting statutes should be construed to give effect to both].) If (f)(7) is narrowly construed and harmonized with (f)(2), once a complaint proceeding subject to an exemption under (f)(7) is disposed of by settlement, the settlement agreement would be disclosable. A counterargument might be made, however, that (f)(2) and (f)(7) cannot be harmonized; that (f)(7) is arguably the more specific rule for records related to evaluations, complaints, and investigations against judicial officers; and that therefore (f)(7) exempts any related records, including settlement agreements. (See *Lake v. Reed* (1997) 16 Cal.4th 448, 464.)

Third, the report to the Judicial Council that proposed rule 10.500 provides some clarification as to the intent and breadth of (f)(7), but does not eliminate the ambiguity.⁵ It discusses the role of the Commission on Judicial Performance (CJP) in considering and adjudicating complaints against judicial officers (Cal. Const., art. VI, §§ 8, 18), stating that (f)(7) “would support the principles underlying the confidentiality of [Commission on Judicial Performance] proceedings and proceedings under rule 10.703, which apply whether the judicial officer is an elected official or a subordinate judicial officer.”⁶ Those policy considerations “include maintaining the independence of the judiciary and protecting the judiciary’s duty to administer justice in a fair and impartial manner”⁷

In considering whether the exemption in (f)(7) should be interpreted expansively as applying to settlement agreements, the California Constitution provides direction. The Constitution requires the public’s right to public access to be broadly construed and a rule or statute to be “narrowly construed if it limits the right of access.” (Cal. Const. art. I, §3(b)(2).) Under these rules of construction, because (f)(7) is an exemption that restricts the public’s right to access, it should be construed narrowly.

In addition, the case law on the California Public Records Act supports the disclosure of settlement agreements. Under the CPRA, which is used to interpret rule 10.500, courts have recognized that the public has a significant interest in knowing how its government agencies spend public monies, and that records containing such information are subject to disclosure. (*Sonoma County Employees’ Retirement Ass’n v. Superior Court* (2011) 198 Cal.App.4th 986, 1005; *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762, 775, 777–780.) Specifically, the public has a strong interest in the disclosure of settlements agreements that involve the expenditure of public funds. (*Register Div. of Freedom Newspapers, Inc. v. County of Orange* (1984) 158 Cal.App.3d 893, 909–910.) The public also has a “significant interest” in how a public agency conducts its business and particularly how it “responds to allegations of misconduct.” (See *BRV, Inc. v Superior Court* (2006) 143 Cal.App.4th 742, 757.) And where the

⁵ Report, *supra*, at pages 15–17, 25.

⁶ *Id.*, page 17; see also comment 12, page 115.

⁷ *Id.*, page 16.

matter involves a higher-level official or employee, the public's interest in disclosure outweighs the privacy interest of the official or employee. (*Id.*, pp. 758–759.) Under these criteria, the public has a strong interest in settlement agreements paid for by the public in cases against judicial officers, who are public figures; and the agreements should be disclosed.

In the end, ambiguity about whether the exemption in (f)(7) extends to settlement agreements can and should be promptly resolved. As a matter of law and public policy, it should be clear that settlement agreements involving complaints against judicial officers, including agreements in cases involving claims or complaints of sexual harassment or discrimination, must be disclosed to the public on request. This clarification may be accomplished by amending (f)(7) to state unequivocally that the exemption does *not* apply to settlement agreements.

Accordingly, the working group recommends that the exemption in (f)(7) be amended as follows (to include the new underlined text):

Records related to evaluations of, complaints regarding, or investigations of justices, judges (including temporary and assigned judges), subordinate judicial officers, and applicants or candidates for judicial office. This exemption does not apply to any settlement agreements entered into on or after January 1, 2010, including settlement agreements arising from a claim or complaint of harassment, discrimination, or other misconduct. The names of judicial officers may not be redacted from any settlement agreement that is produced under this rule.

(Proposed amended Cal. Rules of Court, 10.500.)

These provisions will ensure that the public has full and meaningful access to records of settlements. In addition to clarifying that settlements are not exempt from public disclosure under (f)(7), the new text makes it clear that (1) the disclosure of settlement agreements applies to all settlement agreements entered into since January 1, 2010 (i.e., from the date when rule 10.500, including the exemption in (f)(7), was first adopted), and (2) the names of judicial officers cannot be redacted.

As indicated previously, the rule and therefore the amendments apply to the Supreme Court, each Court of Appeal, each superior court, and the Judicial Council. (Cal. Rules of Court, rule 10.500(c)(3).) Rule 10.500 and its amendments do not apply to the Commission on Judicial Performance, which is an independent state agency established under article VI, section 18 of the California Constitution that has separate rules applicable to its work and records.

Advisory Committee Comment to rule 10.500(f)(7)

In addition to the preceding amendments, the working group recommends that a comment on (f)(7) be added to the Advisory Committee Comment on rule 10.500. The comment would clarify the purpose of the 2018 amendments and assist in the implementation of the amended rule. The proposed comment would state:

Subdivision (f)(7). The 2018 amendments to (f)(7) clarify that settlement agreements are not exempt from disclosure. All judicial branch entities, including the Judicial Council, must disclose settlement agreements under a rule 10.500 request, given the public nature of these records. (See *Register Div. of Freedom Newspapers, Inc. v. County of Orange* (1984) 158 Cal. App. 3d 893.) By clarifying the public nature of settlement agreements and judicial branch entities' obligation to disclose them, the amended rule also clarifies that a judicial branch entity's disclosure of these agreements, whether maintained by the entity or its attorneys, would not implicate any ethical or legal obligations under Business and Professions Code section 6068(e)(1) or rule 3-100(A) of the State Bar Rules of Professional Conduct. The duty of a judicial branch entity to disclose public records of settlements is not constrained by which persons, division, or office within the entity maintains the records.

Other issues

The focus of the Rule 10.500 Working Group has been on ensuring public access to settlement agreements. It has sought to accomplish this goal on an expedited basis. Hence, this proposal has concentrated on amending rule 10.500 to clarify that settlement agreements must be made available to the public in response to public records requests. However, in the course of developing its proposal, the working group identified other related issues concerning rule 10.500 and public access to court administrative records. Those issues may need to be addressed in the future.

For example, settlement agreements do not always identify the particular judicial officer against whom a complaint was made. As a result, even if the agreement is publicly disclosed under rule 10.500, the name of the judicial officer would remain unknown. Addressing this problem, however, would require going beyond the scope of the rule on the disclosure of records. A second issue concerns redaction. To provide transparency, the present proposal recommends expressly prohibiting the redaction in settlement agreements of the names of judicial officers, who are higher-level public officials. On the other hand, the caselaw interpreting the California Public Records Act supports redacting in settlement agreements the names of victims and witnesses; this is not expressly addressed in the proposal. A third issue concerns access to other documents besides settlement agreements.

The resolution of these and other related issues is beyond the scope of the present rules proposal. Some of these issues may eventually be clarified through future proposals. Meanwhile, to address these matters, judicial branch entities should look to the text of rule 10.500, its history and purpose, similar statutes on access to public records, and caselaw.

Alternatives Considered

The working group initially considered focusing on amending rule 10.500 to ensure public access to settlement agreements relating just to complaints against judicial officers for sexual harassment or discrimination. But on further consideration, the group concluded that the rule

should be amended to ensure public access to settlement agreements in complaints against judicial officers in all types of cases. If this broader approach is taken, settlement agreements in sexual harassment and discrimination cases must of course be produced. But so too must settlements in other types of cases, which would be consistent with the broad scope of access provided for in the laws and policies of the State of California.

Implementation Requirements, Costs, and Operational Impacts

Providing access to settlement agreements in cases involving complaints against judicial officers should not be burdensome. Based on the information available to the Judicial Council, it appears that the number of settlement agreements is not so large that their disclosure would require significant administrative or operational costs. Comments are invited on the scope of the problem and the amount of work that may be required to produce settlement agreements. In the end, insofar as proposed rule changes are intended to clarify and not change the law, courts would need to produce settlement agreements anyway. The clarification of rule 10.500 should simplify the process of reviewing and responding to public records requests.

Request for Specific Comments

In addition to comments on the proposal as a whole, the Rule 10.500 Working Group is interested in comments on the following:

- Does the proposal appropriately address the stated purpose of making settlement agreements accessible?
- Are there any further modifications to the proposed amendments to (f)(7) required to make those amendments clearer or more effective?

The working group 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?
- How well would this proposal work in courts of different sizes?

Attachments

Cal. Rules of Court, rule 10.500, at pages 8–9.

Rule 10.500 of the California Rules of Court would be amended, effective May 25, 2018, to read:

1 **Rule 10.500. Public access to judicial administrative records**

2
3 (a)–(e) * * *

4
5 (f) **Exemptions**

6
7 Nothing in this rule requires the disclosure of judicial administrative records that
8 are any of the following:

9
10 (1)–(6) * * *

11
12 (7) Records related to evaluations of, complaints regarding, or investigations of
13 justices, judges (including temporary and assigned judges), subordinate
14 judicial officers, and applicants or candidates for judicial office. This
15 exemption does not apply to any settlement agreements entered into on or
16 after January 1, 2010, including settlement agreements arising from a claim
17 or complaint of harassment, discrimination, or other misconduct. The names
18 of judicial officers may not be redacted from any settlement agreement that is
19 produced under this rule;

20
21 (8)–(12) * * *

22
23 (g)–(j) * * *

24
25 **Advisory Committee Comment**

26
27 **Subdivision (a).** * * *

28
29 **Subdivisions (b)(1) and (b)(2).** * * *

30
31 **Subdivision (c)(2).** * * *

32
33 **Subdivision (e)(4).** * * *

34
35 **Subdivision (f)(3).** * * *

36
37 **Subdivision (f)(7).** The 2018 amendments to (f)(7) clarify that settlement agreements are not
38 exempt from disclosure. All judicial branch entities, including the Judicial Council, must disclose
39 settlement agreements under a rule 10.500 request, given the public nature of these records. (See
40 Register Div. of Freedom Newspapers, Inc. v. County of Orange (1984) 158 Cal. App.3d
41 893.) By clarifying the public nature of settlement agreements and judicial branch entities’
42 obligation to disclose them, the amended rule also clarifies that a judicial branch entity’s

1 disclosure of these agreements, whether maintained by the entity or its attorneys, would not
2 implicate any ethical or legal obligations under Business and Professions Code section 6068(e)(1)
3 or rule 3-100(A) of the State Bar Rules of Professional Conduct. The duty of a judicial branch
4 entity to disclose public records of settlements is not constrained by which persons, division, or
5 office within the entity maintains the records.

6

7 **Subdivision (f)(10).** * * *

8

9 **Subdivision (f)(11).** * * *

10

11 **Subdivision (j)(1).** * * *

RUPRO ACTION REQUEST FORM

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

RUPRO Meeting: April 26, 2018

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

Probate Guardianship: Response to Petition

Committee or other entity submitting the proposal:

Probate and Mental Health Advisory Committee, Hon. John H. Sugiyama, Chair

Staff contact (name, phone and e-mail): Corby Sturges, 415-865-4507, corby.sturges@jud.ca.gov

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

Approved by RUPRO: October 24, 2017

Project description from annual agenda: Proposal for global review and revision of the Judicial Council guardianship forms to simplify them, make them more accessible to self-represented litigants, and allow more effective communication of information to the court. Coordinate with Family and Juvenile Law Advisory Committee, Tribal Court-State Court Forum, and Advisory Committee on Providing Access and Fairness to promote access to, coordination of, and consistency among all proceedings affecting custody of children at risk of abuse, neglect, or abandonment.

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.)

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INVITATION TO COMMENT

SPR18-32

Title	Action Requested
Probate Guardianship: Response to Petition	Review and provide comments by June 8, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms GC-210, GC-210(P), GC-211, GC-212, and GC-248	January 1, 2019
Proposed by	Contact
Probate & Mental Health Advisory Committee Hon. John H. Sugiyama, Chair	Corby Sturges. 415-865-4507 corby.sturges@jud.ca.gov

Executive Summary and Origin

The Probate & Mental Health Advisory Committee proposes revising five forms to improve notice of the legal consequences of the appointment of a guardianship of the person and to provide a meaningful opportunity for parents and other interested persons to respond to a petition for appointment of a guardian. The proposal responds to concerns raised by committee members, courts, and attorneys that the effects of the appointment of a guardian were not clear to petitioners, parents, and other persons interested in a proposed ward's health, safety, and welfare.

The Proposal

Judicial Council form GC-211, *Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice*, has long served three purposes. It gives a proposed guardian the opportunity to consent to serve if appointed. It allows a parent or the donor of a gift to nominate a guardian as provided in Probate Code sections 1500–1502.¹ Finally, it solicits consent to the appointment of the guardian requested in the petition and waiver of notice of the hearing on the petition and receipt of a copy of the petition from persons of indeterminate identity, though presumably all persons entitled to receive a copy of the petition and notice of the hearing on it.

The combination of these functions on a single form has tended to obscure the significance of each function. Of particular concern is the possibility that this form may induce parents to

¹ Unless otherwise specified, all further statutory references are to the Probate Code.

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.

consent to the appointment of a guardian of the person for their child without understanding that they cannot simply change their minds and terminate the guardianship at will. In the 15 years since the form's last revision, changes to the law emphasizing the relative importance to a child of a safe, caring, and stable placement over a relationship with a biological parent have increased the urgency of proper notice.² The revisions proposed would be a first step toward addressing that concern.³

The revisions to the other forms in the proposal derive mainly from the revisions to form GC-211, as they are necessary to conform to that form's new, more limited purpose. The committee has also, however, taken the opportunity to clarify several potentially misleading elements on those forms.

The Probate and Mental Health Advisory Committee proposes revising Judicial Council forms GC-210, GC-210(P), GC-211, GC-212, and GC-248, effective January 1, 2019, as follows:

1. Revise form GC-210, *Petition for Appointment of Guardian*, to
 - Clarify that the petition should allege that appointment of a guardian is in the best interest of the child, as required by Probate Code section 1514(b) and Family Code section 3020;
 - Clarify that item 11 must be completed if the proposed guardian, not the petitioner, is not related to the proposed ward; and
 - Remove references to the attachment of form GC-211;
2. Revise form GC-210(P), *Petition for Appointment of Guardian of the Person*, to clarify that the petition should allege that appointment of a guardian is in the best interest of the child and remove references to the attachment of form GC-211;
3. Revise form GC-211, *Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice*, to
 - Rename it *Response to Petition for Appointment of Guardian*;
 - Provide more prominent notice that the appointment of a guardian of the person suspends a parent's authority and outline more clearly the process and standard required to modify or terminate a guardianship;
 - Indicate the respondent's relationship to the proposed ward and the family;
 - Provide the respondent an opportunity to give specific consent to the establishment of a guardianship and the appointment of the guardian proposed in the petition, to

² See Prob. Code, § 1516.5 (authorizing a proceeding to free a child from parental custody and control within an existing guardianship proceeding after two years in the guardian's physical custody); *In re Guardianship of Ann S.* (2009) 45 Cal.4th 1110 (upholding section 1516.5 against a constitutional challenge); see also Fam. Code, § 3041(c)–(d) (establishing a presumption that continued custody with a nonparent caregiver who has assumed the role of the child's parent for a substantial period of time is in a child's best interest and that parental custody would be detrimental to the child).

³ The proposed revisions would also alleviate problems integrating the form into courts' electronic case management systems caused by the form's susceptibility to use by multiple persons for multiple purposes.

- object to the appointment of the proposed guardian and, if qualified, to nominate a different person, or to object to the establishment of a guardianship; and
- Provide an opportunity for the respondent to indicate whether the child is or may be an Indian child for purposes of the application of the Indian Child Welfare Act;
 - Provide a separate opportunity for the respondent to waive further notice of hearings on the petition; and
 - Remove the provision for the proposed guardian to consent to the appointment;
4. Revise form GC-212, *Confidential Guardian Screening Form*, to provide an initial opportunity for a proposed guardian to indicate consent to serve as guardian if appointed; and
5. Revise form GC-248, *Duties of Guardian*, to
- Provide the proposed guardian with an opportunity to give consent to serve as guardian after learning the duties attendant to appointment;
 - Include express references to the sections of the Probate Code that specify the powers and duties of a guardian of the person and a guardian of the estate; and
 - Clarify that the proposed guardian or guardians, regardless of whether they are also petitioners, must sign the consent and acknowledgment of receipt on page 5.

Alternatives Considered

The committee considered deferring the proposed revisions until it could prepare comprehensive revisions to the entire guardianship form set, but determined that these revisions, which affect fundamental rights to notice and an opportunity to be heard, were urgently needed. The committee intends to continue its work on the guardianship form set and propose additional revisions in upcoming cycles. The committee hopes specifically to clarify the informational forms directed to self-represented litigants in guardianship proceedings and to revise the form set to simplify the guardianship process for litigants and court staff while ensuring that bench officers and court attorneys receive the information they need to make decisions firmly grounded in fact and law.

Implementation Requirements, Costs, and Operational Impacts

Implementation will require courts that provide paper versions of these forms to incur production and copying costs. Courts will also need to reprogram their electronic case management systems to accommodate the revised forms and train staff to integrate the revisions into their case processes. The revisions should, however, expedite case processing in certain respects. The revisions to form GC-211—in particular, to integrate the nomination and consent functions of the current form into a global response to the petition and to move the consent of the proposed guardian from this form to forms GC-212 and GC-248—should increase the forms' compatibility with electronic case management systems and reduce uncertainty on the part of self-represented litigants.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Is the notice box on page 1 of form GC-211 sufficiently clear about the potential consequences for the parent-child relationship of the appointment of a guardian of the person?
- Should form GC-248 continue to include blocks for multiple signatures, or should it include only one signature block so that each proposed guardian would need to receive a separate copy of the *Duties* and sign a separate consent and acknowledgment of receipt?

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. Forms GC-210, GC-210(P), GC-211, GC-212, and GC-248, at pages 5–20

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:	
GUARDIANSHIP OF (name):	CASE NUMBER:
PETITION FOR APPOINTMENT OF GUARDIAN OF <input type="checkbox"/> MINOR* <input type="checkbox"/> MINORS* <input type="checkbox"/> Person** <input type="checkbox"/> Estate**	HEARING DATE AND TIME: DEPT.:

1. **Petitioner** (name each):

requests that

- a. (name):
 (address):
 (telephone):
 be appointed guardian of the PERSON of the minor or minors named in item 2 and *Letters* issue upon qualification.
- b. (Not applicable to proposed wards 18 years of age and older.)
 (name):
 (address):
 (telephone):
 be appointed guardian of the ESTATE of the minor or minors named in item 2 and *Letters* issue upon qualification.
- c. (1) bond not be required because the petition is for guardian of the person only because the proposed guardian is a corporate fiduciary or an exempt government agency for the reasons stated in Attachment 1c.
 (2) \$ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law. (Specify reasons in Attachment 1c if the amount is different from the minimum required by Prob. Code, § 8482.)
 (3) \$ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location):
- d. authorization be granted under Probate Code section 2590 to exercise the powers specified in Attachment 9.
- e. orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351–2358 be granted (specify orders, facts, and reasons in Attachment 1e).
- f. an order dispensing with notice to the persons named in Attachment 10 be granted.
- g. other orders be granted (specify in Attachment 1g).

2. Attached is a copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each minor for whom this petition requests the appointment of a guardian. The full legal name and date of birth of each minor is:

- a. Name: _____ Date of Birth (month/day/year): _____
- b. Name: _____ Date of Birth (month/day/year): _____
- c. Name: _____ Date of Birth (month/day/year): _____
- d. Name: _____ Date of Birth (month/day/year): _____

The names and dates of birth of additional minors are specified on Attachment 2 to this petition.

* Under section 1510.1(d) of the Probate Code, the terms *child*, *minor*, and *ward* include a youth 18 to 20 years of age.
 ** You MAY use this form or form GC-210(P) for a guardianship of the person. You MUST use this form for a guardianship of the estate or of the person and estate. Do NOT use this form for a temporary guardianship.

GUARDIANSHIP OF (name):	CASE NUMBER:
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3. Petitioner is
- a. related to the minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
 - b. the minor named in item 2, who is 12 years of age or older.
 - c. another person on behalf of minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
4. The proposed guardian is (check all that apply):
- a. a nominee (affix a copy of nomination as Attachment 4a).
 - b. related to the minor or minors named in item 2, as shown in item 3 of each minor's attached form GC-210(CA).
 - c. other, as shown in item 3 of each minor's attached form GC-210(CA).
 - d. a professional fiduciary within the meaning of the Professional Fiduciaries Act. The proposed guardian's license status is shown in item 1 on page 1 of the attached Professional Fiduciary Attachment. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)
5. Petitioner, with intent to adopt, has accepted or intends to accept physical care or custody of the minor.
6. A person other than the proposed guardian has been nominated as the guardian of the minor by will other writing. A copy of the nomination is affixed as Attachment 6. (Specify name and address of nominee in item 2 of minor's attached form GC-210(CA).)
7. Character and estimated value of property of the estate (complete if petition requests appointment of a guardian of the estate or the person and estate):
- a. Personal property: \$ _____
 - b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ _____
 - c. **Total:** \$ _____
 - d. Real property: \$ _____
8. Appointment of a guardian of the person estate of the minor or minors named in item 2 is necessary or convenient and would be in the best interest of the minor(s) for the following reasons:

- Continued in Attachment 8.
 - Parental custody would be detrimental to the minor or minors named in item 2 (not applicable to proposed wards 18 years of age and older).
9. Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Reasons for this request and the powers requested are specified in Attachment 9.
10. Notice to the persons named in Attachment 10 should be dispensed with under Probate Code section 1511 because
- they cannot with reasonable diligence be given notice (specify names and efforts to locate in Attachment 10).
 - giving notice to them would be contrary to the interest of justice (specify names and reasons in Attachment 10).

GUARDIANSHIP OF <i>(name)</i> :	CASE NUMBER:
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11. (Complete this item if this petition asks for appointment of a guardian of the person or a guardian of the person and the estate and the proposed guardian is not related to each minor named in item 2.)
- a. Petitioner is the proposed guardian and will promptly furnish all information requested by any agency referred to in Probate Code section 1543.
 - b. Petitioner is not the proposed guardian. A statement by the proposed guardian that he or she will promptly furnish all information requested by any agency referred to in Probate Code section 1543 is affixed as Attachment 11b.
 - c. The proposed guardian's home is is not a licensed foster family home.
 - d. The proposed guardian has never filed a petition for adoption of the minor except as specified in Attachment 11d.

12. Attached to this petition is a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form GC-120) concerning each child under 18 years of age listed in item 2.

13. Filed with this petition are the following *(check all that apply)*:
- Petition for Appointment of Temporary Guardian* (form GC-110)
 - Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P))
 - Confidential Guardian Screening Form* (form GC-212)
 - Petition for Special Immigrant Juvenile Findings* (form GC-220)
- Other *(specify)*:

14. All attachments to this form are incorporated by this reference as though placed here in this form. Number of pages attached:

Date: _____
(SIGNATURE OF ATTORNEY*)

***(All petitioners and the proposed ward—if he or she is at least 18 years of age but not yet 21 and not a petitioner—must also sign.)**

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

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
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(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
----------------------	---	---------------------------

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
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I consent to the appointment of the person named in item 1.a as guardian of my person and to his or her performance of the duties of a guardian on my behalf.

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PROPOSED WARD)
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Petition for Appointment of Guardian of the Person

Guardianship of the person of *(all children's names)*:

Clerk stamps date here when form is filed.

You may use this form or the Petition for Appointment of Guardian of Minor (form GC-210) to petition, or ask, the court to appoint a guardian of the person. (You must use form GC-210 to ask the court to appoint a guardian of the estate or of both the person and the estate.)

1 Your name *(Include the names of all persons who are requesting the court to appoint them or the person named in 4 as guardian for the child* or children* named above and in 8). All must sign this form.):*

- a. _____
- b. _____
- c. _____

Fill in court name and street address:

Superior Court of California, County of

2 Your address and telephone number:

Street: _____ Apt.: _____
City: _____
State: _____ Zip: _____ Phone: _____

Clerk fills in information below when form is filed.

Case Number:	
Hearing Date and Time:	Dept.:

3 **Your Lawyer** *(if you have one):*

Name: _____ Bar No.: _____
Firm name, if any: _____
Street: _____ Suite: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____ E-mail: _____

4 **I/We want to be guardian of the child or children named in 8 (Go to 5).**

I/We want the person or persons named here to be the guardian of the child or children named in 8. Tell the court about the proposed guardian(s) below.

Name(s): _____
Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

I am the child or one of the children named in 8 and a person named in 1. I am at least 12 years old. I want the person or persons named here to be my guardian.

My date of birth is (month/day/year): _____ *Tell the court about the proposed guardian(s) below.*

Name(s): _____
Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

***Under section 1510.1(d) of the Probate Code, the terms *child, minor, and ward* include a youth 18 to 20 years of age.**



Guardianship of the person of <i>(all children's names)</i> :	Case Number:

- 5** The proposed guardian named in **1** or **4** is (check all that apply):
- a. Related to the child or children named in **8**, as shown in item 3 of the child's or children's attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).
 - b. Not related to the child or children named in **8**.
 - c. A nominee of a parent of one or more of the children named in **8**, as shown in item 5 of the child's or children's attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).
- 6** **Check this box if you checked the box in item 5b (guardian unrelated to child or children).** Answer the question in item a and check the box in item b or c. If you check the box in c, provide the signed statement of the proposed guardian on a separate sheet of paper. Write “Form GC-210(P)—Attachment 6: Statement of Unrelated Guardian” at the top of the paper and attach it to this form.
- a. Does the proposed guardian run a licensed foster family home? Yes No
 - b. I am the proposed guardian. I will promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services.
 - c. I am **not** the proposed guardian. The signed statement of the proposed guardian agreeing to promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services is attached to this form as Attachment 6.
- 7** **A person other than the proposed guardian(s) named in 1 or 4 has been nominated in a will or other writing as guardian of the child or children named in 8. A copy of the written nomination is attached.** Write “Form GC-210(P)—Attachment 7: Nomination of Another Person as Guardian” at the top of the writing and attach it to this form. Fill in the nominated person's name and address in item 2 of the *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each child for whom the person was nominated as guardian.
- 8** **Tell the court about the child or children who need a guardian.** Fill out and attach to this form a separate copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each child named below. Show all children's names at the top of all pages of this form. Fill out and attach to this form a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120) concerning all children under 18 years of age listed below.

The full legal name and date of birth of each child who needs a guardian is (specify):

a. Name:	<div style="display: flex; justify-content: space-between;"> First Middle Last </div>	Date of birth:	Month/Day/Year
b. Name:	<div style="display: flex; justify-content: space-between;"> First Middle Last </div>	Date of birth:	Month/Day/Year
c. Name:	<div style="display: flex; justify-content: space-between;"> First Middle Last </div>	Date of birth:	Month/Day/Year
d. Name:	<div style="display: flex; justify-content: space-between;"> First Middle Last </div>	Date of birth:	Month/Day/Year
e. Name:	<div style="display: flex; justify-content: space-between;"> First Middle Last </div>	Date of birth:	Month/Day/Year

Check here if there are additional children. Continue this list on a separate sheet of paper. Write “Form GC-210(P)—Attachment 8: Additional Children” at the top of the paper and attach it to this form.



Guardianship of the person of <i>(all children's names)</i> :	Case Number:

10 c. Make the following additional orders *(specify)*:

Check here if you need more space. Continue your request for additional orders on a separate sheet of paper. Write "Form GC-210(P)—Attachment 10c: Additional Orders" at the top of the paper and attach it to this form.

11 **Filed with this petition are the following** *(check all that apply)*:

Petition for Appointment of Temporary Guardian or Conservator (form GC-110)


Petition for Appointment of Temporary Guardian of the Person (form GC-110(P))

Confidential Guardian Screening Form (form GC-212)

Petition for Special Immigrant Juvenile Findings (form GC-220)

Other *(specify)*:


12 All attachments are made part of this form as though included here. There are _____ pages attached to this form.

Date: _____  _____


Petitioner's attorney types or prints name here *Petitioner's attorney signs here*

All petitioners and the proposed ward—if he or she is at least 18 but not yet 21 years of age and not a petitioner—must read and sign below.

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


Date: _____  _____

Petitioner types or prints name here *Petitioner signs here*

Date: _____  _____

Petitioner types or prints name here *Petitioner signs here*

I consent to the appointment of the person named in ① or ④ as guardian of my person and to his or her performance of the duties of a guardian on my behalf.

Date: _____  _____

Proposed ward types or prints name here *Proposed ward signs here*

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 NUMBER: FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	
RESPONSE TO PETITION FOR APPOINTMENT OF GUARDIAN <input type="checkbox"/> AND WAIVER OF FURTHER NOTICE	
CASE NUMBER:	
NOTICE: When the court appoints a guardian of the person for a minor child, the parent's authority to take care of the child ends. The child's guardian has full legal and physical custody until the child reaches 18 years of age or is adopted, unless the court changes the guardian or ends the guardianship. Anyone, even a parent, who wants to change the guardian or end the guardianship must file a petition with the court. The court will not grant the petition unless the judge decides that the order would be in the best interest of the child.	

1. I am related to the minor child named above (specify familial relationship):
 I am NOT related to the minor child named above, but I am connected to the child and the family (specify connection):

2. a. I agree that appointment of a guardian of the person estate would be in the best interest of the minor child or children AND I agree to the appointment of the guardian proposed in the Petition.
- b. I agree that appointment of a guardian of the person estate would be in the best interest of the minor child or children, but I do NOT agree to the appointment of the guardian proposed in the Petition because:

- Continued on Attachment 2b.
- (1) I am a parent of the minor child. I nominate (name and address):
 as guardian of the person estate of the minor child.
- (2) I am the donor of a gift to the minor child. I nominate (name and address):
 as guardian of the property (estate) that I gave to the minor child.
- c. I do NOT agree to the appointment of a guardian of the person estate for the minor child or children. Appointment of a guardian would not be in the best interest of the child or children for the following reasons:

 Continued on Attachment 2c.
- d. The child is or may be an Indian child. A completed form ICWA-010(A) or, if I am the parent, form ICWA-020, is attached.

I declare under penalty of perjury under the laws of the State of California that all information on this form and any attachment is true and correct.

Date: _____

(TYPE OR PRINT NAME) (SIGNATURE)

(See next page for another option)

GUARDIANSHIP OF <i>(name)</i> :	CASE NUMBER:
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WAIVER OF FURTHER NOTICE

3. I have received notice of the hearing and a copy of the *Petition for Appointment of Guardian* (form GC-210 or GC-210(P)) filed on *(date)*: . I am entitled to notice of these proceedings, but I waive further notice of hearings, including continued hearings, on this petition. I understand that this means the court may grant the petition and appoint a guardian without getting my opinion.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

GUARDIANSHIP OF (Name):	CASE NUMBER:
MINOR	

11. Have you, or has any other person living in your home, been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol? Yes No (If you checked "Yes," explain in Attachment 11.)
12. Do you or does any other person living in your home suffer from mental illness? Yes No (If you checked "Yes," explain in Attachment 12.)
13. Do you suffer from any physical disability that would impair your ability to perform the duties of guardian? Yes No (If you checked "Yes," explain in Attachment 13.)
14. I have or may have I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of guardian. (If you checked "I have or may have," explain in Attachment 14.)
15. I have I have not previously been appointed guardian, conservator, executor, or fiduciary in another proceeding. (If you checked "I have," explain in Attachment 15.)
16. I have I have not been removed as guardian, conservator, executor, or fiduciary in any other proceeding. (If you checked "I have," explain in Attachment 16.)
17. I am I am not a private professional fiduciary, as defined in Business and Professions Code section 6501(f). (If you checked "I am," respond to item 18. If you checked "I am not," go to item 19.)
18. I am I am not currently licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. My license status and information is stated in item 1 on page 1 of the Professional Fiduciary Attachment signed by me and attached to the petition that proposes my appointment as guardian in this matter. (Complete and sign the Professional Fiduciary Attachment and attach it to the petition, or deliver it to the petitioner for attachment, before the petition is filed. See item 4d of the petition. Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)
19. I am I am not a responsible corporate officer authorized to act for (name of corporation):
- a California nonprofit charitable corporation that meets the requirements for appointment as guardian of the proposed ward under Probate Code section 2104. I certify that the corporation's articles of incorporation specifically authorize it to accept appointments as guardian. (If you checked "I am," explain the circumstances of the corporation's care of, counseling of, or financial assistance to the proposed ward in Attachment 19.)
20. I have I have not filed for bankruptcy protection within the last 10 years. (If you checked "I have," explain in Attachment 20.)

MINORS' CONTACT INFORMATION		
21. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
22. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
23. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
<input type="checkbox"/> Information on additional minors is attached.		

DECLARATION

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

Date: _____

(TYPE OR PRINT NAME OF PROPOSED GUARDIAN)

(SIGNATURE OF PROPOSED GUARDIAN)*

* Each proposed guardian must fill out and file a separate screening form.

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:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name):	MINOR
DUTIES OF GUARDIAN with Consent and Acknowledgment of Receipt	CASE NUMBER:

DUTIES OF GUARDIAN

When you are appointed by the court as a guardian of a minor, you become an officer of the court and assume certain duties and obligations. An attorney is best qualified to advise you about these matters. You should clearly understand the information on this form. You will find additional information in the *Guardianship Pamphlet (for Guardianships of Children in the Probate Court)* (Form GC-205), which is available from the court.

1. GUARDIANSHIP OF THE PERSON

If the probate court appoints you as a *guardian of the person* for a child, you will be required to assume important duties and obligations.

- a. Fundamental responsibilities** - The guardian of the person of a child has the care, custody, and control of the child. As guardian, you are responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. You must provide for the safety, protection, and physical and emotional growth of the child.
- b. Custody** - As guardian of the person of the child, you have full legal and physical custody of the child and are responsible for **all** decisions relating to the child. The child's parents can no longer make decisions for the child while there is a guardianship. The parents' rights are suspended—not terminated—as long as a guardian is appointed for a minor.
- c. Education** - As guardian of the person of the child, you are responsible for the child's education. You determine where the child should attend school. As the child's advocate within the school system, you should attend conferences and play an active role in the child's education. For younger children, you may want to consider enrolling the child in Head Start or other similar programs. For older children, you should consider their future educational needs such as college or a specialized school. You must assist the child in obtaining services if the child has special educational needs. You should help the child in setting and attaining his or her educational goals.
- d. Residence** - As guardian, you have the right to determine where the child lives. The child will normally live with you, but when it is necessary, you are allowed to make other arrangements if it is in the best interest of the child. You should obtain court approval before placing the child back with his or her parents.

As guardian, you **do not** have the right to change the child's residence to a place outside of California unless you first receive the court's permission. If the court grants permission, California law requires that you establish legal guardianship in the state where the child will be living. Individual states have different rules regarding guardianships. You should seek additional information about guardianships in the state where you want the child to live.

(Continued on page two)

GUARDIANSHIP OF <i>(name)</i> : <div style="text-align: right;">MINOR</div>	CASE NUMBER:
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If you are not represented by an attorney, you may obtain answers to your questions by contacting community resources, private publications, or your local law library.

NOTICE: This statement of duties is a summary and is not a complete statement of the law. Your conduct as guardian is governed by the law itself and not by this summary.

**CONSENT TO APPOINTMENT
AND ACKNOWLEDGMENT OF RECEIPT**

1. I consent to serve as the guardian of the child named above if I am appointed by the court.
2. I have received, read, and kept a copy of this statement of the duties of a guardian.

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PROPOSED GUARDIAN)

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PROPOSED GUARDIAN)

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PROPOSED GUARDIAN)

RUPRO ACTION REQUEST FORM

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

RUPRO Meeting: April 26, 2018

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

Protective Orders: Entry of Interstate and Tribal Protective Orders, Canadian Protective Orders, and Gun Violence Restraining Orders into CLETS; New Form for Registration of Canadian Domestic Violence Protective Orders; Addition of Gun Violence Restraining Orders to Rule 2.503(c).

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee

Staff contact (name, phone and e-mail): Greg Tanaka; 415-865-7671; gregory.tanaka@jud.ca.gov

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

Approved by RUPRO: October 24, 2017

Project description from annual agenda:

Family and Juvenile Law Advisory Committee Annual Agenda:

Implementation of Legislative Changes from the 2017- 2018 Legislative Session 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.

SB 204 (Dodd; Stats. 2017, ch. 98) Domestic violence: protective orders. Effective January 1, 2018, this legislation allows for domestic violence protection orders issued in a Canadian civil court to be registered and enforced in California through Family Code sections 6450–6460.

Civil and Small Claims Advisory Committee Annual Agenda:

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 rules and forms to implement the legislation or to bring rules and forms into conformity with it.

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.)

INVITATION TO COMMENT

SPR18-34

Title

Protective Orders: Entry of Interstate and Tribal Protective Orders, Canadian Protective Orders, and Gun Violence Restraining Orders into CLETS; New Form for Registration of Canadian Domestic Violence Protective Orders; rule amendment to add Gun Violence Restraining Orders

Proposed Rules, Forms, Standards, or Statutes
Amend rules 1.51 and 2.503: adopt form DV-630

Proposed by

Family and Juvenile Law Advisory
Committee

Hon. Jerilyn Borack, Cochair

Hon. Mark Juhas, Cochair

Civil and Small Claims Advisory Committee

Hon. Ann I. Jones, Chair

Action Requested

Review and submit comments by June 8, 2018

Proposed Effective Date

January 1, 2019

Contact

Gregory Tanaka, 415-865-7671,
gregory.tanaka@jud.ca.gov

Frances Ho, 415-865-7662,
frances.ho@jud.ca.gov

Patrick O'Donnell, 415-865-7665,
patrick.o'donnell@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes amending rule 1.51 of the California Rules of Court to include the registration of (1) interstate and tribal court protective orders, under Family Code section 6404; and (2) Canadian protective orders, under Family Code section 6454, as protective orders that must be submitted to the court with a completed *Confidential CLETS Information* form. The committee also proposes the adoption of a new mandatory form to implement the requirements of Senate Bill 204 that allow domestic violence protection orders issued in a Canadian civil court to be registered and enforced in California under Family Code sections 6450–6460.

The Civil and Small Claims Advisory Committee proposes amending two rules relating to protective orders. It proposes amending rule 1.51 to add a reference to Penal Code sections

18100—18205, the gun violence restraining order statutes that became operative January 1, 2016, as protective orders that must be submitted to the court with a completed *Confidential CLETS Information* form. In addition, it proposes amending rule 2.503(c) to add records in gun violence prevention proceedings to the list of electronic court records that are accessible only at the courthouse and are not available remotely.

The Proposal

Amendments to rule 1.51

Rule 1.51(a) on the *California Law Enforcement Telecommunications System (CLETS) Information Form* lists the protective orders that must be submitted to the court with a completed confidential form. Under the existing rule, the list includes all the protective orders issued under Code of Civil Procedure sections 527.6, 527.8, and 527.85; Family Code section 6320; and Welfare and Institutions Code sections 213.5 and 15657.03.

The list should be updated to reflect additional statutes that provide that other types of protective orders must be entered using the California Law Enforcement Telecommunications System (CLETS). The law requires interstate and tribal court protective orders to be entered into CLETS under Family Code section 6404, Canadian protective orders under section 6454, and gun violence restraining orders under Penal Code sections 18100–18205.¹ To ensure that all required information from protective orders is properly entered into CLETS, using the *Confidential CLETS Information* form, the statutory sections prescribing the entry of out-of-state, tribal court, Canadian, and gun violence protective orders need to be added to rule 1.51(a).

Proposal to Adopt Order to Register Canadian Domestic Violence Protective/Restraining Order (form DV-630)

The Family and Juvenile Law Advisory Committee proposes that the Judicial Council adopt a mandatory form, *Order to Register Canadian Domestic Violence Protective/Restraining Order* (form DV-630), to implement the requirements of Senate Bill 204 (Family Code § 6400 et. seq.). Family Code section 6450 et seq. sets forth the following requirements for registration and enforcement of Canadian domestic violence protection orders in California:

1. The order must be issued in a civil proceeding in English (Fam. Code, § 6451(a)).

Family Code section 6451(a) states that for purposes of the act, a “Canadian domestic violence protection order”:

¹ More specifically, regarding the gun violence restraining orders, Penal Code section 18115(a) prescribes that the court shall notify the Department of Justice when a gun violence restraining order is issued or renewed and section 18115(c) states that the notices shall be submitted electronically in a manner prescribed by the department. The department has directed that the procedure for submitting gun violence restraining order information into the California Restraining and Protective Order System (CARPOS) is to use CLETS. (See CARPOS Manual, section 6.4.1.)

“[M]eans a judgment or part of a judgment or order issued in English in a civil proceeding by a court of Canada under law of the issuing jurisdiction that relates to domestic violence....”

The legislative history of SB 204 states that the law only includes orders issued by civil courts because of the due process concerns raised by enforcing protection orders issued by a foreign country’s criminal court system.²

2. *Certified copy of the Canadian protective/restraining order is required (Fam. Code, § 6454(a)).*

A certified copy of a Canadian protective order must be presented to the court for registration. This is different than the statutory procedure under Family Code section 6404 for registration of interstate and tribal court protective orders—which does not require a certified copy.

3. *The order must be sealed and entered into CLETS (Fam. Code, § 6454(a)).* Once registered, consistent with the procedures for other foreign domestic violence restraining orders under Family Code sections 6380 and 6404, Canadian protective orders are also required to be:

- a. Entered into the California Law Enforcement Telecommunications System (CLETS);
- b. Sealed; and
- c. Accessed only by law enforcement, the person who registered the order upon written request with proof of identification, the defense after arraignment on criminal charges involving an alleged violation of the order, or upon further order of the court.

The Family and Juvenile Law Advisory Committee considered revising an existing form, *Order to Register Out-of-State or Tribal Court Protective/Restraining Order (form DV-600)*, to include Canadian protective orders. However, unlike the statutory procedures for registration of interstate and tribal court protective orders, the registration of Canadian protective orders—as described above—requires the submission of a certified copy of the order and is limited to orders issued in civil proceedings. Hence, the committee is proposing that the council adopt a specific new order that expressly satisfies the statutory requirements for the registry of Canadian protective orders.

Amendments to rule 2.503

The Civil and Small Claims Advisory Committee proposes that rule 2.503(c) be amended to add records in gun violence prevention proceedings to the list of electronic records that are not accessible remotely and are available only at the courthouse. This proposal is consistent with the history and purpose of that subdivision.

² Sen. Rules Com., Off. of Sen. Floor Analyses, Rep. on Sen. Bill No. 204 (2017–2018 Reg. Sess.) July 7, 2017, p. 7.

Rule 2.503 (formerly rule 2074) was adopted in recognition that certain types of cases contain sensitive private information. Although these cases are public records, “unrestricted Internet access to case files would compromise privacy and, in some cases, could increase the risk of personal harm to litigants and others whose private information appears in case files.”³ Hence, to balance the right of public access to trial records against the right of privacy, a rule was adopted that provides that access to certain sensitive types of case records will be provided only at the courthouse.

The original list of case records available only at the courthouse included records in family and juvenile proceedings; guardianship and conservatorship proceedings; mental health proceedings; criminal proceedings; and civil harassment proceedings. Subsequently, rule 2.503(c) has been amended several times. Additional types of records that are presently available only at the courthouse are records in elder and dependent adult abuse prevention proceedings; workplace violence prevention proceedings; post-secondary violence prevention proceedings; and proceedings to compromise the claims of a minor. Because gun violence prevention proceedings share many of the same characteristics as the proceedings described above and raise similar privacy and safety concerns, it is appropriate provide the same type of limited, courthouse-only access for records in these proceedings as for those already included under rule 2.503(c).

Alternatives Considered

The rule proposal principally update rules 1.51 and 2.503 to reflect recent developments in the statutes relating to protective orders. While the rules could have been left unchanged, this would create a risk that important information about certain protective orders might not be properly entered into CLETS and that gun violence restraining orders might be made remotely accessible, unlike any other type of protective order. Furthermore, as mentioned above, regarding the development of the form order for registering Canadian protective orders, the Family and Juvenile Law Advisory Committee considered revising the order for registering out-of-state and tribal protective orders to cover this additional type of order; but it concluded that, based on the unique requirements for registering a Canadian protective order, it would be better to have a separate order for this purpose.

Implementation Requirements, Costs, and Operational Impacts

The proposed amendments to rule 1.51 relating to entry of orders into CLETS will largely reflect and clarify current practices; hence, they should not require any significant implementation requirements, result in costs for the courts, or have operational impacts. To the extent that any courts currently make gun violence restraining orders available remotely, amending rule 2.503(c) to add such orders to the list of records not available remotely may require some programming; but the amount of such orders available remotely is likely very small. Finally, the adoption of the new *Order to Register Canadian Domestic Violence Protective/Restraining Order* (form DV-

³ Jud. Council report titled *Public Access to Electronic Court Records* (dated October 5, 2001), page 7. The report explains the legal and policy reasons for providing courthouse-only access in certain case types.

630) should make it easier for parties to register Canadian protective orders, and for courts to process these orders.

Request for Specific Comments

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

- Do the proposals appropriately address the stated purposes?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposals 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 these proposals until their effective date provide sufficient time for implementation?
- How well would these proposals work in courts of different sizes?

Attachments

1. Rules 1.51 and 2.503, pages 6–7
2. *Order to Register Canadian Domestic Violence Protective/Restraining Order* (form DV-630), pages 8–9

1 **Rule 1.51. California Law Enforcement Telecommunications System (CLETS)**
2 **information form**

3
4 **(a) Confidential CLETS Information form to be submitted to the court**

5
6 A person requesting protective orders under Code of Civil Procedure section 527.6,
7 527.8, or 527.85; Family Code section 6320, 6404, or 6454; Penal Code sections
8 18100–18205; or Welfare and Institutions Code section 213.5 or 15657.03 must
9 submit to the court with the request a completed *Confidential CLETS Information*
10 form.

11
12 **(b)–(e)** * * *

13
14
15 **Rule 2.503. Public access**

16
17 **(a)** * * *

18
19 **(b) Electronic access required to the extent feasible**

20
21 A court that maintains the following records in electronic form must provide
22 electronic access to them, both remotely and at the courthouse, to the extent it is
23 feasible to do so:

- 24
25 (1) Registers of actions (as defined in Gov. Code, § 69845), calendars, and
26 indexes in all cases; and
27
28 (2) All records in civil cases, except those listed in (c)(1)–~~(9)~~(11).

29
30 **(c) Courthouse electronic access only**

31
32 A court that maintains the following records in electronic form must provide
33 electronic access to them at the courthouse, to the extent it is feasible to do so, but
34 may not provide remote electronic access to these records ~~only to the records~~
35 ~~governed by (b)~~:

- 36
37 (1) Records in a proceeding under the Family Code, including proceedings for
38 dissolution, legal separation, and nullity of marriage; child and spousal
39 support proceedings; child custody proceedings; and domestic violence
40 prevention proceedings;
41
42 (2) Records in a juvenile court proceeding;

- 1 (3) Records in a guardianship or conservatorship proceeding;
2
3 (4) Records in a mental health proceeding;
4
5 (5) Records in a criminal proceeding;
6
7 (6) Records in proceedings to compromise the claims of a minor or a person with
8 a disability;
9
10 ~~(7)(6)~~Records in a civil harassment proceeding under Code of Civil Procedure
11 section 527.6;
12
13 ~~(8)(7)~~Records in a workplace violence prevention proceeding under Code of Civil
14 Procedure section 527.8;
15
16 ~~(9)(8)~~Records in a private postsecondary school violence prevention proceeding
17 under Code of Civil Procedure section 527.85;
18
19 ~~(10)(9)~~Records in an elder or dependent adult abuse prevention proceeding under
20 Welfare and Institutions Code section 15657.03; and
21
22 ~~(10) Records in proceedings to compromise the claims of a minor or a person with~~
23 ~~a disability.~~
24
25 (11) Records in a gun violence prevention proceeding under Penal Code sections
26 18100–18205.
27
28 **(d)–(i) * * ***

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

Instructions: Use this form to register a civil Canadian domestic violence or family violence protective/restraining order in California. Registration means that the order will be entered into a database that all law enforcement in California can view. Although registration is not required for the order to be enforced, it is helpful to have the order in the database. There is no fee to file this form. A certified copy of the order must be submitted with this form. The order must have been issued in English.

1 Information About the Person Registering the Protective/Restraining Order:

a. My Name: _____

- b. I do not have a lawyer for this case (fill in items c–f below).
 I have a lawyer for this case (fill in your lawyer’s information below and for items c–e):

Name: _____ State Bar No.: _____

Firm Name: _____

- c. Address (If you want to keep your home address private, give a different mailing address instead.):

City: _____ State: _____ Zip: _____

d. Telephone (optional): _____

e. E-mail Address (optional): _____

f. I am (check one):

- protected by the attached order.
 restrained by the attached order.
 a legal guardian of a minor protected by the attached order.
 other (specify): _____

Fill in court name and street address:

Superior Court of California, County of

Fills in case number:

Case Number:**2 Restrained Person**

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

3 To the best of my knowledge, the attached order:

- Is a certified copy of a Canadian protective/restraining order.
- Was issued in English by a civil (noncriminal) court in Canada.
- Was made because of domestic violence or family violence.
- Is currently valid and in effect.
- Has not been changed, canceled, or replaced by another court order.
- Expires on (date): _____
month/day/year

This is a Court Order.

4 I ask that the attached order be registered with this court for entry into the California Law Enforcement and Telecommunications System (CLETS). My request is voluntary. I understand that registration of the order is not necessary for enforcement.

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

Date: _____

Type or print your name

Sign your name

(To be completed by court)

The attached Canadian Domestic Violence Protective/Restraining Order is registered and enforceable in California, and can be entered into CLETS, unless it ends or is changed by the court that made it.

Date: _____

Judge (or Judicial Officer)

Court Clerk Must Seal This Form and Attached Foreign Protection Order

This form sets forth the procedure to register a foreign protection order under Family Code section 6404:

1. No fee may be charged for the registration of the foreign protection order.
2. No court hearing is required to register the foreign protection order.
3. The case file containing this form and the attached foreign protection order must be sealed under Family Code section 6404(a).
4. Access to the foreign protection order is allowed only to law enforcement, the person who registered the order upon written request with proof of identification, the defense after arraignment on criminal charges involving an alleged violation of the order, or on further order of the court.

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

I certify that this *Order to Register Canadian Domestic Violence Protective/Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

RUPRO ACTION REQUEST FORM

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

RUPRO Meeting: April 26, 2018

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

Protective Orders: Protecting Information of People Under 18 Years Old (Adopt Rule of Court 5.382 and 3.1161, and renumber rule 3.1152; adopt forms DV-160; DV-165; DV-170; DV-175; CH-160; CH-165; CH-170; CH-175, and revise forms DV-109 and CH-109.)

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee and Family and Juvenile Law Advisory Committee, jointly

Staff contact (name, phone and e-mail): Anne M Ronan, 415-865-8933, anne.ronan@jud.ca.gov Ccivil and Small Claims); Frances Ho, 415-865-7662 (Family and Juvenile)

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

Approved by RUPRO: 10/24/17

Project description from annual agenda:

Civil and Small Claims Advisory Committee:

Privacy of Minor's Information in Protective Orders

Priority 1(b)

Project Summary: Assembly Bill 953 authorizes a minor or a minor's guardian to petition the court to keep all information regarding the minor that was submitted to the court for issuance of a civil harassment or domestic violence protective order in a confidential case file, if the court expressly finds that the minor's right to privacy overcomes the right of public access to the information and no less restrictive means exist to protect the minor's privacy. The confidential information includes the minor's name, address, and the circumstances surrounding the protective order with respect to that minor. Forms to implement these provisions would likely include a petition, information sheet, and possibly an order form.

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.)

Because the new statutory provisions are the same for both domestic violence and civil harassment proceedings, the two advisory committees worked together, via the Joint Protective Order Working Group, to develop parallel rules and forms to implement the new law. The forms are meant to be almost identical (with just a couple of minor differences to reflect some differences in the laws), but the attached forms differ a bit in that the DV forms have not been fully copyedited yet. That process is underway and will be completed by end of day Thursday.

JUDICIAL COUNCIL OF CALIFORNIA

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

INVITATION TO COMMENT

SPR18-35

Title	Action Requested
Protective Orders: Protecting Information of People Under 18 Years Old	Review and submit comments by June 8, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rules of Court, rules 3.1161 and 5.382; renumber rule 3.1152; adopt forms CH-160, CH-165, CH-170, CH-175, DV-160, DV-165, DV-170, and DV-175; revise forms CH-109 and DV-109	January 1, 2019
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Frances Ho
Hon. Jerilyn L. Borack, Cochair	frances.ho@jud.ca.gov
Hon. Mark A. Juhas, Cochair	(415) 865-7662
Civil and Small Claims Advisory Committee	Anne Ronan
Hon. Ann I. Jones, Chair	anne.ronan@jud.ca.gov
	(415) 865-8933

Executive Summary and Origin

The Family and Juvenile Law Committee and Civil and Small Claims Advisory Committee jointly recommend adopting rules of court, adopting eight forms (a set of four in the Domestic Violence Prevention series and a set of four in the Civil Harassment Prevention series), and revising two forms, in order to implement the provisions in Assembly Bill 953 (Stats. 2017, ch. 384) that seek to protect information relating to minors in domestic violence and civil harassment restraining orders.

Background

AB 953 added section 6301.5 to the Family Code and section 527.6(v) to the Code of Civil Procedure, effective January 1, 2018. Under the new law, a minor or minor's legal guardian can ask the court to make information relating to a minor confidential when issuing a domestic violence or civil harassment restraining order. The standard for granting these requests is essentially the same standard for the sealing of records under rule 2.550 of the California Rules of Court.

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 Proposal

To implement AB 953, the committees propose adopting eight new forms (four forms in the Domestic Violence Prevention series and a parallel set of four forms in the Civil Harassment Prevention series), revising two existing forms, and adopting two rules of court.¹ The committees recognize that implementation of this bill is complicated; however, without adoption of Judicial Council rules and forms, it is unlikely that self-represented litigants will have access to relief under Family Code section 6301.5 and Code of Civil Procedure section 527.6(v).

The proposed forms will eliminate the need for parties and the court to create specialized pleadings and orders, and the proposed rules will provide consistency in how these requests are processed within the judicial branch. Therefore, the committees propose the following:

1. Adopt rules 3.1161 and 5.382;
2. Renumber rule 3.1152 to rule 3.1160;
3. Adopt *Request to Keep Minor's Information Confidential* (forms CH-160 and DV-160);
4. Adopt *Order on Request to Keep Minor's Information Confidential* (forms CH-165 and DV-165);
5. Adopt *Notice of Order Protecting Information of Minor* (forms CH-170 and DV-170);
6. Adopt *Cover Sheet for Confidential Information* (forms CH-175 and DV-175); and
7. Revise *Notice of Court Hearing* (forms CH-109 and DV-109).

Rules 3.1161 and 5.382

The proposed rules would provide a consistent procedure for making requests for confidentiality, making orders on a request for confidentiality, and protecting information made confidential by the court.

Making a request for confidentiality

Under the new law, the minor or the minor's legal guardian can request that the information relating to the minor be kept confidential. The law is silent as to how requests are to be made.

The proposed rules would:

- Allow a request for confidentiality to be made at any time during the case;²
- Require the requester to complete *Request to Keep Minor's Information Confidential* (form CH-160 or form DV-160);³

¹ Because proposed rules 3.1161 and 5.382 are almost identical in both content and format, differing only in their references to specific statutory provisions and forms, they are, unless otherwise noted, referred to jointly throughout this invitation to comment as the "proposed rules."

In addition to proposing these new rules, the Civil and Small Claims Advisory Committee is also recommending renumbering current rule 3.1152, regarding requests for civil protective orders generally, to rule 3.1160, so that both that rule and the new rules proposed here can be found together in a new article specifically for rules relating to civil protective orders. This will also require renumbering the article directly following this new article.

² Proposed rules at (d)(1).

³ Proposed rules at (d)(2).

- Authorize the court to rule on the request without any notice being given to the other party, or to both parties if the request is by a minor who is not party to the action;⁴
- Require the court to rule on both the request for confidentiality and the restraining order, if submitted at the same time, on the same day of submission or, if too late in the day, the next court day, consistent with Family Code section 6326 and Code of Civil Procedure section 527.6(e);⁵
- Authorize the court to hold a closed hearing if the request does not include sufficient or specific facts to meet the statutory requirements for a confidentiality order;⁶ and
- Allow the requester, in the event that the order for confidentiality is denied, the option of withdrawing the request for restraining orders rather than have the information in public court files.⁷

Making orders on a request for confidentiality

Under the new law, the court must expressly make four findings to grant a request for confidentiality, including a finding that the order to keep the information confidential is narrowly tailored.⁸ In order to comply with the statute, the rules provide that if the court grants an order, it must specifically identify the information regarding the minor that is to be kept confidential.⁹

To provide consistency, the proposed rules would also require that when the court

- grants a request to keep the minor’s name confidential, it publish only the initials for the minor or both parties.¹⁰
- grants a request to keep the minor’s name confidential and the minor is not a party to the case, information relating to the minor that would likely reveal the minor’s identity is made confidential.¹¹
- rules on a request, the order form is filed in a public file (in a redacted version if it contains information ruled confidential) and the request for confidentiality form is filed in a confidential file.¹²

Protecting information made confidential by the court

The new law is silent on the process for ensuring that information made confidential is protected, leaving two important questions unanswered: (1) who will be responsible for preparing redacted documents and (2) how will documents containing confidential information be submitted to the

⁴ Proposed rules at (d)(3)(A); Note that proposed rules at (e)(2)(D) do, however, require that the request be served after the court has made its decision, along with the order. The committees are requesting comments on this requirement.

⁵ Proposed rules at (d)(3)(B).

⁶ Proposed rules (d)(4).

⁷ Proposed rules at (d)(3)(C).

⁸ Fam. Code, § 6301.5(b); Code Civ. Proc., § 527.6(v)(2).

⁹ Proposed rules at (e)(2)(B)(ii).

¹⁰ Proposed rules at (e)(2)(B)(1).

¹¹ Proposed rules at (e)(2)(B)(ii).

¹² Proposed rules at (f)(2).

court? The proposed rules address these questions, and the advisory committees ask for specific comments on the proposed procedures.

Person responsible for preparing redacted documents.

The proposed rules would give the court the discretion to decide who should be ordered to prepare the redacted documents—the court itself, the requesting party, or that party’s attorney—and how soon the redaction must be completed.¹³ The proposed rules would also require the court to consider several factors in making its decision on who should redact, including the complexity of the redaction, whether the person requesting confidentiality is capable of preparing redacted materials, and whether the person requesting confidentiality has immediate access to help from a self-help center or other legal assistance.¹⁴

Submitting documents containing confidential information to the court.

After an order for confidentiality is granted, the proposed rules would require parties to attach a *Cover Sheet for Confidential Information* (form CH-175 or DV-175), anytime documents are submitted for filing.¹⁵ The rules also provide for the court to decide who should be responsible for redaction (using the same factors as for the initial filing). The clerk is to file the unredacted document in a confidential file and the redacted document, after it has been approved by the court, in a public file.¹⁶ The proposed rules provide that the cover sheet form could be used in any civil case involving the minor.¹⁷

The advisory committees are requesting specific comments on these procedures for redactions, both for the initial filing when the confidentiality order is granted and for any later filings.

New Forms

CH-160 and DV-160 (Request to Keep Minor’s Information Confidential)¹⁸

This form would be completed and submitted by the person asking that information relating to a minor be made confidential.¹⁹ The information that can be made confidential by the court includes the minor’s name, address, and any other information relating to the minor. There are items for the requesting party to specifically identify the information sought to be kept confidential and to explain the basis for the request. The findings that the court must make are

¹³ Proposed rules at (f)(1).

¹⁴ Proposed rules at (g).

¹⁵ Proposed rules at (i)(1)(A).

¹⁶ Proposed rules at (i)(1)(B).

¹⁷ The new law provides that if a request for confidentiality is granted, information regarding the minor shall be maintained in a confidential case file in the underlying procedure “or any other civil procedure.” (Fam. Code, § 6301.5(c); Code Civ. Proc., § 527.6(v)(3).)

¹⁸ The two sets of forms are discussed together because they are also nearly identical, differing only when referring to the type of protective order being sought, to specific rules or forms, or to a few minor statutory provisions applicable only to domestic violence protective orders.

¹⁹ The new law does not limit the requests for confidentiality only to minors for whom protection is being sought. A respondent may also file a request, either as a responding minor or on behalf of a child or ward whose information could be included in the petition or the response.

provided at item 7, so the requesting party can focus on those factors when providing reasons for their request for confidentiality. No service instructions are included with the request because the court would rule on the request without notice to the other side.²⁰ The request would be made under penalty of perjury.

CH-165 and DV-165 (Order on Request to Keep Minor’s Information Confidential)

This is the order form that the court would complete after it has reviewed form CH-160 or DV-160. If the request for confidentiality is denied, or if the court wants to hold a hearing before making its decision, only page 1 of this form needs to be issued. If the order is granted, there are items for the court to specifically identify what information is to be kept confidential (item 8), state whether there is any information that even the restrained person is not to receive (item 9b),²¹ and provide notice of the penalties for disclosing confidential information (items 7 and 9). There is also an item for determining who is to redact the confidential information and by what date (item 10), and instructions for service of the relevant forms, including an instruction that the *Notice of Order Protecting Information of Minor* (form CH-170 or DV-170) should be the first page of any forms that include confidential information (item 13c).

CH-170 and DV-170 (Notice of Order Protecting Information of a Minor)

This one-page form would be used at the time a confidentiality order has been issued, as a cover sheet for the requesting party to serve with the order and with the documents that contain information the court has ordered be protected (confidential). The cover sheet would provide notice to the party (often the respondent) being served with unredacted documents that the documents contain confidential information subject to a confidentiality order. The form directs the recipient of the order to determine exactly what information is protected, advises the recipient to use a confidential cover sheet when filing any documents in the case that contain confidential information about the minor, and includes a notice that disclosure or misuse of that confidential information can subject a person to a fine of up to \$1,000.

CH-175 and DV-175 (Cover Sheet for Confidential Information)

This form would be used as a cover sheet for any documents subsequently filed in the protective order proceedings in which a confidentiality order has been made. The party submitting documents for filing would be responsible for attaching this cover sheet to any document that includes confidential information. This form alerts the clerk that the documents contain confidential information, so that the court can file the unredacted documents in the court’s confidential files and make a determination as to who would be responsible for redaction of the

²⁰ The proposed rules do, however, require that the request ultimately be served on the other party, or both parties if the person making the request is not a party to the action following the issuance of an order on the request (see proposed rules at (e)(2)(D)), and instructions regarding that service are in the proposed order form.

²¹ The new law provides that the otherwise confidential information shall be provided to the respondent “to the extent necessary for the enforcement of the order and to allow the respondent to comply with and respond to the order.” (Fam. Code, § 6301.5(d)(2); Code Civ. Proc., § 527.6(v)(4)(B).)

documents so that redacted versions can be placed in the public files.²² This cover sheet can also be used in “any other civil proceedings”²³ to alert the court in that proceeding that a confidentiality order exists protecting the minor’s information.

Revised forms

CH-109 and DV-109 (Notice of Court Hearing)

This form would be revised to add new item 5 to provide notice when a request to keep a minor’s information confidential has been granted.²⁴ Two new forms would be added to the list of forms to be served in item 6: *Notice of Order Protecting Information of Minor* (form CH-170 or DV-170) and *Order on Request to Keep Minor’s Information Confidential* (form CH-165 or DV-165).

Alternatives Considered

Rules of Court

The committees considered including a provision in the rules that would require the court to redact all documents for self-represented litigants. The committees did not adopt this provision because of the potential backlog for the court, which could cause a delay in documents being filed. Instead, the rule gives the court discretion in making this determination, but requires the court to consider, among other things, a self-represented litigant’s ability to draft redacted materials.

Forms

The committees considered not creating a separate notice form (DV-170) because all of the information included on the notice form is in the order form (DV-165). However, the committees recommend adopting form DV-170 because it succinctly provides key information that the person being served with the order for confidentiality (and possibly a temporary restraining order at the same time) will need—specifically, that (1) some information has been made confidential and (2) disclosure or misuse of the confidential information may subject them to a fine of up to \$1,000.

The committees considered not creating a cover sheet for subsequent filings (form DV-175), but decided that having a cover sheet is necessary to alert the clerk that the document being submitted for filing includes confidential information.

²² Proposed rules at (i).

²³ See Fam. Code, § 6301.5(c); Code Civ. Proc., § 527.6(v)(3).

²⁴ This complies with the new law’s provision that, if a confidentiality order is issued in civil harassment cases, the notice provided with a temporary restraining order must include notice of the confidentiality order. (Code Civ. Proc., § 527.6(q)(4).) The domestic violence restraining order form is being revised at the same time to ensure that the forms remain alike except in those instances where substantive statutory differences exist.

Implementation Requirements, Costs, and Operational Impacts

The committees anticipate that this proposal will result in costs incurred by courts to incorporate new forms into their paper or electronic process, train court staff, provide assistance to self-represented litigants in self-help centers, and ensure that filed documents are properly redacted. However, the committees concluded that such costs will be offset by the benefit of having a set of forms for parties to use for this new, legislatively mandated procedure.

Request for Specific Comments

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

1. Does the proposal appropriately address the stated purpose?
2. *Service of request form.* Should the rules require that the *Request to Keep Minor's Information Confidential* (form CH-160 or DV-160) be served on all parties after it has been ruled on by the court? (See proposed rules at (e)(2)(D).) Should service of the request be required whether the court grants or denies the request?
3. *Confidentiality of order denying request.* If a request is not granted (i.e., denied or deferred for a hearing), should the order be placed in the court's public file (as provided in proposed rules at (e)(2)(E)), or in the confidential file in order to protect the identity of the minor who may, upon denial of the request for confidentiality, withdraw the request for a protective order entirely?
4. *Reasons for request.* Are questions 7a and 7b in the *Request to Keep Minor's Information Confidential* (forms CH-160 and DV-160) sufficient to elicit the information a court will need to make the required findings (first paragraph in item 7)? Should other or additional questions be included in the form?
5. *Redaction of confidential information.* In light of the short time frame involved in the underlying actions (generally requests for temporary restraining orders), do the proposed rules regarding redaction of the confidential information after an order is issued (proposed rules at (f) and (g)) provide sufficient guidance and flexibility to work well for the courts and the parties (mostly self-represented parties)? Are there better ways to handle this process?
6. *Subsequent filed documents.* Are the rules for filing and redaction of documents filed later in the case (e.g., a response or a supplemental declaration) (proposed rules at (i)) sufficient to ensure that no protected information goes into public court files? Should the parties be required to file a redacted version along with the unredacted, even though court review would still be required to determine if the redaction was sufficient to keep the protected information confidential?
7. *Notice to law enforcement.* Should the temporary restraining orders (forms CH-110 and DV-110) be amended to include notice to law enforcement that a confidentiality order has been issued?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

8. 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.
9. Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
10. How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 3.1160, 3.1161, and 5.382, at pages 10–21.
2. Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175, at pages 22–52.
3. Link A: Assembly Bill 953 (Stats. 2017, ch. 384),
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB953

Rules 3.1161 and 5.382 of the California Rules of Court would be adopted and rule 3.1152 would be renumbered, effective January 1, 2019, to read:

1 **Article 4. Protective Orders**

2
3 **Rule 3.1160 ~~3.1152~~. Requests for protective orders to prevent civil harassment, workplace**
4 **violence, private postsecondary school violence, and elder or dependent adult abuse**

5
6 (a)–(e) * * *

7
8
9 **Rule 3.1161. Request to make minor’s information confidential in civil harassment**
10 **protective order proceedings**

11
12 **(a) Application of rule**

13
14 This rule applies to requests and orders made under Code of Civil Procedure section
15 527.6(v) to keep a minor’s information confidential in a civil harassment protective order
16 proceeding.

17
18 Wherever used in this rule, “parent” refers only to a parent who is a legal guardian.

19
20 **(b) Information that may be made confidential**

21
22 The information that may be made confidential includes:

23
24 (1) The minor’s name;

25
26 (2) The minor’s address;

27
28 (3) The circumstances surrounding the protective order with respect to the minor. These
29 include the allegations in the *Request for Civil Harassment Retraining Orders (form*
30 CH-100) that involve conduct directed, in whole or in part, toward the minor; and

31
32 (4) Any other information that the minor or the minor’s parent or legal guardian believes
33 should be confidential.

34
35 **(c) Requests for confidentiality**

36
37 (1) Person making request

38
39 A request for confidentiality may be made by a minor or a minor’s parent or legal
40 guardian.

41

1 (2) Number of minors

2
3 A request for confidentiality by a parent or legal guardian may be made for more
4 than one minor. "Minor," as used in this rule, refers to all minors for whom a request
5 for confidentiality is made.

6
7 **(d) Procedures for making request**

8
9 (1) Timing of requests

10
11 A request for confidentiality may be made at any time during the case.

12
13 (2) Submission of request

14
15 The person submitting a request must complete and file *Request to Keep Minor's*
16 *Information Confidential* (form CH-160), a confidential form.

17
18 (3) Ruling on request

19
20 (A) Ruling on request without notice

21
22 The court must determine whether to grant an order of confidentiality without
23 requiring that any notice of the request be given to the other party, or both
24 parties if the minor is not a party in the proceeding. No adversary hearing is to
25 be held.

26
27 (B) Request for confidentiality submitted at the same time as a request for
28 restraining orders

29
30 If a request for confidentiality is submitted at the same time as a request for
31 restraining orders, the court must consider both requests consistent with Code
32 of Civil Procedure section 527.6(e) and must consider and rule on the request
33 for confidentiality before the request for restraining order is filed.

34
35 Documents submitted with the restraining order request must not be filed until
36 after the court has ruled on the request for confidentiality and must be
37 consistent with (C) below.

38
39 (C) Withdrawal of request

40
41 If a request for confidentiality under (B) is denied and the requester seeks to
42 withdraw the request for restraining orders, all of the following apply:
43

- 1 (i) The court must return the request for restraining order and the
2 accompanying proposed order forms to the requester, unfiled;
3
4 (ii) The order denying confidentiality must be filed and maintained in a
5 public file; and
6
7 (iii) The request for confidentiality must be filed and maintained in a
8 confidential file.
9

10 (4) *Need for additional facts*

11
12 If the court finds that the request for confidentiality is insufficiently specific to meet
13 the requirements under Code of Civil Procedure section 527.6(v)(2) for granting the
14 order, the court may take testimony from the minor, the minor's parent or legal
15 guardian, the person requesting a protective order, or other competent witness, in a
16 closed hearing in order to determine if there are additional facts that would support
17 granting the order.
18

19 (e) **Orders on request for confidentiality**

20
21 (1) *Rulings*

22
23 The court may grant the entire request, deny the entire request, or partially grant the
24 request for confidentiality.
25

26 (2) *Order granting request for confidentiality*

27
28 (A) *Applicability*

29
30 An order made under Code of Civil Procedure section 527.6(v) applies in this
31 case and in any other civil case to all registers of actions, indexes, court
32 calendars, pleadings, discovery documents, and other documents filed or served
33 in the action, and at hearings, trial, and other court proceedings that are open to
34 the public.
35

36 (B) *Minor's name*

37
38 If the court grants an order requesting confidentiality of the minor's name and:

- 39
40 (i) If the minor is a party to the action, the court must use the initials of the
41 minor. In addition, the court must use only initials to identify both parties
42 to the action if using the other party's name would likely reveal the
43 identity of the minor.

1
2 (ii) If the minor is not a party to the action, the court must not include any
3 information that would likely reveal the identity of the minor, including
4 the name, age, gender, and whether the minor lives with the person
5 making the request for confidentiality.

6
7 (C) Circumstances surrounding protective order (statements related to minor)
8

9 If the court grants an order requesting confidentiality, the order must
10 specifically identify the information about the minor in *Request for Civil*
11 *Harassment Restraining Orders* (form CH-100) and any other applicable
12 document that must be kept confidential. Information about the minor ordered
13 confidential by the court must not be made available to the public.

14
15 (D) Service
16

17 The other party, or both parties if the person making the request for
18 confidentiality is not a party to the action, must be served with a copy of the
19 *Order on Request to Keep Minor's Information Confidential* (form CH-165)
20 and *Notice of Order Protecting Information of Minor* (form CH-170). In
21 addition, the *Request to Keep Minor's Information Confidential* (form CH-160)
22 must be served when the request for confidentiality is granted.

23
24 (E) Order denying request for confidentiality
25

26 (i) The order denying confidentiality must be maintained in a public file.
27 The request for confidentiality must be filed in a confidential file.

28
29 (ii) Notwithstanding denial of a request to keep the minor's address
30 confidential, the address may be confidential under other statutory
31 provisions.

32
33 (f) **Procedures to protect confidential information when order is granted**
34

35 (1) If a request for confidentiality is granted in whole or in part, the court, in its
36 discretion, and taking into consideration the factors stated in (g), must ensure that the
37 order granting confidentiality is maintained in the most effective manner by:

38
39 (A) Ordering that the court will redact all information to be kept confidential from
40 all applicable documents;
41

1 (B) Ordering the requesting party or the requesting party’s attorney to prepare a
2 redacted copy of all applicable documents and submit all redacted copies to the
3 court for review and filing; or

4
5 (C) Ordering any other procedure that facilitates the prompt and accurate
6 preparation of a redacted copy of all applicable documents in compliance with
7 the court’s order granting confidentiality, provided the selected procedure is
8 consistent with (g).

9
10 (2) The redacted copy or copies must be filed in a public file, and the original unredacted
11 copy or copies must be filed in a confidential file.

12
13 (3) Information that is made confidential from the public and the restrained person must
14 be sealed and filed in a confidential file accessible only to the minor or minors who
15 are subjects of the order of confidentiality, a parent or legal guardian who requested
16 confidentiality, and the court.

17
18 **(g) Standards for selecting procedures**

19
20 In determining the procedure to follow under (f), the court must consider the following
21 factors:

22
23 (1) Whether the requesting party is represented by an attorney;

24
25 (2) Whether the requesting party has immediate access to a self-help center or other
26 legal assistance;

27
28 (3) Whether the requesting party is capable of preparing redacted materials without
29 assistance;

30
31 (4) Whether the redactions to the applicable documents are simple or complex; and

32
33 (5) When applicable, whether the selected procedure will ensure that the orders on the
34 *Request for Civil Harassment Restraining Orders* (form CH-100) and the request for
35 confidentiality are entered in an expeditious and timely manner.

36
37 **(h) Sharing of information about a protected minor**

38
39 (1) *Sharing of information with the respondent*

40
41 Information about a protected minor must be shared with the respondent only as
42 provided in Code of Civil Procedure section 527.6(v)(4)(B).

1 Subsidiary (KNBC-TV), Inc. v. Superior Court (1999) 20 Cal.4th 1178. The standard recognizes the First
2 Amendment right of access to documents used at trial or as a basis of adjudication.

3
4
5 **Rule 5.382. Request to make minor’s information confidential in domestic violence**
6 **protective order proceedings**

7
8 **(a) Application of rule**

9
10 This rule applies to requests and orders made under Family Code section 6301.5 to keep a
11 minor’s information confidential in a domestic violence protective order proceeding.

12
13 Wherever used in this rule, “parent” refers only to a parent who is a legal guardian.

14
15 **(b) Information that may be made confidential**

16
17 The information that may be made confidential includes:

- 18
19 (1) The minor’s name;
20
21 (2) The minor’s address;
22
23 (3) The circumstances surrounding the protective order with respect to the minor. These
24 include the allegations in the *Request for Domestic Violence Retraining Order (form*
25 DV-100) that involve conduct directed, in whole or in part, toward the minor; and
26
27 (4) Any other information that the minor or minor’s parent or legal guardian believes
28 should be confidential.

29
30 **(c) Requests for confidentiality**

31
32 (1) *Person making request*

33
34 A request for confidentiality may be made by a minor or a minor’s parent or legal
35 guardian.

36
37 (2) *Number of minors*

38
39 A request for confidentiality by a parent or legal guardian may be made for more
40 than one minor. “Minor,” as used in this rule, refers to all minors for whom a request
41 for confidentiality is made.
42

1 **(d) Procedures for making request**

2
3 **(1) Timing of requests**

4
5 A request for confidentiality may be made at any time during the case.

6
7 **(2) Submission of request**

8
9 The person submitting a request must complete and file *Request to Keep Minor's*
10 *Information Confidential* (form DV-160).

11
12 **(3) Ruling on request**

13
14 **(A) Ruling on request without notice**

15
16 The court must determine whether to grant an order of confidentiality without
17 requiring that any notice of the request be given to the other party, or both
18 parties if the minor is not a party in the proceeding. No adversary hearing is to
19 be held.

20
21 **(B) Request for confidentiality submitted at the same time as a request for**
22 **restraining orders**

23
24 If a request for confidentiality is submitted at the same time as a request for
25 restraining orders, the court must consider both requests consistent with Family
26 Code section 6326, and must consider and rule on the request for confidentiality
27 before the request for restraining order is filed.

28
29 Documents submitted with the restraining order request must not be filed until
30 after the court has ruled on the request for confidentiality and must be
31 consistent with (C) below.

32
33 **(C) Withdrawal of request**

34
35 If a request for confidentiality under (B) is denied and the requester seeks to
36 withdraw the request for restraining orders, all of the following apply:

37
38 **(i) The court must return the request for restraining orders and**
39 **accompanying proposed order forms to the requester, unfiled;**

40
41 **(ii) The order denying confidentiality must be filed and maintained in a**
42 **public file; and**

1 (iii) The request for confidentiality must be filed and maintained in a
2 confidential file.

3
4 (4) *Need for additional facts*

5
6 If the court finds that the request for confidentiality is insufficiently specific to meet
7 the requirements under Family Code section 6301.5(b) for granting the order, the
8 court may take testimony from the minor, the minor's parent or legal guardian, the
9 person requesting a protective order, or other competent witness, in a closed hearing
10 in order to determine if there are additional facts that would support granting the
11 order.

12
13 (e) **Orders on request for confidentiality**

14
15 (1) *Rulings*

16
17 The court may grant the entire request, deny the entire request, or partially grant the
18 request for confidentiality.

19
20 (2) *Order granting request for confidentiality*

21
22 (A) *Applicability*

23
24 An order made under Family Code section 6301.5 applies in this case and in
25 any other civil case to all registers of actions, indexes, court calendars,
26 pleadings, discovery documents, and other documents filed or served in the
27 action, and at hearings, trial, and other court proceedings that are open to the
28 public.

29
30 (B) *Minor's name*

31
32 If the court grants an order requesting confidentiality of the minor's name and:

33
34 (i) If the minor is a party to the action, the court must use the initials of the
35 minor. In addition, the court must use only initials to identify both parties
36 to the action if using the other party's name would likely reveal the
37 identity of the minor.

38
39 (ii) If the minor is not a party to the action, the court must not include any
40 information that would likely reveal the identity of the minor, including
41 the name, age, gender, and whether the minor lives with the person
42 making the request for confidentiality.

1 (C) Circumstances surrounding protective order (statements related to minor)

2
3 If the court grants an order requesting confidentiality, the order must
4 specifically identify the information about the minor in *Request for Domestic*
5 *Violence Restraining Order* (form DV-100) and any other applicable document
6 that must be kept confidential. Information about the minor ordered
7 confidential by the court must not be made available to the public.

8
9 (D) Service and copies

10
11 The other party, or both parties if the person making the request for
12 confidentiality is not a party to the action, must be served with a copy of the
13 *Order on Request to Keep Minor's Information Confidential* (form DV-165)
14 and *Notice of Order Protecting Information of Minor* (form DV-170). In
15 addition, the *Request to Keep Minor's Information Confidential* (form DV-
16 160) must be served when the request for confidentiality is granted.

17
18 The protected person and the person requesting confidentiality (if not the
19 protected person) must be provided up to three copies of redacted and
20 unredacted copies of any request or order form.

21
22 (E) Order denying request for confidentiality

23
24 (i) The order denying confidentiality must be maintained in a public file.
25 The request for confidentiality must be filed in a confidential file.

26
27 (ii) Notwithstanding denial of a request to keep the minor's address
28 confidential, the address may be confidential under other statutory
29 provisions.

30
31 (f) **Procedures to protect confidential information when order is granted**

32
33 (1) If a request for confidentiality is granted in whole or in part, the court, in its
34 discretion, and taking into consideration the factors stated in (g), must ensure that the
35 order granting confidentiality is maintained in the most effective manner by:

36
37 (A) Ordering that the court will redact all information to be kept confidential from
38 all applicable documents;

39
40 (B) Ordering the requesting party or the requesting party's attorney to prepare a
41 redacted copy of all applicable documents and submit all redacted copies to the
42 court for review and filing; or

1 (C) Ordering any other procedure that facilitates the prompt and accurate
2 preparation of a redacted copy of all applicable documents in compliance with
3 the court’s order granting confidentiality, provided the selected procedure is
4 consistent with (g).

5
6 (2) The redacted copy or copies must be filed in a public file, and the original
7 unredacted copy or copies must be filed in a confidential file.

8
9 (3) Information that is made confidential from the public and the restrained person must
10 be sealed and filed in a confidential file accessible only to the minor or minors who
11 are subjects of the order of confidentiality, a parent or legal guardian who requested
12 confidentiality, and the court.

13
14 **(g) Standards for selecting procedures**

15
16 In determining the procedures to follow under (f), the court must consider the following
17 factors:

18
19 (1) Whether the requesting party is represented by an attorney;

20
21 (2) Whether the requesting party has immediate access to a self-help center or other
22 legal assistance;

23
24 (3) Whether the requesting party is capable of preparing redacted materials without
25 assistance;

26
27 (4) Whether the redactions to the applicable documents are simple or complex; and

28
29 (5) When applicable, whether the selected procedure will ensure that the orders on the
30 *Request for Domestic Violence Restraining Order* (form DV-100) and the request for
31 confidentiality are entered in an expeditious and timely manner.

32
33 **(h) Sharing of information about a protected minor**

34
35 (1) *Sharing of information with the respondent*

36
37 Information about a protected minor must be shared with the respondent only as
38 provided in Family Code section 6301.5(d)(2).

39
40 (2) *Sharing of information with law enforcement*

41
42 Information about a protected minor must be shared with law enforcement only as
43 provided in Family Code section 6301.5(d)(1).

1
2 **(i) Protecting information in subsequent filings and other civil cases**

3
4 **(1) Filings made after an order granting confidentiality**

5
6 **(A) A party seeking to file a document or form after an order for confidentiality**
7 **has been made must submit the *Cover Sheet for Confidential Information***
8 **(form DV-175) attached to the front of the document to be filed.**

9
10 **(B) Upon receipt of form DV-175 with attached documents, the court must:**

11
12 **(i) Order a procedure for redaction consistent with those stated in (f);**

13
14 **(ii) File the unredacted document in the confidential file pending receipt of**
15 **the redacted document if the redacted document is not prepared on the**
16 **same court day; and**

17
18 **(iii) File the redacted document in the public file after it has been reviewed**
19 **and approved by the court for accuracy.**

20
21 **(2) Other civil case**

22
23 **(A) Information subject to an order of confidentiality issued under Family Code**
24 **section 6301.5 must be kept confidential in any other civil case.**

25
26 **(B) The minor or person making the request for confidentiality and any person**
27 **who has been served with a notice of confidentiality must submit a copy of the**
28 **order of confidentiality in any other civil case involving the same parties.**

29
30 **Advisory Committee Comment**

31
32 **Subdivisions (a), (b), (d), and (e).** The process described in this rule need not be used if the request for
33 confidentiality is merely to keep an address confidential and the minor has a mailing address which does
34 not need to be kept private that can be listed on the forms, or if the minor's address can be made
35 confidential under Family Code section 3429. In addition, the address need not be listed on the protective
36 order for enforcement purposes under Family Code section 6225.

37
38 **This rule and rule 2.551 provide a standard and procedures for courts to follow when a request is made to**
39 **seal a record. The standard as reflected in Family Code section 6301.5 is based on *NBC Subsidiary***
40 **(*KNBC-TV*), *Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The standard recognizes the First**
41 **Amendment right of access to documents used at trial or as a basis of adjudication.**

Clerk stamps date here when form is filed.

DRAFT

04-23-18

**Not approved by
the Judicial Council**

1 Person Seeking Protection

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Person From Whom Protection Is Sought

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2:

Name and address of court if different from above:

**Hearing
Date**

Date: _____ Time: _____

Dept.: _____ Room: _____

4 Temporary Restraining Orders (Any orders granted are on Form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):

(1) All **GRANTED** until the court hearing.

(2) All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

(3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)



b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in Form CH-100, *Request for Civil Harassment Restraining Orders*, are:

- (1) The facts as stated in Form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ① and caused substantial emotional distress.
- (2) Other (*specify*): As set forth on Attachment 4b.

5 Confidential Information Regarding Minor

- a. A *Request to Keep Minor’s Information Confidential* (form CH-160) was made and **GRANTED** (*see* Notice of Order Protecting Information of Minor (form CH-170) *served with this form.*)
- b. **If the request was granted, the information described on the notice (form CH-170) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as contempt of court, with a fine of up to \$1000.**

6 Service of Documents for the Person in ①

At least five _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court’s file-stamped copy of this Form CH-109 to the person in ② along with a copy of all the forms indicated below:

- a. CH-100, *Request for Civil Harassment Restraining Orders* (file-stamped)
- b. CH-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- d. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- e. CH-250, *Proof of Service of Response by Mail* (blank form)
- f. CH-170, *Notice of Order Protecting Information of Minor* and CH-165, *Order on Request to Keep Minor’s Information Confidential* (file-stamped) **IF GRANTED**
- g. Other (*specify*): _____

Date: _____



Judicial Officer



To the Person in ① :

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read Form CH-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use Form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.

To the Person in ② :

- If you want to respond to the request for orders in writing, file Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms that you own or possess.

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk's Certificate

[seal]

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

Notice: Limits on Confidentiality

- Do NOT include any information on this form that you do not want the other party to see. The other party in this case will have access to this form.
- The public will NOT have access to this form.

Instructions

- Complete this form if you want the court to keep information about a minor in a civil harassment restraining order proceeding confidential and not available to the public.
- You may also use this form to ask that information be kept confidential from the restrained person. See item 6 for more information.
- If you want to keep your home address confidential, you may use a mailing address rather than using this form.

DRAFT

04-23-2018

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Parties in This Case

a. Person who requested restraining order (Form CH-100, item 1):

Full Name: _____

b. Person from whom protection is sought (Form CH-100, item 2):

Full Name: _____

2 Person Making Request for Confidentiality

a. Full Name: _____

b. I am:

(1) The minor requesting confidentiality.

(2) The parent legal guardian of the minor or minors listed here.

List all the minors that you are making the request for:

Name: _____

Name: _____

Name: _____

Name: _____

Check here if there are additional minors. List their names on a separate piece of paper, add the title "Attachment 2," and attach it to this form.

This is not a Court Order.



3 Contact Information

a. Your lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

4 Requests for More Than One Minor (ONLY for parents or legal guardians)

I am making this request for two or more minors.

a. The information I want confidential (as checked in item **5**) is the SAME for all minors.

b. The information I want confidential (as checked in item **5**) is NOT the same for all minors.

*If you checked b, make sure you list all the information you want confidential for each minor in **5**. If you need more space in **5**, attach a separate piece of paper.*

5 Information to Be Kept Confidential From the Public

I want the information checked below to be made confidential and NOT available to the public.

Check ALL that apply:

a. **Minor's name**

(Note: If your request is granted, the public would not have access to your name in this case, but the Restrained Person and law enforcement must be given this information.)

b. **Minor's address**

The address I want kept confidential is: _____

(Note: You do NOT have to make this request if you have a mailing address that does not need to be kept confidential. Use that mailing address on all forms in this case and any other civil case.)

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 5b" on the top, and attach to this form.

This is not a Court Order.



c. **Information relating to the minor**

(Note: If information relating to the minor is made confidential by the court, the public would not have access to this information but the Restrained Person must be given the information that is necessary to comply with the restraining order and to respond to the restraining order request.)

Describe all information in the documents that will be filed that you want kept confidential.

You may either *(check one)*:

- (1) Attach a copy of Form CH-100 or other document that you are filing. Circle all the information you want kept confidential.
- (2) List the information below, identifying the location of the statements in Form CH-100 or other document that you are filing.

<p>Location of Information <i>(for example, Form #, page #, paragraph #, line #, attachment #, or exhibit #)</i></p>	<p>Information to Be Redacted <i>(not viewable by the public)</i></p>
---	--

(a)	_____	_____
	_____	_____
	_____	_____
	_____	_____
(b)	_____	_____
	_____	_____
	_____	_____
	_____	_____
(c)	_____	_____
	_____	_____
	_____	_____
	_____	_____
(d)	_____	_____
	_____	_____
	_____	_____
	_____	_____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 5c" on the top, and attach to this form.

This is not a Court Order.



6 **Information to Be Kept Confidential From the Restrained Person**

(Note: The Restrained Person must be given information necessary to comply with the restraining order and to respond to the restraining order request.)

I do not want the Restrained Person to have access to some of the information checked in item 5.

a. What information do you want to be confidential and not given to the Restrained Person?

b. Why:

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 6" on the top, and attach to this form.

7 **Reasons for Request**

To approve your request, the court must expressly find all of the following:

- The minor's right to privacy overcomes the right of the public access to the information;
- There is a substantial probability that the minor's interest will be prejudiced if the information is not kept confidential;
- The order to keep the information confidential is narrowly tailored; and
- No less restrictive means exist to protect the minor's privacy.

Use these four requirements to help you answer the questions below..

a. Why should the information about the minor checked in item 5 be kept private or confidential?

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 7a" on the top, and attach to this form.

This is not a Court Order.

b. What do you think would happen if the information was NOT made private or confidential?

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 7b" on the top, and attach to this form.

8 **If the request for confidentiality is denied, withdraw the request for restraining orders** (can only be requested by person asking for restraining order (person in item 1 on Form CH-100)).

If request to keep information confidential is DENIED, I ask the court to not make a decision on my request for restraining orders. I understand that withdrawing my request means that I will not receive a restraining order in this case.

9 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: _____

Type or print your name

Signature of person making this request

This is not a Court Order.

CH-165

Order on Request to Keep Minor's Information Confidential

Clerk stamps date here when form is filed.

DRAFT
04-23-2018
Not approved by
the Judicial Council

Person in ② must complete items ① and ② only.

① Parties in This Case

- a. Person who requested restraining order (Form CH-100, item ①):
Full Name: _____
- b. Person from whom protection is sought (Form CH-100, item ②):
Full Name: _____

② Person Making Request for Confidentiality

Full Name: _____

Court will complete item ③ if request is denied and items ④–⑬ if request is granted or partially granted.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Court's Decision

The court has reviewed the request for confidentiality and makes the following decision:

③ Denied or More Information Needed

- a. **DENIED.** The request to keep information of a minor or minors confidential is denied.
 - The person requesting the civil harassment restraining order may withdraw his or her request for restraining orders as reflected in Form CH-100. The request and proposed order forms must be returned to the requester and not filed with the court unless the person seeking the restraining order agrees to file them without any redactions.
- b. **More information is needed for court decision.** You must go to court on the time and date below.

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

- c. If ③ is checked, only this page of this order form will be issued. All other pages may be discarded.

Date: _____

Judge (or Judicial Officer)

Instructions to Clerk
If item ③ is checked, file page 1 in a public file and discard pages 2–5.
File the request for confidentiality (Form CH-160) in a confidential file.

This is a Court Order.



Court will complete the rest of this form if the request is partially or fully granted

4 **GRANTED**

- a. **Granted in Full.** The request to keep the information of a minor or minors confidential is granted in full. Details of the order are stated below in items **5**–**12**.
- b. **Partially Granted.** The request to keep the information of a minor or minors confidential is granted only in part. Details of the order are stated below in items **5**–**12**.

5 **Findings**

- The court finds all of the following (*all of these findings are required if granting in full or in part*):
 - a. The right to privacy of the minors listed in item **6** overcomes the right of public access to the information;
 - b. There is a substantial probability that the interests of the minors listed in item **6** will be prejudiced if the information is not kept confidential;
 - c. The order is narrowly tailored; and
 - d. No less restrictive means exist to protect the privacy of the minors in item **6**.

6 **Minors Subject to This Order**

This order protects the information listed in item **8** for the following minors:

- a. Name: _____
- b. Name: _____
- c. Name: _____
- d. Name: _____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 6" on the top, and attach to this form.

References in this Order to "the minor" refer to all minors listed here.

7 **WARNING: If the information listed in item **8** is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court.**

8 **Information to Be Kept Confidential From Public**

The following information must be kept confidential and not viewable by the public. (*Check all that apply.*)

- a. **Name of minor**

True name of minor in item 6 <i>(to be kept confidential)</i>	Initials viewable by the public <i>(to be used in redacted version)</i>

This is a Court Order.



b. **Address of minor**

The following addresses of minors listed in item ⑥ must be redacted and must not be viewable to the public.

c. **Information relating to minor (check one):**

(1) The information CIRCLED in the attached copy of Form CH-100 or other document or form is made confidential by this order.

(2) The information below is made confidential by this order:

Location of Information
(e.g., Form #, page #, item #, paragraph #, line #, attachment or exhibit #)

Information to Be Redacted
(not viewable by the public)

(a) _____

(b) _____

(c) _____

(d) _____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 8" on the top, and attach to this form.

d. **Other**

This is a Court Order.



9 Information to Be Kept Confidential From the Restrained Person

The restrained person (*full name*) _____ will have access to the following information checked in item **8** to comply with the protective order and prepare a response:

- a. All the information, unredacted.
- b. All the information except for the following:

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 9" on the top, and attach to this form.

WARNING: If the information listed in item **8 is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court.**

10 Responsibility for Redacting All Forms and Documents

- a. All forms and documents submitted with the request for confidentiality **must be redacted and filed with the Court** no later than (*number of court days or date*) _____, by the:
 - (1) Court
 - (2) Person making the request
 - (3) Other: _____
- b. The redacted documents must be filed in a public file, and the unredacted documents must be filed in a confidential file.

11 Court Records and Hearings

The information listed in item **8** must NOT be disclosed by the court in any:

- a. Registers of actions, indexes, court calendars, court transcripts, or minute orders in this case.
- b. Future court hearings, including any documents introduced during a hearing in this case or any civil case in the State of California.

12 To All Parties

- a. The information made confidential by this order must NOT be made public in this case or any other civil case.
- b. Any documents filed in this case or any other civil case that includes information listed in item **8** must be filed with Form CH-175, *Cover Sheet for Confidential Information*, attached to the front.

This is a Court Order.



13 To the Person Making the Request for Confidentiality:

You must do the following:

- a. Have a copy of each form listed in item c below **personally served** on (given to) the Restrained Person. *(See Form CH-200-INFO to find out how to meet this requirement. Personal service is required when the protected person is making this request and when CH-100, CH-109 and CH-110 have NOT been served on the Restrained Person.)*
- b. Have a copy of each form listed in item c mailed to the:
 - (1) Restrained Person
 - (2) Protected Person
 - (3) Other: _____
(See Form CH-250 to find out how to meet this requirement.)
- c. Forms to serve:
 - (1) Form CH-170, *Notice of Order Protecting Information of Minor*
(Form CH-170 should be the first page with all others stapled behind.)
 - (2) Form CH-100, *Request for Civil Harassment Restraining Order*
 - (3) Form CH-109, *Notice of Court Hearing*
 - (4) Form CH-110, *Temporary Restraining Order*
 - (5) Form CH-160, *Request to Keep Minor's Information Confidential*
 - (6) Form CH-165, *Order on Request to Keep Minor's Information Confidential*
 - Unredacted Redacted (if item 9b is checked)
 - (7) Form CH-175, *Cover Sheet for Confidential Information* (leave blank)
 - (8) Other: _____
- d. In any OTHER civil cases involving the minor, provide a copy of this order to the court in the other case.

Date: _____

Judge (or Judicial Officer)

Instructions to Clerk

The original copy of all unredacted documents containing the information checked in item 8 must be:

- Kept in a confidential file;
- Must NOT appear in any register of actions;
- Must NOT appear in any calendar; and
- Must NOT appear in any index.

Any information listed in item 9b must be sealed and filed in a confidential file.

This is a Court Order.

*Clerk stamps date here when form is filed.***DRAFT****04-23-18****NOT APPROVED BY
THE JUDICIAL COUNCIL***Fill in court name and street address:***Superior Court of California, County of***Fill in the case number and ticket number (if you have it):***Case Number:****1 Confidential Information**

The court has made some information in this case confidential. Details of the Order for Confidentiality are in Form CH-165, *Order on Request to Keep Minor's Information Confidential*. Confidential information must ONLY be given to law enforcement to enforce the restraining order.

2 Documents Attached to This Notice

The following documents contain confidential information:

- a. Form CH-100, *Request for Civil Harassment Restraining Order*
- b. Form CH-109, *Notice of Court Hearing*
- c. Form CH-110, *Temporary Restraining Order*
- d. Form CH-130, *Restraining Order After Hearing*
- e. Form CH-160, *Request to Keep Minor's Information Confidential*
- f. Form CH-165, *Order on Request to Keep Minor's Information Confidential*
- g. Form CH-175, *Cover Sheet for Confidential Information* (leave blank)
- h. Other: _____

3 Filing documents

If you file any document in this case or other civil case that contains any confidential information **you MUST also use Form CH-175 as a cover sheet**. See Form CH-165, item **8** for all information made confidential by the court.

4 NOTICE TO RECIPIENT: If you misuse or disclose the confidential information in this case to anyone other than law enforcement, you could be fined up to \$1,000 for contempt of court.

Instructions to Clerk

When providing copies of unredacted filed documents to the parties, you must attach this cover sheet on top of any form or set of forms. Complete item **2** to indicate the forms that are attached.

Clerk stamps date here when form is filed.

DRAFT

04-23-2018

NOT APPROVED BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Fill in the case number and ticket number (if you have it):

Case Number:

Instructions to Parties

- When to use this cover sheet:
Form CH-165 has been issued by the Court
AND
You want to file a document or form that includes confidential information
How to use this cover sheet:
Make two copies of the documents you want to file.
Complete this form, place it on top of the documents you want to file, and file it with court.

1 Parties in This Case

- a. Person who filed the case: (Name):
b. Other party or parties: (Name):

2 Information About the Order for Confidentiality

- a. The Order was made in (check one):
(1) This case.
(2) Another civil case:
(a) Case number:
(b) County it was filed in:
Attach a copy of the order (Form CH-165) if you have one.
b. Minor protected by confidentiality order:
(1) Name:
(2) Name:
Check here if you need more space. Include the information on a separate piece of paper, write "Attachment 2" on the top, and attach it to this form.

Instructions to Clerk

- 1. The Court must review and approve the redacted version of documents attached to this cover sheet before filing.
2. Once approved by the Court, file the redacted version in a public file.
3. File the unredacted version and this cover sheet in a confidential file.

3 I have attached two copies of the following documents:

- Form CH-
Other form or document (describe):

Date:

Type or print your name

Sign your name

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

1 Name of Person Asking for Order:

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

2 Name of Person to Be Restrained:

The court will fill out the rest of this form.

Court fills in case number when form is filed.

Case Number:

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2:

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

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

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form DV-100, *Request for Domestic Violence Restraining Orders*, are (check only one box below):

- (1) All **GRANTED** until the court hearing.
- (2) All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
- (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in Form DV-100, *Request for Civil Harassment Restraining Orders*, are:

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



5 Confidential Information Regarding Minor

- a. A *Request to Keep Minor's Information Confidential* (form DV-160) was made and **GRANTED** (see Notice of Order Protecting Information of a Minor (form DV-170) served with this form.)
- b. **If the request was granted, the information described on the notice (form DV-170) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as contempt of court, with a fine of up to \$1000.**

6 Service of Documents by The Person in 1

At least five _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this Form DV-109, to the person in 2 along with a copy of all the forms indicated below: *Notice of Court Hearing*,

- a. DV-100, *Request for Civil Harassment Restraining Orders* (file-stamped)
- b. DV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. DV-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- d. DV-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- e. DV-250, *Proof of Service of Response by Mail* (blank form)
- f. DV-170, *Notice of Order Protecting Information of a Minor*, and DV-165, *Order on Request to Keep Minor's Information Confidential* (file-stamped), **IF GRANTED**
- g. Other (specify): _____

Date: _____

Judicial Officer

Right to Cancel Hearing: Information for the Person in 1

- If item 4(a)(2) or 4(a)(3) is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use Form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item 6 on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item 6 served on the other person within the time listed in item 6.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not come to the hearing, any restraining orders made on Form DV-110 will end on the date of the hearing.

To the Person in ① :

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form DV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form DV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Read Form DV-115-INFO, *How to Ask for a New Hearing Date*.

To the Person in ② :

- If you want to respond in writing, mail a copy of your completed Form DV-120, *Response to Request for Domestic Violence Restraining Orders*, to the person in ① and file it with the court. You cannot mail Form DV-120 yourself. Someone age 18 or older- **not you** - must do it.
- To show that the person in ① has been served by mail, the person who mailed the form must fill out a proof of service form. Form DV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the hearing.
- For information about responding to a restraining order and filing your answer, read Form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested. You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years.**
- **The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.**



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk’s Certificate
[seal]

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

Notice: Limits on Confidentiality

- Do NOT include any information on this form that you do not want the other party to see. The other party in this case will have access to this form if your request is granted.
- The public will NOT have access to this form.

Instructions

- Complete this form if you want the court to keep information about a minor in a domestic violence restraining order proceeding confidential and not available to the public.
- You may also use this form to ask that information be kept confidential from the restrained person. See item 6 for more information.
- If you only want to keep your home address confidential, you may use a mailing address rather than using this form.

DRAFT

Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Parties in This Case

a. Person who requested restraining order (Form DV-100, item 1):

Full Name: _____

b. Person from whom protection is sought (Form DV-100, item 2):

Full Name: _____

2 Person Making Request for Confidentiality

a. Full Name: _____

b. I am:

(1) The minor requesting confidentiality.

(2) The parent legal guardian of the minor or minors listed here.

List all the minors that you are making the request for:

Name: _____

Name: _____

Name: _____

Name: _____

Check here if there are additional minors. List their names on a separate piece of paper, add the title "Attachment 2," and attach it to this form.

This is not a Court Order.



3 Contact Information

- a. Your lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

4 Requests for More Than One Minor (ONLY for parents or legal guardians)

I am making this request for two or more minors.

- a.
-
- The information I want confidential (as checked in item 5) is the SAME for all minors.
-
- b.
-
- The information I want confidential (as checked in item 5) is NOT the same for all minors.

*If you checked (b), make sure you list all the information you want confidential for each minor in 5. If you need more space in 5 attach a separate piece of paper.***5 Information to Be Kept Confidential From the Public**

I want the information checked below to be made confidential and NOT available to the public.

Check ALL that apply:

- a.
-
- Minor's name**

(Note: If your request is granted, the public would not have access to your name in this case, but the Restrained Person and law enforcement must be given this information.) *Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 5a" on the top, and attach to this form.*

- b.
-
- Minor's address**

The address I want kept confidential is: _____

(Note: You do NOT have to make this request if you have a mailing address that does not need to be kept confidential. Use that mailing address on all forms in this case and any other civil case.) *Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 5b" on the top, and attach to this form.***This is not a Court Order.**

c. **Information relating to the minor**

(Note: If information relating to the minor is made confidential by the court, the public would not have access to this information but the Restrained Person must be given the information that is necessary to comply with the restraining order and to respond to the restraining order request.)

Describe all information in the documents that will be filed that you want kept confidential.

You may either *(check one)*:

- (1) Attach a copy of Form DV-100 or other document that you are filing. Circle all the information you want kept confidential.
- (2) List the information below, identifying the location of the statements in Form DV-100 or other document that you are filing.

Location of Information <i>(for example, Form #, page #, paragraph #, line #, attachment #, or exhibit #)</i>	Information to Be Redacted <i>(not viewable by the public)</i>
(a) _____ _____ _____	_____ _____ _____
(b) _____ _____ _____	_____ _____ _____
(c) _____ _____ _____	_____ _____ _____
(d) _____ _____ _____	_____ _____ _____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 5" on the top, and attach to this form.

This is not a Court Order.



b. What do you think will happen if the information is NOT made private or confidential?

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 7b" on the top, and attach to this form.

8 If the request for confidentiality is denied, withdraw the request for restraining orders (can only be requested by person asking for restraining order (person in item 1 on Form DV-100)).

If the request to keep information confidential is DENIED, I ask the court to not make a decision on my request for restraining orders. I understand that withdrawing my request means that I will not receive a restraining order in this case.

9 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: _____

Type or print your name

Signature of person making this request

This is not a Court Order.

DV-165

Order on Request to Keep Minor's Information Confidential

Clerk stamps date here when form is filed.

DRAFT
03-28-2018
**Not approved by
the Judicial Council**

Person in ② must complete items ① and ② only.

① Parties in This Case

- a. Person who requested restraining order (Form DV-100, item ①):
Full Name: _____
- b. Person from whom protection is sought (Form DV-100, item ②):
Full Name: _____

② Person Making Request for Confidentiality

Full Name: _____

Court will complete item ③ if request is denied and items ④-⑬ if request is granted or partially granted.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Court's Decision

The court has reviewed the request for confidentiality and makes the following decision:

③ Denied or More Information Needed

- a. **DENIED.** The request to keep information of a minor or minors confidential is denied.
 - The person requesting the domestic violence restraining order may withdraw their request for restraining orders as reflected in Form DV-100. The request and proposed order forms must be returned to the requester and not filed with the court unless the person seeking the restraining order agrees to file them without any redactions.
- b. **More information is needed for court decision.** You must go to court on the time and date below.

Hearing Date	Date: _____ Time: _____ Dept.: _____ Room: _____	Name and address of court if different from above: _____ _____
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- c. If ③ is checked, only this page of this order form will be issued. All other pages may be discarded.

Date: _____

Judge or Judicial Officer

Instructions to Clerk
If item ③ is checked, file page 1 in a public file and discard pages 2-5.
File the request for confidentiality (Form DV-160) in a confidential file.

This is a Court Order.



Court will complete the rest of this form if the request is partially or fully granted

4 GRANTED

- a. **Granted in Full.** The request to keep the information of a minor or minors confidential is granted in full. Details of the order are stated below in items 5 – 12.
- b. **Partially Granted.** The request to keep the information of a minor or minors confidential is granted only in part. Details of the order are stated below in items 5 – 12.

5 Findings

- The court finds all of the following (all of these findings are required if granting in full or in part):
 - a. The right to privacy of the minors listed in item 6 overcomes the right of public access to the information;
 - b. There is a substantial probability that the interests of the minors listed in item 6 will be prejudiced if the information is not kept confidential;
 - c. The order is narrowly tailored; and
 - d. No less restrictive means exist to protect the privacy of the minors in item 6.

6 Minors Subject to This Order

This order protects the information listed in item 8 for the following minors:

- a. Name: _____
- b. Name: _____
- c. Name: _____
- d. Name: _____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 6" on the top, and attach to this form.

References in this Order to "the minor" refer to all minors listed here.

7 WARNING:

If the information listed in item 8 is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1000 for contempt of court.

8 Information to Be Kept Confidential From Public

The following information must be kept confidential and not viewable by the public. (Check all that apply.)

- a. Name of minor

True name of minor in item 6
(to be kept confidential)

Initials viewable by the public
(to be used in redacted version)

This is a Court Order.



b. **Address of minor**

The following addresses of minors listed in item ⑥ must be redacted and must not be viewable to the public.

c. **Information relating to minor**

(1) The information CIRCLED in the attached copy of Form DV-100 or other document or form is made confidential by this order.

(2) The information below is made confidential by this order:

Location of Information <i>(e.g., Form #, page #, item #, paragraph #, line #, attachment or exhibit #)</i>	Information to be Redacted <i>(not viewable by the public)</i>
(a) _____ _____ _____	_____ _____ _____
(b) _____ _____ _____	_____ _____ _____
(c) _____ _____ _____	_____ _____ _____
(d) _____ _____ _____	_____ _____ _____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 8" on the top, and attach to this form.

d. **Other**

This is a Court Order.



9 Information to Be Kept Confidential From the Restrained Person

The restrained person (*full name*) _____ will have access to the following information checked in item **8** to comply with the protective order and prepare a response:

- a. All the information, unredacted.
- b. All the information except for the following:

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 9" on the top, and attach to this form.

WARNING:

If the information listed in item **8 is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court.**

10 Responsibility for Redacting All Forms and Documents

- a. All forms and documents submitted with the request for confidentiality *must be redacted and filed with the Court* no later than (*number of court days or date*) _____, by the:
 - (1) Court
 - (2) Person making the request
 - (3) Other: _____
- b. The redacted documents must be filed in a public file, and the unredacted documents must be filed in a confidential file.

11 Court Records and Hearings

The information listed in item **8** must NOT be disclosed by the court in any:

- a. Registers of actions, indexes, court calendars, court transcripts, or minute orders in this case and in the future in any other civil case filed in the State of California; or
- b. Future court hearings, including any document introduced during a hearing in this case or any civil case in the State of California.

12 To All Parties

- a. The information made confidential by this order must NOT be made public in this case or any other civil case.
- b. Any documents filed in this case or any other civil case that includes information listed in item **8** must be filed with Form DV-175, *Cover Sheet for Confidential Information*, attached to the front.

This is a Court Order.



13 To the Person Making the Request for Confidentiality:

You must do the following:

a. Have a copy of each form listed in section (c) *personally served* on (given to) the Restrained Person.
(See Form DV-200-INFO to find out how to meet this requirement.
Personal service is required when the protected person is making this request and when Forms DV-100, DV-109 and DV-110 have NOT been served on the Restrained Person.)

b. Have a copy of each form listed in section (c) mailed to the:

(1) Restrained Person

(2) Protected Person

(3) Other: _____

(See Form DV-250-INFO to find out how to meet this requirement.)

c. Forms to serve:

(1) Form DV-170, *Notice of Order Protecting Information of a Minor*

(Form DV-170 should be the first page with all others stapled behind)

(2) Form DV-100, *Request for Domestic Violence Restraining Order*

(3) Form DV-109, *Notice of Court Hearing*

(4) Form DV-110, *Temporary Restraining Order*

(5) Form DV-160, *Request to Keep Minor's Information Confidential*

(6) Form DV-165, *Order on Request to Keep Minor's Information Confidential*

Unredacted Redacted (if item 9(b) is checked)

(7) Form DV-175, *Cover Sheet for Confidential Information* (leave blank)

(8) Other: _____

d. In any OTHER civil cases involving the minor, provide a copy of this order to the court in the other case.

Date: _____

Judge or Judicial Officer

Instructions to Clerk

1. The original copy of all unredacted documents containing the information checked in item 8 must be:
 - Kept in a confidential file;
 - Must NOT appear in any register of actions;
 - Must NOT appear in any calendar; and
 - Must NOT appear in any index.
2. If item 9(b) is checked, provide the person making this request no more than 3 certified copies of Forms DV-100, DV-109, and DV-110, which must include any information in item 8 but must NOT include any information listed in 10(b). Use Form DV-170 as a cover sheet for each set of forms.
3. Any information listed in item 9(b) must be sealed and filed in a confidential file.

This is a Court Order.

*Clerk stamps date here when form is filed.***DRAFT****NOT APPROVED BY THE JUDICIAL COUNCIL***Fill in court name and street address:***Superior Court of California, County of***Fill in the case number and ticket number (if you have it):***Case Number:****1 Confidential Information**

The court has made some information in this case confidential. Details of the Order for Confidentiality are in Form DV-165, *Order on Request to Keep Minor's Information Confidential*. Confidential information must **ONLY** be given to law enforcement to enforce the restraining order.

2 Documents Attached to This Notice

The following documents contain confidential information:

- a. Form DV-100, *Request for Domestic Violence Restraining Order*
- b. Form DV-109, *Notice of Court Hearing*
- c. Form DV-110, *Temporary Restraining Order*
- d. Form DV-130, *Restraining Order After Hearing*
- e. Form DV-160, *Request to Keep Minor's Information Confidential*
- f. Form DV-165, *Order on Request to Keep Minor's Information Confidential*
- g. Form DV-175, *Cover Sheet for Confidential Information* (leave blank)
- h. Other: _____

3 Filing Documents

If you file any document in this case or other civil case that contains any confidential information **you MUST also use Form DV-175 as a cover sheet**. See Form DV-165, item **8** for all information made confidential by the court.

4 NOTICE TO RECIPIENT: If you misuse or disclose the confidential information in this case to anyone other than law enforcement, you could be fined up to \$1,000 for contempt of court.

Instructions to Clerk

When providing copies of unredacted filed documents to the parties, you must attach this cover sheet on top of any form or set of forms. Complete item **2** to indicate the forms that are attached.

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Fill in the case number and ticket number (if you have it):

Case Number:

Instructions to Parties

- When to use this cover sheet:
- Form DV-170 has been issued by the Court
AND
- You want to file a document or form that includes confidential information
How to use this cover sheet:
- Make two copies of the documents you want to file.
- Complete this form, place it on top of the documents you want to file and file it with court.

1 Parties in This Case

- a. Person who filed the case: (Name):
b. Other party or parties: (Name):

2 Information About the Order for Confidentiality

- a. The Order was made in (check one):
(1) This case.
(2) Another civil case:
(a) Case number:
(b) County it was filed in:
Attach a copy of the order (Form DV-165) if you have one.
b. Minor protected by confidentiality order:
(1) Name:
(2) Name:
Check here if you need more space. Include the information on a separate piece of paper, write Attachment 2 on the top, and attach it to this form.

Instructions to Clerk

- 1. The Court must review and approve the redacted version of documents attached to this cover sheet before filing.
2. Once approved by the Court, file the redacted version in a public file.
3. File the unredacted version and this cover sheet in a confidential file.

3 I have attached two copies of the following documents:

- Form DV-
Other form or document (describe):

Date:

Type or print your name

Sign your name