



Judicial Council of California

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INVITATION TO COMMENT

SPR25-18

Title

Juvenile Law: Racial Justice Act Forms

Action Requested

Review and submit comments by May 23, 2025

Proposed Rules, Forms, Standards, or Statutes

Approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723

Proposed Effective Date

January 1, 2026

Proposed by

Family and Juvenile Law Advisory
Committee

Hon. Tari L. Cody, Cochair

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Executive Summary and Origin

Juvenile courts expect more claims under the Racial Justice Act to be filed since recent legislation expanded the retroactive application of the act, enabling more individuals to file claims for relief. The Family and Juvenile Law Advisory Committee proposes five new forms to assist litigants and juvenile courts with claims under the act.

Background

The Racial Justice Act of 2020 (Assem. Bill 2542 (Kalra); Stats. 2020, ch. 317) prohibits the state from seeking or obtaining a criminal conviction or sentence on the basis of race, ethnicity, or national origin. The act also applies explicitly to wardship adjudications (the equivalent of a conviction) and dispositions (the equivalent of a sentence) in juvenile court and to motions to transfer a juvenile case to adult criminal court. (Pen. Code, § 745(f).)¹

The act, which added section 745 and amended sections 1473 and 1473.7, enables individuals to file claims for relief based on violations of its provisions. The act specifies four different violations that can be alleged: (1) the exhibition of racial bias or animus against the individual by

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

a judge, attorney, law enforcement officer, or expert witness; (2) the use of racially discriminatory language by a judge, attorney, law enforcement officer, or expert witness; (3) the existence of a racial disparity in the seriousness of offenses charged or dispositions sought or obtained; and/or (4) the existence of a racial disparity in the severity of dispositions imposed. (§ 745(a)(1)–(4).)

If a claim under the act is sustained, a juvenile court may (1) declare a mistrial, (2) dismiss sentencing enhancements and/or special allegations, (3) reduce the charges, (4) vacate a previously imposed judgment and order new proceedings, (5) modify a previously imposed judgment, (6) modify a previously imposed disposition, and/or (7) grant additional relief that the court finds appropriate. (§ 745(e)(1)–(2).)

When initially enacted, the act applied prospectively to all cases in which judgment had not yet become final as of January 1, 2021.

The Racial Justice for All Act (Assem. Bill 256 (Kalra); Stats. 2022, ch. 739) subsequently authorized the retroactive application of the act in certain cases. Specifically, as of January 1, 2023, an individual facing actual or potential immigration consequences could file a claim regardless of when their judgment became final. (§ 745(j)(2).) As of January 1, 2024, retroactive eligibility expanded to individuals currently in the Division of Juvenile Justice (DJJ).² (§ 745(j)(3).) On January 1, 2025, eligibility expanded to individuals with a judgment that resulted in a DJJ commitment that became final on or after January 1, 2015. (§ 745(j)(4).) Finally, on January 1, 2026, eligibility expands to all cases resulting in a DJJ commitment, regardless of when the judgment or disposition became final. (§ 745(j)(5).)

Section 745 was recently further amended effective January 1, 2024, to allow an individual to raise a claim under the act for the first time on direct appeal. (Assem. Bill 1118 (Kalra); Stats. 2023, ch. 464.) An individual may also now move to stay an appeal and request remand to the trial court to file a claim under the act. (§ 745(b).)

Procedurally, a claim under the act may be filed at any time during a case. If judgment in a case has not yet been entered, an individual may file a claim under the act in a pending case under section 745. (*Ibid.*) If judgment has already become final, an individual may file a claim under the act by seeking a writ of habeas corpus under section 1473(f) or filing a motion to vacate under section 1473.7. (*Ibid.*) Once an applicant files a claim under the act, the court must determine whether the applicant has established a prima facie case. If so, the court sets a hearing. The court may appoint counsel and may order discovery. (Welf. & Inst. Code, § 634; § 745(b).)

To implement the act in criminal cases, the Appellate Advisory Committee and the Criminal Law Advisory Committee jointly proposed amendments to California Rules of Court, rules

² Because all Division of Juvenile Justice (DJJ) facilities were ordered closed as of July 1, 2023 (Sen. Bill 823; Stats. 2020, ch. 337), there are no longer any individuals incarcerated there. As a result, the committee expects few, if any, claims to be filed under this paragraph.

4.551, 8.385, and 8.386 and revisions to *Petition for Writ of Habeas Corpus* (form HC-001), *Motion to Vacate Conviction or Sentence* (form CR-187), and *Order on Motion to Vacate Conviction or Sentence* (form CR-188), all of which became effective September 1, 2024. However, because there are no equivalent juvenile rules or forms, the committee proposes five new forms to implement the act in juvenile court.

Prior Circulation

An earlier version of this proposal circulated for public comment in Spring 2024. The proposal consisted of a request form, an information sheet, and two findings and orders forms, one for use at the prima facie stage of the case and the other for use after a prima facie case has been established. The committee received many comments regarding the content and organization of the forms, and decided to make a number of changes before circulating the proposal for comment again. Among the comments, some noted that the prior version of forms did not address situations in which a case started in juvenile court but was transferred to adult criminal court or in which a case may have initiated in one county but transferred to a different county. In response, the committee added instructions to the proposed information sheet to address these situations.

Commenters also requested more information regarding discovery and appeals. The committee added content on these topics to the information sheet and revised one of the proposed findings and orders forms to include space for the court to grant or deny a discovery request, order redaction, or impose protective orders.

Finally, commenters suggested some format changes to the prior version of the forms. These suggestions led to the creation of a new proposed form for the court to make preliminary findings and orders as appropriate including regarding eligibility for relief, appointment of counsel, and discovery. The form for findings and orders after an initial hearing was reorganized and now includes space to order a further hearing on a prima facie case.

The Proposal

The Family and Juvenile Law Advisory Committee proposes five new forms for optional use for claims in juvenile court under the Racial Justice Act: a request form and an information sheet and three optional forms for findings and orders under the act.

Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-720)

Form JV-720 would be an optional form to request relief from a juvenile court based on a violation of the act, in either pending or closed juvenile court cases. The committee expects that the form will most commonly be used by self-represented litigants to request retroactive relief in closed cases because youth in pending proceedings are represented by appointed counsel until their cases are ultimately dismissed. (Welf. & Inst. Code, §§ 633, 634; Cal. Rules of Court, rules 5.534(d)(2)(A), 5.663(c).) The form is recommended as optional so that counsel in pending cases may choose to raise claims through written motions rather than by filing the form.

In cases no longer pending, retroactive claims under the act may be filed under section 1473(f) (for habeas corpus petitions) or 1473.7 (for motions to vacate). A writ of habeas corpus is used to file a claim when an individual is under some form of judicial restraint (i.e., physical custody or postrelease supervision), whereas a motion to vacate is used when an individual is no longer under any form of judicial restraint. Retroactive claims in juvenile cases are limited to those in which a juvenile disposition resulted in a DJJ commitment. Because the number of individuals who suffered a DJJ commitment and are still either in custody or on postrelease supervision is exceedingly small, the committee expects that retroactive claims under the act in juvenile court will generally not be raised through habeas corpus petitions. As a result, the committee has not included such procedures in this proposal.

Item 1 on form JV-720 asks the applicant to indicate the procedural posture of their juvenile case to determine whether they are eligible to file a claim under the act (i.e., whether their juvenile case is either still pending or meets the criteria for a retroactive claim).

Item 2 allows an unrepresented applicant to request that the juvenile court appoint counsel to assist them in pursuing a claim under the act. The statute itself is silent regarding appointment of counsel, but unrepresented youth in juvenile delinquency proceedings have the right to appointed counsel, regardless of indigency. (Welf. & Inst. Code, §§ 633, 634; Cal. Rules of Court, rules 5.534(d)(2)(A), 5.663(c).) These claims will be heard in juvenile court and implicate an individual's substantial rights. In the committee's view, appointing counsel for unrepresented applicants would serve the purpose of the act.

Item 3 asks the applicant to indicate which categories of violations their claim falls under. (§ 745(a)(1)–(4).) The act specifies four different violations that can be alleged: (1) the exhibition of racial bias or animus against the individual by a judge, attorney, law enforcement officer, or expert witness; (2) the use of racially discriminatory language by a judge, attorney, law enforcement officer, or expert witness; (3) the existence of a racial disparity in the seriousness of offenses charged or dispositions sought or obtained; and/or (4) the existence of a racial disparity in the severity of dispositions imposed. (*Ibid.*)

Item 4 asks the applicant to indicate when they learned of the violation they are claiming. For violations alleged to have been committed during trial, the act requires that requests for relief be filed “as soon as practicable” upon the applicant “learning of the alleged violation.” (§ 745(c).) A motion that is not timely may be deemed waived, in the discretion of the court. (*Ibid.*) For motions to vacate, the act requires that they be filed “without undue delay from the date the moving party discovered or could have discovered with the exercise of due diligence” the basis of the violation. (§ 1473.7(c).)

Item 5 asks the applicant to explain their claim in detail and to indicate what facts support their allegations. Item 5 also asks the applicant whether their claim is based on a statement or conduct by a judge. If so, that judge must recuse themselves from the matter. (§ 745(b).)

Item 6 allows the applicant to request discovery to support their claim. (§ 745(d).) An applicant may file a motion requesting disclosure to the defense of “all evidence relevant to a potential violation of [the act] in the possession or control of the state.” (*Ibid.*)

Item 7 allows an applicant to request the assistance of an interpreter at any hearings regarding their claim, as is common practice in juvenile and criminal courts.

Because the act itself is silent regarding service, the committee discussed whether applicants should be required to serve these requests themselves. Consistent with other forms designed for self-represented litigants (such as *Request to Vacate Disposition and Dismiss Penal Code Section 647f* (form JV-742), *Request to Reduce Juvenile Marijuana Offense* (form JV-744), and *Request to Expunge Arrest or Vacate Adjudication (Human Trafficking Victim)* (Penal Code, § 236.14) (form JV-748)), this form is designed to be sent by the court clerk to the probation department and prosecuting attorney after filing. The committee decided that facilitating this process will assist unrepresented applicants in these proceedings, consistent with juvenile court practice in other cases (such as juvenile record sealing).

The Racial Justice Act in Juvenile Court (form JV-720-INFO)

Form JV-720-INFO would be an information sheet to supplement form JV-720. In addition to providing instructions on how to complete form JV-720, form JV-720-INFO includes background information about the act and explains how and when a claim under the act may be filed and what happens after a claim is filed.

Three New Findings and Orders Forms

To assist the juvenile court, the committee proposes three optional forms for findings and orders on these claims. The act itself contemplates a three-part process: first, the court must determine whether the applicant is eligible for relief (i.e., their case is still pending and/or they were committed to DJJ as a result of their case) and whether they should be appointed counsel. Second, the court must determine whether the applicant has established good cause for release of discovery and/or made a prima facie showing of a violation under the act. If the applicant establishes a prima facie showing, the court must then hold an evidentiary hearing. Finally, if an evidentiary hearing is held, the court must make findings and orders, including the final adjudication of the matter.

Preliminary Findings and Orders After Request for Relief Under the Racial Justice Act— Juvenile Adjudication (form JV-721)

Form JV-721 would be an optional form for a juvenile court to use in making preliminary findings and orders after the initial submission of a claim. The form can also be used to order a further hearing on discovery or a prima facie showing, or to set an evidentiary hearing.

Items 1 and 2 on form JV-721 are for findings. Item 1 allows the court to indicate whether the applicant’s claim does or does not qualify for retroactive application of the act and whether it was or was not filed in a timely manner. A claim that is not timely filed after the applicant learns of the alleged violation may be denied. (§§ 745(c) (claims made during trial must be filed “as

soon as practicable” upon the applicant learning of the violation), 1473.7(c) (motions to vacate must be filed “without undue delay” from the date the applicant actually, or reasonably should have, learned of the violation).) Item 2 allows the court to make additional findings, if necessary.

Items 3 through 7 on form JV-721 are for orders. Item 3 allows the court to indicate whether the applicant’s request for counsel is granted or denied. Item 4 allows the court to set the matter for a discovery hearing, if appropriate. Item 5 allows the court to set the matter for further hearing on the prima facie showing, also if appropriate. If the court finds that the request for relief itself establishes a prima facie showing, the court can also set the matter for an evidentiary hearing in item 6. Item 7 allows the court to make additional orders, as appropriate.

Findings and Orders After Initial Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-722)

The committee proposes form JV-722 as an optional form for a juvenile court to make findings and orders after an initial hearing on the applicant’s request. The form can be used to indicate whether the applicant is eligible for relief under the RJA, to grant or deny a request for discovery, and to indicate whether a prima facie showing has been made.

Item 1 on form JV-722 allows the court to memorialize when an initial hearing occurred and which parties were present, while items 2 and 3 are for findings. Item 2 allows the court to indicate whether an applicant has demonstrated good cause to order discovery. (§ 745(d).) Item 3 allows the court to indicate whether an applicant has established a prima facie violation of the act. If so, the court must set the matter for a hearing. (§ 745(c).)

Items 4 through 6 on form JV-722 are for orders. Item 4 allows the court to grant a request for discovery and to specify any documents or information that must be produced. Item 4 also allows the court to indicate whether any redactions to discovery ordered are appropriate and to specify any protective orders the discovery is subject to. (§ 745(d).) Item 4 also allows the court to deny a request for discovery and to indicate whether the denial is based on a failure to establish good cause or because discovery cannot be adequately redacted or protected by a protective order to protect a statutory privilege or constitutional privacy right. (*Ibid.*)

Item 5 allows the court to set the matter for further hearing on the prima facie showing, if appropriate. If the court finds that a prima facie showing has already been established, item 5 also allows the court to set the matter for an evidentiary hearing. (§ 745(c).) Item 6 allows the court to make additional orders, if necessary.

Findings and Orders After Evidentiary Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-723)

The committee proposes form JV-723 as an optional form for a juvenile court to make findings and orders after an evidentiary hearing, including final adjudication of the matter. The form can be used to grant or deny a claim, explain the court’s reasoning, and order relief under the act.

Item 1 allows the court to memorialize when and where the hearing required by section 745(c) took place and which parties were present. Item 2 allows the court to indicate what, if any, violations of the act it finds have been proven by a preponderance of the evidence, and item 3 allows the court to make findings required by the act, as appropriate. (§§ 745(c)(2), (3).)

Items 4, 5, and 6 are for orders. In item 4, the court grants or denies the applicant's request. Item 5 allows the court to indicate what, if any, remedies it orders for any violations of the act. (§ 745(e).) Item 6 allows the court to make additional orders, as appropriate.

Alternatives Considered

The committee considered taking no action, but rejected this option because it expects the number of claims filed in the juvenile courts to increase going forward. These optional forms will assist litigants in accessing relief under the act and assist the courts in making required findings and ruling on these claims.

The committee considered developing separate forms for seeking relief under section 745 depending on the procedural posture of the request—whether as a motion made in a pending case, a petition for habeas corpus, or a motion to vacate. Upon further discussion, however, the committee decided to propose a single form for requesting relief under the act for simplicity. Since petitions for habeas corpus are rarely filed in juvenile court and claims for relief in pending cases may more commonly be filed as individually drafted motions by counsel, the committee anticipates that the form will most often be used to request to vacate a prior adjudication or disposition.

The committee also considered proposing a single findings and order form for use after both the initial filing of a claim under the act and, if a prima facie case is established, after an evidentiary hearing on the claim. Upon further discussion, however, the committee decided to propose three separate forms for clarity: one for use after the filing of a claim, which could also be used to provide notice of a hearing; another for use after a hearing on discovery or prima facie showing; and a third form for use after an evidentiary hearing on a claim filed under the act.

The committee also discussed whether new rules are necessary to implement the act in juvenile court. As noted above, the proposal to implement the act in criminal court cases included rule amendments, specifically, to trial court and appellate court rules on habeas corpus proceedings. However, there are no existing habeas corpus rules in juvenile court. The committee concluded that the proposed forms appear to be sufficient and that rules are not currently needed, but will monitor the process going forward and consider rules in the future if they would be helpful.

After the prior circulation, the committee also reconsidered the language on form JV-720 regarding eligibility. The RJA applies prospectively “[t]o all cases in which judgment is not final.” (§ 745(j)(1).) In *People v. Esquivel* (2021) 11 Cal.5th 671, the California Supreme Court held that “[a] case in which a defendant is placed on probation with imposition of sentence suspended is not yet final for this purpose if the defendant may still timely obtain direct review of an order revoking probation and imposing sentence.” (*Esquivel*, 11 Cal.5th at p. 673.) In the

committee’s view, based on *Esquivel*, the case of a youth on juvenile probation is a case “in which judgment is not final” within the meaning of the RJA. In juvenile delinquency matters, a youth typically remains on juvenile probation until their case is ultimately dismissed; thus a youth would generally be eligible to file a claim under the RJA at any time prior to the dismissal of their case. To better explain eligibility in a juvenile case, the committee rephrased “Judgment in my case is not final” to instead read “My juvenile court case is still pending or I am currently on juvenile probation.”

Fiscal and Operational Impacts

Fiscal and operational impacts to the courts are largely attributable to the legislation authorizing retroactive juvenile claims under the Racial Justice Act. The proposal aims to mitigate workload burdens by making the application for relief under the act more efficient, consistent, and easier to navigate for self-represented litigants and the courts. Expected costs include training, case management system updates, and the production of new forms.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Is the language in forms JV-720 and JV-720-INFO clear for self-represented litigants? Please provide any specific suggestions for improvements.

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

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

Attachments and Links

1. Forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723, at pages 10–22
2. Link A: Pen. Code, § 745,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=745.&lawCode=PEN
3. Link B: Pen. Code, § 1473,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.&lawCode=PEN
4. Link C: Pen. Code, § 1473.7,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.7.&lawCode=PEN

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| ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name): | FOR COURT USE ONLY DRAFT Not approved by the Judicial Council |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| CASE NAME: | |
| REQUEST FOR RELIEF UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION | CASE NUMBER: |

Instructions—Read Carefully

- Use this form if you are going or went to court because you allegedly committed an offense when you were under the age of 18 and you believe your case was affected by discrimination on the basis of race, ethnicity, or national origin.
- For more information about the Racial Justice Act and how to fill out this form, please see *The Racial Justice Act in Juvenile Court* ([form JV-720-INFO](#)).
- If this form asks for information that you do not have, contact your attorney. If you don't have an attorney, the public defender's office in the county where you are going or went to court may be able to help you get the information.
- File this form in the county where you are going or last went to court.
- The court will serve this form for you unless you have an attorney. If you have an attorney, your attorney must serve the form.

1. Eligibility

I am eligible to file this request because (*check all that apply*):

- a. My juvenile court case is still pending or I am currently on juvenile probation.
- b. I face actual or potential immigration consequences (such as deportation) based on this case.
- c. I was committed to the Division of Juvenile Justice (DJJ) or the California Youth Authority (CYA) based on this case.

2. Appointment of counsel

I request the court appoint an attorney to represent me.

3. Basis for violation

I believe the Racial Justice Act was violated because (*check all that apply, then provide details in item 5a*):

- a. The judge, an attorney, a law enforcement officer, or an expert witness in the case exhibited bias or animus towards me because of my race, ethnicity, or national origin.
- b. During in-court trial proceedings, the judge, an attorney, a law enforcement officer, or an expert witness used discriminatory language about my race, ethnicity, or national origin. (Racially discriminatory language does not include repeating language used by someone else that is relevant to the case, or giving a racially neutral and unbiased physical description of a suspect.)

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

3. c. I was charged with or found responsible for a more serious offense than people of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, **and** the prosecution more frequently sought or obtained adjudications (convictions) for serious offenses against people who share my race, ethnicity, or national origin in the county where the adjudications (convictions) were sought or obtained.
- d. I received a longer or more severe disposition (sentence) compared to similarly situated individuals for the same offense **and** (check all that apply):
- (1) Longer or more severe dispositions (sentences) were more frequently imposed for the same offense on people who share my race, ethnicity, or national origin than on people of other races, ethnicities, or national origins in the county in which this case occurred.
- (2) Longer or more severe dispositions (sentences) were more frequently imposed for the same offense on people in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in the county in which this case occurred.

4. **Discovery of violation**

I learned of the grounds described in item 3 on or about (date): _____

5. **Supporting facts**

a. Describe what happened. For each violation you claim in item 3 above, explain the facts that support it. Give details. (If necessary, attach additional pages. You may use Attachment to Judicial Council Form (form MC-025) for any additional pages. If available, attach declarations, relevant records, transcripts, or other documents supporting your request.)

Additional documents attached.

b. Is your request based on a statement or conduct by a judge? Yes No

If yes, please fill in the judge's name if you know it: _____

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

6. Disclosure of evidence

I request disclosure of evidence relevant to a potential violation of the Racial Justice Act (If you checked the box, complete items a and b below):

a. I need the following types of records or information:

b. I need the records or information because:

7. Request for interpreter

If there is a hearing, I will need an interpreter for (language): _____

Date: _____

(NAME OF APPLICANT OR ATTORNEY)

 _____
(SIGNATURE OF APPLICANT OR ATTORNEY)

What is the Racial Justice Act?

The Racial Justice Act (RJA) is a law that prohibits the State of California from prosecuting or punishing someone based on race, ethnicity, or national origin. If you have, or ever had, a juvenile court case, this law may apply to you.

Why was the RJA passed?

The RJA was passed because the California Legislature recognized that “[d]iscrimination in our criminal justice system based on race, ethnicity, or national origin has a deleterious effect not only on individual[s] but on our system of justice as a whole.” (Assem. Bill 2542 (Kalra); Stats. 2020, ch. 317.) Such discrimination denies Californians equal justice under the law. The intent of the RJA is to “eliminate racial bias from [our] criminal justice system because racism in any form or amount . . . is intolerable, inimical to a fair criminal justice system,” and violates the laws and Constitution of the state. (*Ibid.*)

How do I know if the RJA applies to my case?

The RJA may apply to your juvenile case if:

- You believe a judge, attorney, law enforcement officer, or expert witness in your case was biased against you because of your race, ethnicity, or national origin;
- A judge, attorney, law enforcement officer, or expert witness in your case used racially discriminatory language about your race, ethnicity, or national origin;
- You believe: (1) you were charged with or found to have committed a more serious offense because of your race, ethnicity, or national origin; and (2) people in the same county who share your race, ethnicity, or national origin tend to be charged with or found to have committed more serious offenses than people of a different race, ethnicity, or national origin;
- You believe: (1) you received more severe consequences because of your race, ethnicity, or national origin; and (2) people in the same county who share your race, ethnicity, or national origin tend to receive more severe consequences than people of a different race, ethnicity, or national origin; or

- You believe: (1) you received more severe consequences based upon the race, ethnicity, or national origin of the victims in your case; and (2) people in the same county whose victims share the same race, ethnicity, or national origin as people in your case tend to receive more severe consequences than people whose victims are of a different race, ethnicity, or national origin.

Who can file a request under the RJA?

You can file a request under the RJA if:

- Your juvenile court case is still pending or you are currently on juvenile probation;
- You have or may have immigration problems (such as deportation) because of your juvenile court case; or
- You were sent to the Division of Juvenile Justice (DJJ), also known as the California Youth Authority (CYA), as a result of your juvenile court case.

If none of the above apply, you cannot file an RJA request

Where should I file a request under the RJA?

File your request in the juvenile court if your last court date was in juvenile court by filling out *Request for Relief Under the Racial Justice Act—Juvenile Adjudication* ([form JV-720](#)). On the other hand, if your last court date was in adult criminal court, file your request in criminal court instead by filling out *Petition for Writ of Habeas Corpus* ([form HC-001](#)) or *Motion to Vacate Conviction or Sentence* ([form CR-188](#)).

When can I file a request under the RJA?

If your case is currently in trial, you must file your request as soon as practicable after you learned that there may have been a violation of the act in your case. If your case is over and you are no longer at DJJ or CYA or on juvenile probation, you should file a request under the act as soon as you can after you learn that there may have been a violation.



Do I need an attorney?

You do not have to have an attorney. You can file a request under the RJA yourself or you can ask an attorney to file a request for you. If you do not have an attorney, you can ask the court to appoint an attorney to represent you for this request. If you need information to file the request yourself, you can contact the attorney who previously represented you or the public defender's office to see if they can help you.

How do I file an RJA request?

You or your attorney (if you have one) may file a request under the RJA in juvenile court by filling out *Request for Relief Under the Racial Justice Act—Juvenile Adjudication* ([form JV-720](#)).

Fill out the form by putting your name and contact information in the box at the top of the form and the address of the court in the box below your name and address. You can get the court's address from the court papers in your case. The form must be filed in the last county where you went to court for your case. Then, check the boxes that apply to your case and fill in the information requested.

- Check the boxes in item 1 that apply to your case.
- Check the box in item 2 if you are asking the court to appoint an attorney to represent you.
- Check the boxes in item 3 that explain why you believe the RJA was violated in your case.
- Fill in item 4 with the date you discovered the RJA was violated in your case.
- Fill in item 5a with facts that support why you believe the RJA was violated in your case.
- Check the box in item 5b if you believe the RJA was violated in your case because of something a judge said or did, and fill in the name of the judge if you know it. If so, a different judge will hear your request.
- Check the box in item 6 if you are asking for records or information that can be used to support your request. If so, fill in the types of records or information you are asking for and why you need them. For example, you might request a transcript of a prior hearing to show that a witness used racially

discriminatory language about your race, ethnicity, or national origin.

- Or, you might request records of people charged with offenses similar to yours in the same county to show that people that share your race, ethnicity, or national origin tend to be charged with more serious offenses.
- If you will need an interpreter, ask for one in item 7.

Once you have filled out form JV-720, take or mail it to the court clerk's office in the court where the last court date was held. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

What happens after I file a request under the RJA?

If you do not have an attorney and have asked for one, the court will first decide whether to appoint an attorney to your case. If the court appoints an attorney for you, the attorney will have the opportunity to change or add to ("amend") your request.

If the court appoints an attorney for you and you requested records or information (known as "discovery") to support your request, your attorney can amend your request for discovery. The court will then decide whether you have presented enough facts to establish "good cause" for the release of discovery. If the court orders discovery, it may order that certain confidential information be protected.

The court will then review your request and decide whether you have presented enough facts to establish a substantial likelihood that a violation of the RJA occurred. A "substantial likelihood" requires more than a mere possibility, but less than a standard of "more likely than not." If the court decides you have met this standard, it must then hold an "evidentiary hearing."

If the court holds an evidentiary hearing, you may present evidence and testimony to support your request. The district attorney will also be able to present evidence and testimony. To win, you must prove a violation of the RJA by a preponderance of the evidence. That means you must prove it is more likely than not that the RJA was violated. After the hearing, the court will decide if you have proven a violation by a preponderance of the evidence. If the court finds that you have not proven a violation, it is required to explain why it is denying your request.

What happens if my RJA request is granted?

If you prove a violation, the court will grant your request and can make orders to repair the harm, based on your case. This can include starting your case over, reducing the charges against you, or reducing your disposition (sentence). The court can also make other orders, depending on the circumstances.

What happens if my RJA request is denied?

If your request is denied, you have the right to appeal the denial by filing a notice of appeal asking the Court of Appeal to review the juvenile court's decision.

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|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (<i>name</i>): | FOR COURT USE ONLY DRAFT Not approved by the Judicial Council |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| CASE NAME: | |
| PRELIMINARY FINDINGS AND ORDERS AFTER REQUEST FOR RELIEF UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION | CASE NUMBER: |

FINDINGS

1. **Timeliness** (*check all that apply*):

- a. The court finds that applicant's request was was not filed in a timely manner.
- b. The court finds that applicant's case is no longer pending and does does not qualify for retroactive application under Penal Code section 745(j).

2. **Additional findings**

The court also finds the following:

ORDERS

3. **Appointment of counsel**

- a. The court grants the request for appointment of counsel.
- b. The court denies the request for appointment of counsel because:

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| CASE NAME: | CASE NUMBER: |
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4. **Discovery**

The court orders the matter set for a hearing on discovery:

Name and address of court if different from above:

Date: _____ Time: _____
 Dept.: _____ Room: _____

5. **Prima facie showing**

The court orders the matter set for a hearing on a showing of a prima facie case:

Name and address of court if different from above:

Date: _____ Time: _____
 Dept.: _____ Room: _____

6. **Evidentiary hearing**

The court orders the matter set for an evidentiary hearing on a violation of the Racial Justice Act:

Name and address of court if different from above:

Date: _____ Time: _____
 Dept.: _____ Room: _____

7. **Additional orders**

The court also orders the following:

Date: _____

JUDICIAL OFFICER

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| ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name): | <p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| CASE NAME: | |
| FINDINGS AND ORDERS AFTER INITIAL HEARING ON REQUEST FOR RELIEF UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION | CASE NUMBER: |

1. This proceeding was heard on (date): _____ at time: _____ in Dept.: _____ Room: _____
 by Judge (name): _____ Temporary Judge
- a. Applicant present Attorney present (name): _____
 b. District attorney present Attorney present (name): _____
 c. Probation present Attorney present (name): _____
 d. Other party present Attorney present (name): _____

FINDINGS

2. **Discovery**
 The court finds that applicant has has not shown good cause for production of discovery.
3. **Prima facie showing**
 The court finds that applicant has has not made a prima facie showing of a violation of Penal Code section 745(a).

ORDERS

4. **Discovery**
- a. The court orders that applicant's request for discovery is granted or granted in part.
- (1) Good cause having been shown, the court orders the following discovery be produced:
- (2) Discovery is subject to the following redactions:
- (3) Discovery is subject to the following protective orders:

CASE NAME:

CASE NUMBER:

4. b. The court orders that applicant's request for discovery is denied or denied in part.

(1) Applicant has not shown good cause for discovery of the following evidence:

(2) Applicant has shown good cause for discovery of the following evidence, but a statutory privilege cannot be adequately protected by redaction or a protective order:

(3) Applicant has shown good cause for discovery of the following evidence, but a constitutional privacy right cannot be adequately protected by redaction or a protective order:

5. Ruling on further hearing

a. The court orders the matter set for a hearing on a showing of a prima facie case:

Name and address of court if different from above:

Date: Time:

Dept.: Room:

b. A prima facie case having been shown, the court orders the matter set for an evidentiary hearing on a violation of the Racial Justice Act:

Name and address of court if different from above:

Date: Time:

Dept.: Room:

c. A prima facie case not having been shown, the court orders that applicant's request for relief is denied.

6. **Additional orders**

The court also orders the following:

Date: _____

JUDICIAL OFFICER

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| ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name): | FOR COURT USE ONLY DRAFT Not approved by the Judicial Council |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| CASE NAME: | |
| FINDINGS AND ORDERS AFTER EVIDENTIARY HEARING ON REQUEST FOR RELIEF UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION | CASE NUMBER: |

1. This proceeding was heard on (date): _____ at time: _____ in Dept.: _____ Room: _____
 by Judge (name): _____ Temporary Judge
- a. Applicant present Attorney present (name): _____
 b. District attorney present Attorney present (name): _____
 c. Probation present Attorney present (name): _____
 d. Other party present Attorney present (name): _____

FINDINGS

2. Violation

- a. The court finds by a preponderance of the evidence that the following violation or violations of Penal Code section 745(a) have been established (check all that apply):
- (1) The judge, an attorney, a law enforcement officer, or an expert witness in the case exhibited bias or animus against the applicant because of the applicant's race, ethnicity, or national origin. (Pen. Code, § 745(a)(1).)
- (2) During in-court trial proceedings, the judge, an attorney, a law enforcement officer, or an expert witness used discriminatory language about the applicant's race, ethnicity, or national origin. (Racially discriminatory language does not include repeating language used by someone else that is relevant to the case or giving a racially neutral and unbiased physical description of the suspect.) (Pen. Code, § 745(a)(2).)
- (3) The applicant was charged with or adjudicated for a more serious offense than people of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, **and** the prosecution more frequently sought or obtained adjudications for more serious offenses against people who share the applicant's race, ethnicity, or national origin in the county where the adjudications were sought or obtained. (Pen. Code, § 745(a)(3).)
- (4) The applicant received a longer or more severe disposition compared to similarly situated individuals adjudicated for the same offense and (check all that apply):
- (a) Longer or more severe dispositions were more frequently imposed for the same offense on people who share the applicant's race, ethnicity, or national origin than on people of other races, ethnicities, or national origins in the county in which this case occurred. (Pen. Code, § 745(a)(4)(A).)
- (b) Longer or more severe dispositions were more frequently imposed for the same offense on people in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in the county in which this case occurred. (Pen. Code, § 745(a)(4)(B).)
- b. The court finds that a violation of Penal Code section 745(a) has not been established by a preponderance of the evidence.

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| CASE NAME: | CASE NUMBER: |
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3. Required findings

The court makes the following factual findings in support of the above, as required by Penal Code section 745(c)(3):

ORDERS

4. Ruling on request

- a. The court orders that applicant's request for relief is granted.
- b. The court orders that applicant's request for relief is denied.

5. Remedies

- a. Judgment not being final, the court orders the following (*check all that apply*):
- (1) At applicant's request, a mistrial.
 - (2) The following enhancement or enhancements dismissed:

 - (3) The following special allegation or allegations dismissed:

 - (4) The following charge or charges reduced:
- b. Judgment being final, the court orders the following (*check all that apply*):
- (1) The adjudication was sought or obtained in violation of Penal Code section 745. The court orders the adjudication and disposition vacated, declares them legally invalid, and orders the following new proceedings:

 - (2) Only Penal Code section 745(a)(3) (*see item 2a(3)*) was violated and the violation may be rectified by a modification of the adjudication. The court orders the adjudication modified to the following lesser-included or lesser-related offense or offenses:

 - (3) Only the disposition was sought, obtained, or imposed in violation of Penal Code section 745. The court vacates the disposition, declares it legally invalid, and imposes the following new disposition:
- c. The court orders the following additional remedies:

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| CASE NAME: | CASE NUMBER: |
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6. **Additional orders**
The court also orders the following:

Date: _____

JUDICIAL OFFICER