AMENDMENT TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on September 25, 2020, effective January 1, 2021

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Rule 2.255. Contracts with and responsibilities of electronic filing service providers and electronic filing managers

(a)–(f) * * *

(g) Electronic filer not required to consent to electronic service

(1) An electronic filing service provider must allow an electronic filer to proceed with an electronic filing even if the electronic filer does not consent to receive electronic service.

(2) This provision applies only to electronic service by express consent under rule 2.251(b).

(Subd (g) adopted effective January 1, 2021.)

Rule 2.255 amended effective January 1, 2021; adopted as rule 2055 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2011, January 1, 2018, January 1, 2019, and January 1, 2020.)

Rule 2.956. Court reporting services in civil cases

(a) Statutory reference; application

This rule implements and must be applied so as to give effect to ~~is adopted to effectuate the statutory mandate of~~ Government Code sections 68086(a) ~~(b)~~(c) ~~and must be applied so as to give effect to these sections. It applies to trial courts~~.

(Subd (a) amended effective January 1, 2021; previously amended effective January 31, 1997, and January 1, 2007.)

(b) * * *

(c) Party may procure reporter or request reporter if granted fee waiver

If the services of an official court reporter are not available for a hearing or trial in a civil case, a party may:

(1) Arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter, whom the court must appoint unless there is good cause shown to refuse to do so. It is that party's responsibility to pay the

reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law; or

(2) If the party has been granted a fee waiver, ~~In compliance with any local court rules,~~ request that the court provide an official reporter for attendance at the proceedings. The court must provide an official reporter if the party has been granted a fee waiver and if the court is not electronically recording the hearing or trial.

(A) The request should be made by filing a *Request for Court Reporter by a Party with a Fee Waiver* (form FW-020). If the requesting party has not been granted a fee waiver, a completed *Request to Waive Court Fees* (form FW-001 or form FW-001-GC in guardianship or conservator cases) must be filed at the same time as the request for court reporter.

(B) The party should file the request 10 calendar days before the proceeding for which a court reporter is desired, or as soon as practicable if the proceeding is set with less than 10-days' notice.

(C) If the party has requested a court reporter for a trial, that request remains in effect if the trial is continued to a later date.

(D) The court reporter's attendance is to be provided at no fee or cost to the fee waiver recipient.

(Subd (C) amended effective January 1, 2021; previously amended September 1, 2019.)

(d)–(e) * * *

Rule 2.956 amended effective September 1, 2021; adopted as rule 891 effective January 1, 1994; previously amended effective January 31, 1997, and September 1, 2019; previously amended and renumbered effective January 1, 2007.

Rule 3.1384. Petition for approval of ~~the~~ compromise of ~~a~~ claim of ~~a~~ minor or ~~a~~ person with a disability; order for deposit of funds; and petition for withdrawal

(a) Petition for approval of ~~the~~ compromise of ~~a~~ claim

A petition for court approval of a compromise or covenant not to sue under Code of Civil Procedure section 372 must comply with rules 7.950 or 7.950.5, 7.951, and 7.952.

(b) * * *

(Subd (b) amended effective January 1, 2021.)

Rule 3.1384 amended effective January 1, 2021; adopted as rule 378 effective January 1, 2002; previously amended and renumbered effective January 1, 2017.

Rule 4.452. Determinate sentence consecutive to prior determinate sentence

(a) If a determinate sentence is imposed under section 1170.1(a) consecutive to one or more determinate sentences imposed previously in the same court or in other courts, the court in the current case must pronounce a single aggregate term, as defined in section 1170.1(a), stating the result of combining the previous and current sentences. In those situations:

(1) The sentences on all determinately sentenced counts in all the cases on which a sentence was or is being imposed must be combined as though they were all counts in the current case.

(2) The ~~judge~~ court in the current case must make a new determination of which count, in the combined cases, represents the principal term, as defined in section 1170.1(a). The principal term is the term with the greatest punishment imposed including conduct enhancements. If two terms of imprisonment have the same punishment, either term may be selected as the principal term.

(3) Discretionary decisions of ~~the judges~~ courts in previous cases may not be changed by the ~~judge~~ court in the current case. Such decisions include the decision to impose one of the three authorized terms of imprisonment referred to in section 1170(b), making counts in prior cases concurrent with or consecutive to each other, or the decision that circumstances in mitigation or in the furtherance of justice justified striking the punishment for an enhancement. However, if a previously designated principal term becomes a subordinate term after the resentencing, the subordinate term will be limited to one-third the middle base term as provided in section 1170.1(a).

(4) If all previously imposed sentences and the current sentence being imposed by the second or subsequent court are under section 1170(h), ~~T~~the second or subsequent ~~judge~~ court has the discretion to specify whether a previous

sentence is to be served in custody or on mandatory supervision and the terms of such supervision, but may not, without express consent of the defendant, modify the sentence on the earlier sentenced charges in any manner that will (i) increase the total length of the sentence imposed by the previous court; (ii) increase the total length of the ~~actual~~ custody ~~time~~ portion of the sentence imposed by the previous court; (iii) increase the total length of the mandatory supervision portion of the sentence imposed by the previous court; or (iv) impose additional, more onerous, or more restrictive conditions of release for any previously imposed period of mandatory supervision.

(5) If the second or subsequent court imposes a sentence to state prison because the defendant is ineligible for sentencing under section 1170(h), the jurisdiction of the second or subsequent court to impose a prison sentence applies solely to the current case. The defendant must be returned to the original sentencing court for potential resentencing on any previous case or cases sentenced under section 1170(h). The original sentencing court must convert all remaining custody and mandatory supervision time imposed in the previous case to state prison custody time and must determine whether its sentence is concurrent with or consecutive to the state prison term imposed by the second or subsequent court and incorporate that sentence into a single aggregate term as required by this rule. (A)(4) does not apply—and the consent of the defendant is not required—for this conversion and resentencing.

~~(5)~~(6) In cases in which a sentence is imposed under the provisions of section 1170(h) and the sentence has been imposed by courts in two or more counties, the second or subsequent court must determine the county or counties of incarceration or supervision, including the order of service of such incarceration or supervision. To the extent reasonably possible, the period of mandatory supervision must be served in one county and after completion of any period of incarceration. In accordance with rule 4.472, the second or subsequent court must calculate the defendant's remaining custody and supervision time.

~~(6)~~(7) In making the determination under ~~subdivision (a)(5)~~ (a)(6), the court must exercise its discretion after consideration of the following factors:

(A)–(H) * * *

~~(7)~~(8) If after the court's determination in accordance with ~~subdivision (a)(5)~~ (a)(6) the defendant is ordered to serve only a custody term without supervision in another county, the defendant must be transported at such time and under such circumstances as the court directs to the county where the custody term

is to be served. The defendant must be transported with an abstract of the court's judgment as required by section 1213(a), or other suitable documentation showing the term imposed by the court and any custody credits against the sentence. The court may order the custody term to be served in another county without also transferring jurisdiction of the case in accordance with rule 4.530.

~~(8)~~(9) If after the court's determination in accordance with ~~subdivision (a)(5)~~ (a)(6) the defendant is ordered to serve a period of supervision in another county, whether with or without a term of custody, the matter must be transferred for the period of supervision in accordance with provisions of rule 4.530(f), (g), and (h).

(Subd (a) amended effectively January 1, 2021; previously adopted as an unlettered subdivision; relettered and amended as subdivision (a) July 1, 2019)

Rule 4.452 amended effective January 1, 2021; adopted as rule 452 effective January 1, 1991; previously renumbered effective January 1, 2001; previously amended effective July 1, 2003, January 1, 2007, May 23, 2007, January 1, 2017 January 1, 2018, and July 1, 2019.

Advisory Committee Comment

The restrictions of ~~subdivision~~ (a)(3) do not apply to circumstances where a previously imposed base term is made a consecutive term on resentencing. If the ~~judge~~ court selects a consecutive sentence structure, and since there can be only one principal term in the final aggregate sentence, if a previously imposed full base term becomes a subordinate consecutive term, the new consecutive term normally will become one-third the middle term by operation of law (section 1170.1(a)).

Rule 4.530. Intercounty transfer of probation and mandatory supervision cases

(a)–(f) * * *

(g) Transfer

(1)–(5) * * *

(6) A certified copy of the entire court file may be electronically transmitted if an original paper court file does not exist. Upon receipt of an electronically transmitted certified copy of the entire court file from the transferring court, the receiving court must deem it an original file.

(7) Upon transfer the probation officer of the transferring county must transmit, at a minimum, any court orders, probation or mandatory supervision reports, and case plans to the probation officer of the receiving county.

(8) Upon transfer of the case, the probation officer of the transferring county must notify the supervised person of the transfer order. The supervised person must report to the probation officer of the receiving county no later than 30 days after transfer unless the transferring court orders the supervised person to report sooner. If the supervised person is in custody at the time of transfer, the supervised person must report to the probation officer of the receiving county no later than 30 days after being released from custody unless the transferring court orders the supervised person to report sooner. Any jail sentence imposed as a condition of probation or mandatory supervision prior to transfer must be served in the transferring county unless otherwise authorized by law.

(9) Upon transfer of the case, only the receiving court may certify copies from the case file.

(Subd (g) amended effective January 1, 2021; previously amended effective November 1, 201, and January 1, 2017.)

(h) * * *

Rule 4.530 amended effective January 1, 2021; adopted effective July 1, 2010; previously amended effective November 1, 2012, February 20, 2014, and January 1, 2017.

Rule 5.9. Appearance by telephone

(a) Application

This rule applies to all family law cases, except for actions for child support involving a local child support agency and cases governed by the Indian Child Welfare Act. Rule 5.324 governs telephone appearances in governmental child support cases. Rule 5.482(g) governs telephone appearances in cases governed by the Indian Child Welfare Act.

(Subd (a) amended effective January 1, 2021.)

(b)–(d) * * *

Rule 5.9 amended effective January 1, 2021;adopted effective January 1, 2013.

Rule 5.220. Court-ordered child custody evaluations

(a) Authority

This rule of court is adopted under Family Code sections 211 and 3117.

(b) Purpose

Courts order child custody evaluations, investigations, and assessments to assist them in determining the health, safety, welfare, and best interests of children with regard to disputed custody and visitation issues. This rule governs both court-connected and private child custody evaluators appointed under Family Code section 3111, Family Code section 3118, Evidence Code section 730, or ~~Code of Civil Procedure section 2032.~~ chapter 15 (commencing with section 2032.010) of title 4, part 4 of the Code of Civil Procedure.

(Subd (b) amended effective January 1, 2021; previously amended effective January 1, 2003.)

(c)–(d) * * *

(e) Scope of evaluations

All evaluations must include:

(1)–(2) * * *

~~(3) A written or oral presentation of findings that is consistent with Family Code section 3111, Family Code section 3118, or Evidence Code section 730. In any presentation of findings, the evaluator must:~~

~~(A) Summarize the data-gathering procedures, information sources, and time spent, and present all relevant information, including information that does not support the conclusions reached;~~

~~(B) Describe any limitations in the evaluation that result from unobtainable information, failure of a party to cooperate, or the circumstances of particular interviews;~~

~~(C) Only make a custody or visitation recommendation for a party who has been evaluated. This requirement does not preclude the evaluator from~~

~~making an interim recommendation that is in the best interest of the child; and~~

~~(D) Provide clear, detailed recommendations that are consistent with the health, safety, welfare, and best interest of the child if making any recommendations to the court regarding a parenting plan.~~

Subd (e) amended effective January 1, 2021; previously amended effective January 1, 2003, July 1, 2003, and January 1, 2007.)

(f) Presentation of findings

All evaluations must include a written or oral presentation of findings that is consistent with Family Code section 3111, Family Code section 3118, or Evidence Code section 730. In any presentation of findings, the evaluator must do all of the following:

(1) Summarize the data-gathering procedures, information sources, and time spent, and present all relevant information, including information that does not support the conclusions reached;

(2) Describe any limitations in the evaluation that result from unobtainable information, failure of a party to cooperate, or the circumstances of particular interviews;

(3) Only make a custody or visitation recommendation for a party who has been evaluated. This requirement does not preclude the evaluator from making an interim recommendation that is in the best interests of the child; and

(4) Provide clear, detailed recommendations that are consistent with the health, safety, welfare, and best interests of the child if making any recommendations to the court regarding a parenting plan.

(Subd (f) adopted effective January 1, 2021.)

(g) Confidential written report; requirements

(1) *Family Code section 3111 evaluations*. An evaluator appointed under Family Code section 3111 must do all of the following:

(A) File and serve a report on the parties or their attorneys and any attorney appointed for the child under Family Code section 3150; and

(B) Attach a *Notice Regarding Confidentiality of Child Custody Evaluation Report* (form FL-328) as the first page of the child custody evaluation report when a court-ordered child custody evaluation report is filed with the clerk of the court and served on the parties or their attorneys, and any counsel appointed for the child, to inform them of the confidential nature of the report and the potential consequences for the unwarranted disclosure of the report.

(2) *Family Code section 3118 evaluations*. An evaluator appointed to conduct a child custody evaluation, investigation, or assessment based on (1) a serious allegation of child sexual abuse; or (2) an allegation of child abuse under Family Code section 3118 must do all of the following:

(A) Provide a full and complete analysis of the allegations raised in the proceeding and address the health, safety, welfare, and best interests of the child, as ordered by the court;

(B) Complete, file, and serve *Confidential Child Custody Evaluation Report* (form FL-329) on the parties or their attorneys and any attorney appointed for the child under Family Code section 3150; and

(C) Attach *Notice Regarding Confidentiality of Child Custody Evaluation Report* (form FL-328) as the first page of the child custody evaluation report in (B) to inform the parties or their attorneys of the confidential nature of the report and the potential consequences for the unwarranted disclosure of the report.

(Subd (g) adopted effective January 1, 2021.)

~~(f)~~ (h) ***

(Subd (h) relettered effective January 1, 2021; adopted as subd (f); previously amended effective January 1, 2003.)

~~(g)~~ (i) ***

(Subd (i) relettered effective January 1, 2021; adopted as subd (g);previously amended effective July 1, 1999, January 1, 2003, and January 1, 2004.)

~~(h)~~ (j) ***

(Subd (i) relettered effective January 1, 2021; adopted as subd (h); previously amended effective January 1, 2003 and January 1, 2007.)

~~(i) Service of the evaluation report~~

~~A *Notice Regarding Confidentiality of Child Custody Evaluation Report* (form FL-328) must be attached as the first page of the child custody evaluation report when a court-ordered child custody evaluation report is filed with the clerk of the court and served on the parties or their attorneys, and any counsel appointed for the child, to inform them of the confidential nature of the report and the potential consequences for the unwarranted disclosure of the report.~~

~~(j)~~ **(k)** ***

(Subd (k) relettered effective January 1, 2021; adopted as subd (i); previously amended effective January 1, 2003; previously relettered as subd (j) effective January 1, 2010.)

Rule 5.220 amended effective January 1, 2021; adopted as rule 1257.3 effective January 1, 1999; previously amended and renumbered effective January 1, 2003; previously amended effective July 1, 1999, July 1, 2003, January 1, 2004, January 1, 2007, and January 1, 2010.

Rule 5.482. Proceedings after notice

(a)–(f) * * *

(g) Tribal appearance by telephone or other remote means

In any proceeding governed by the Indian Child Welfare Act involving an Indian child, the child's tribe may, on notification to the court, appear at any hearing, including the detention hearing, by telephone or other computerized remote means. The method of appearance may be determined by the court consistent with court capacity and contractual obligations, and taking into account the capacity of the tribe, as long as a method of effective remote appearance and participation sufficient to allow the tribe to fully exercise its rights is provided. No fee may be charged to the tribe for such telephonic or other remote appearance.

(Subd (g) adopted effective January 1, 2021.)

Rule 5.482 amended effective January 1, 2021; adopted effective January 1, 2008; previously amended effective January 1, 2013, July 1, 2013, August 15, 2016, and January 1, 2020.

Title 5. Family and Juvenile Rules

Division 2. Rules Applicable in Family and Juvenile Proceedings

Chapter 3. ~~Adoptions under the Hague Adoption Convention~~ Intercountry Adoptions

Rules 5.490–5.492 * * *

Rule 5.493. Requirement to request adoption under California law of a child born in a foreign country when the adoption is finalized in the foreign country (Fam. Code, §§ 8912, 8919)

(a) Responsibility to file request

(1) A resident of California who has finalized an intercountry adoption in a foreign country must:

(A) File a request to adopt the child in California within the earlier of 60 days from the adoptee's entry into the United States or the adoptee's 16th birthday; and

(B) Provide a copy of the adoption request to each adoption agency that provided the adoption services to the adoptive parent or parents.

(2) If the adopting parent fails to timely file a request to adopt the child under California law, the adoption agency that facilitated the adoption must:

(A) File the request within 90 days of the child's entry into the United States; and

(B) Provide a file-marked copy of the request to the adoptive parent and to any other adoption agency that provided services to the adoptive parent within five business days of filing.

(3) If an adoption agency files a request in accordance with (2), the adoptive parent or parents will be liable to the adoption agency for all costs and fees incurred as a result of good faith actions taken by the adoption agency to fulfill the requirement set forth in this rule.

(b) Contents of request

(1) A request to adopt under California law a child born in a foreign country whose adoption was finalized in a foreign country must include all of the following:

(A) A certified or otherwise official copy of the foreign decree, order, or certification of adoption that reflects finalization of the adoption in the foreign country;

(B) A certified or otherwise official copy of the child's foreign birth certificate;

(C) A certified translation of all documents described in this subdivision that are not written in English;

(D) Proof that the child was granted lawful entry into the United States as an immediate relative of the adoptive parent or parents;

(E) A report from at least one postplacement home visit by an intercountry adoption agency or a contractor of that agency licensed to provide intercountry adoption services in the state of California; and

(F) A copy of the home study report previously completed for the international finalized adoption by an adoption agency authorized to provide intercountry adoption services, in accordance with Family Code section 8900.

(2) If an adoption agency initiates a request in accordance with (a)(2), the filing must consist of the following:

(A) A signed cover sheet containing the name, date of birth, and date of entry to the United States of the child, the name and address of the adoptive parent or parents, and the name and contact information for the adoption agency;

(B) Blank copies of all forms required to initiate the request for adoption under California law; and

(C) Any document required in (b)(1) that is in the possession of the adoption agency.

(c) Clerk's notice of request and order

(1) When a request for adoption under California law of a child whose adoption was finalized in a foreign country is filed, the court clerk must immediately notify the California Department of Social Services in Sacramento in writing of the pendency of the proceeding and of any subsequent action taken.

(2) If a request for adoption under California law is initiated under (a)(2), the clerk of the court must file-stamp the request to allow the adoption agency to fulfill its obligations under (a)(2)(B).

(3) Within 10 business days of an order granting a request for adoption under California law, the clerk of the court must submit to the State Registrar the order granting the request.

Rule 5.493 adopted effective January 1, 2021.

Rule 5.502. Definitions and use of terms

Definitions * * *

As used in these rules, unless the context or subject matter otherwise requires:

(1)–(4) * * *

(5) "Child" means a person under the age of 18 years.

(6)–(24) * * *

(25) "Nonminor" means a youth at least 18 years of age and not yet 21 years of age who remains subject to the court's dependency, delinquency, or general jurisdiction under section 303 but is not a "nonminor dependent."

(26) "Nonminor dependent" means a youth who is a dependent or ward of the court, or a nonminor under the transition jurisdiction of the court, is at least 18 years of age and not yet 21 years of age, and:

(A) Was under an order of foster care placement on ~~his or her~~ the youth's 18th birthday;

(B) Is currently in foster care under the placement and care authority of the county welfare department, the county probation department, or an Indian tribe that entered into an agreement under section 10553.1; and

(C) Is participating in a current Transitional Independent Living Case Plan as defined in this rule.

(27)–(45) * * *

(46) "Youth" means a person who is at least 14 years of age and not yet 21 years of age.

Rule 5.502 amended effective January 1, 2021; adopted as rule 1401 effective January 1, 1990; previously amended and renumbered as rule 5.502 effective January 1, 2007; previously amended effective July 1, 1992, July 1, 1997, January 1, 1998, January 1, 1999, January 1, 2001, July 1, 2002, January 1, 2003, January 1, 2008, July 1, 2010, January 1, 2011, January 1, 2012, July 1, 2012, January 1, 2014, and January 1, 2016.

Rule 5.510. Proper court; determination of child's residence; exclusive jurisdiction

(a)–(b) * * *

(c) Exclusive jurisdiction (§§ 304, 316.2, 726.4)

(1) Once a petition has been filed under section 300, the juvenile court has exclusive jurisdiction of the following:

(A) All issues regarding custody and visitation of the child, including legal guardianship; and

(B) * * *

(2) * * *

(Subd (c) amended effective January 1, 2021; adopted effective January 1, 1999; previously amended effective January 1, 2007, and January 1, 2015.)

Rule 5.510 amended effective January 1, 2021; adopted as rule 1403 effective January 1, 1991; previously amended effective January 1,

Rule 5.514. Intake; guidelines

(a) * * *

(b) Purpose of intake program

The intake program must be designed to:

(1)–(2) * * *

(3) Establish a process for a judge to witness the consent of the parent or Indian custodian to a placement of an Indian child under section 16507.4(b) before a judge in accordance with section 16507.4(b)(3) that ensures the placement is consistent with the federal Indian Child Welfare Act and corresponding state law and all of the rights and protections of the Indian parent are respected, using *Agreement of Parent or Indian Custodian to Temporary Custody of Indian Child* (form ICWA-101). This process must ensure that the witnessing of the consent is scheduled within 72 hours of the request having been made. The original completed *Agreement of Parent or Indian Custodian to Temporary Custody of Indian Child* (form ICWA-101) must be retained by the court with a copy to the agency; and

(~~3~~4) * * *

(Subd (b) amended effective January 1, 2021; previously amended effective January 1, 1995, January 1, 2007.)

(c) * * *

(d) * * *

(e) * * *

Rule 5.514 amended effective January 1, 2021; adopted as rule 1404 effective January 1, 1991; previously amended effective January 1, 1994, January 1, 1995, and January 1, 2001; previously amended and renumbered as effective January 1, 2007.

Rule 5.522. Remote filing

(a)–(b) * * *

(c) Fax filing

(1) *Juvenile court documents that may be filed by fax*

The following documents may be filed in juvenile court by the use of a fax machine: petitions filed under sections 300, 342, 387, 388, 601, 602, 777, and 778; Tribal Information Form (form ICWA-100); and other documents, may be filed by the use of a fax machine if permitted by local rule as specified in (a).

(2) *Persons and agencies that may file by fax*

Only the following persons and agencies may file documents by the use of a fax machine, as stated in (c)(1):

(A)–(E) * * *

(F) The office of the county counsel; ~~and~~

(G) A Court Appointed Special Advocate (CASA) volunteer appointed in the case~~.~~; and

(H) An Indian tribe.

(3)–(6) * * *

(Subd (c) amended effective January 1, 2021; previously subd (b)-(g); previously amended effective January 1, 2007; previously adopted and amended effective January 1, 2015.)

Rule 5.522 amended effective January 1, 2021; adopted as rule 1406.5 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2015, and January 1, 2019.

Rule 5.531. Appearance by telephone (§§ 224.2(k), 388; Pen. Code, § 2625)

(a) * * *

(b) Standards for local procedures or protocols

Local procedures or protocols must be developed to ensure the fairness and confidentiality of any proceeding in which a party is permitted by statute, rule of court, or judicial discretion to appear by telephone. These procedures or protocols must, at a minimum:

(1) Allow an Indian child's tribe to appear by telephone or other computerized remote means at no charge in accordance with rule 5.482(g). The method of appearance may be determined by the court consistent with court capacity

and contractual obligations, and taking account of the capacity of the tribe, as long as a method of effective remote appearance and participation sufficient to allow the tribe to fully exercise its rights is provided;

~~(1)~~(2)* * *

~~(2) (9)~~(3)–(10) * * *

(Subd (b) amended effective January 1, 2021.)

(c) * * *

Rule 5.531 amended effective January 1, 2021; adopted effective January 1, 2012.

Rule 5.555. Hearing to consider termination of juvenile court jurisdiction over a nonminor—dependents or wards of the juvenile court in a foster care placement and nonminor dependents (§§ 224.1(b), 303, 366.31, 391, 451, 452, 607.2, 607.3, 16501.1(g)(16))

(a)–(b) * * *

(c) Reports

(1) The report prepared by the social worker or probation officer for a hearing under this rule must, in addition to any other elements required by law, include:

(A)–(I) * * *

(J) Verification that the nonminor was provided with the information, documents, and services as required under section 391~~(e)~~(d); and

(K) * * *

(2)–(4) * * *

(Subd (c) amended effective January 1, 2021; previously amended effective July 1, 2012, January 1, 2014, and January 1, 2017.)

(d) Findings and orders

The court must, in addition to any other determinations required by law, make the following findings and orders and include them in the written documentation of the hearing:

(1) *Findings*

(A)–(I) * * *

(J) Whether the nonminor was provided with the information, documents, and services as required under section 391~~(e)~~(d) and, if not, whether juvenile court jurisdiction should be continued to ensure that all information, documents, and services are provided;

(K)–(N) * * *

(2) *Orders*

(A)–(D) * * *

(E) For a nonminor who does not meet one or more of the eligibility criteria of section 11403(b) and is not otherwise eligible to remain under juvenile court jurisdiction or, alternatively, who meets one or more of the eligibility criteria of section 11403(b) but either does not wish to remain under the jurisdiction of the juvenile court as a nonminor dependent or is not participating in a reasonable and appropriate Transitional Independent Living Case Plan, the court may order the termination of juvenile court jurisdiction only after entering the following findings:

(i) The nonminor was provided with the information, documents, and services as required under section 391~~(e)~~(d);

(ii)–(vi) * * *

(F) * * *

(Subd (d) amended effective January 1, 2021; previously amended effective July 1, 2012, July 1, 2013, January 1, 2014, January 1, 2016, and January 1, 2017.)

Rule 5.555 amended effective January 1, 2021; adopted effective January 1, 2012; previously amended effective July 1, 2012, July 1, 2013, January 1, 2014, January 1, 2016, and January 1, 2017.

Rule 5.620. Orders after filing under section 300

(a) Exclusive jurisdiction (§ 304)

Once a petition has been filed alleging that a child is described by section 300, and until the petition is dismissed or dependency is terminated, the juvenile court has exclusive jurisdiction to hear proceedings relating to the custody of the child and visitation with the child and establishing a legal guardianship for the child.

(Subd (a) amended effective January 1, 2021;previously amended effective January 1, 2016.)

(b)–(c) * * *

(d) Appointment of a legal guardian ~~of the person~~ (§§ 360, 366.26)

If the court finds that the child is described by section 300, it may appoint a legal guardian at the disposition hearing, as described in section 360(a) and rule 5.695~~(b)~~(a), or at the hearing under section 366.26, as described in that section and rule 5.735. The juvenile court maintains jurisdiction over the guardianship, and a petition~~s~~ to terminate or modify ~~such~~ that guardianship~~s~~ must be heard in juvenile court under rule 5.740(c).

(Subd (d) amended effective January 1, 2021; previously amended effective January 1, 2007.)

(e) Termination or modification of previously established probate guardianships (§ 728)

At any time after the filing of a petition under section 300 and until the petition is dismissed or dependency is terminated, the court may terminate or modify a guardianship of the person previously established ~~by the juvenile court or the probate court~~ under the Probate Code.

~~If~~ The social worker may recommend~~s~~ to the court~~, by filing *Juvenile Dependency Petition (Version One)* (form JV-100) and *Request to Change Court Order* (form JV-180),~~ in a report accompanying an initial or supplemental petition that an existing probate guardianship be modified or terminated~~, the court must order the~~

~~appropriate county agency to file the recommended motion~~. The probate guardian or the child's attorney may also file a motion to modify or terminate an existing probate guardianship.

(1) The hearing on the petition or motion may be held simultaneously with any regularly scheduled hearing regarding the child. ~~Notice~~ The notice requirements ~~under~~ in ~~Probate Code~~ section ~~1511~~ 294 apply.

(2) * * *

(Subd (e) amended effective January 1, 2021; previously amended effective January 1, 2007.)

Rule 5.620 amended effective January 1, 2021; adopted as rule 1429.1 effective January 1, 2000; previously amended and renumbered as rule 5.620 effective January 1, 2007; previously amended effective January 1, 2014, and January 1, 2016.

Rule 5.625. Orders after filing of petition under section 601 or 602

(a) * * *

(b) Appointment of a legal guardian ~~of the person~~ (§§ 727.3, 728)

At any time during wardship of a ~~person~~ child under 18 years of age, the court may appoint a legal guardian of the person~~, or may terminate or modify a previously established guardianship,~~ for the child in accordance with the requirements in section 366.26 and rule 5.815.

(1) On appointment of a legal guardian, the court may continue wardship and conditions of probation or may terminate wardship.

(2) The juvenile court retains jurisdiction over the guardianship. All proceedings to modify or terminate the guardianship must be held in juvenile court.

(Subd (b) amended effective January 1, 2021; adopted as subd (c); previously amended effective January 1, 2003; previously amended and relettered as sub(b) effective January 1, 2007.)

(c) Termination or modification of previously established probate guardianships (§ 728)

At any time after the filing of a petition under section 601 or 602 and until the petition is dismissed or wardship is terminated, the court may terminate or modify a guardianship of the person previously established under the Probate Code. The probation officer may recommend to the court in a report accompanying an initial or supplemental petition that an existing probate guardianship be modified or terminated. The guardian or the child's attorney may also file a motion to modify or terminate the guardianship.

(1) The hearing on the petition or motion may be held simultaneously with any regularly scheduled hearing regarding the child. The notice requirements in section 294 apply.

(2) If the court terminates or modifies a previously established probate guardianship, the court must provide notice of the order to the probate court that made the original appointment. The clerk of the probate court must file the notice in the probate file and send a copy of the notice to all parties of record identified in that file.

(Subd (c) adopted effective January 1, 2021.)

Rule 5.625 amended effective January 1, 2021; adopted as rule 1429.3 effective January 1, 2000; previously amended effective January 1, 2003, and January 1, 2014; previously amended and renumbered effective January 1, 2007.

Rule 5.682. Commencement of jurisdiction hearing–advisement of trial rights; admission, no contest, submission

(a)–(e) * * *

(f) Disposition

After accepting an admission, plea of no contest, or submission, the court must proceed to a disposition hearing under rule 5.690 or rule 5.697, if the youth will attain 18 years of age before the holding of the disposition hearing.

(Subd (f) amended effective January 1, 2021; adopted as subd (g); previously amended effective January 1, 2007; previously amended and relettered as subd (f) effective January 1, 2017.)

Rule 5.682 amended effective January 1, 2021; adopted as rule 1449 effective January 1, 1991; previously amended effective January 1, 2005, and January 1, 2017; amended and renumbered as rule 5.682 effective January 1, 2007.

Rule 5.684. Contested hearing on petition

(a)–(e) * * *

(f) Disposition and continuance pending disposition hearing (§§ 356, 358)

After making the findings in (e), the court must proceed to a disposition hearing under rule 5.690 or rule 5.697, if the youth will attain 18 years of age before the holding of the disposition hearing. The court may continue the disposition hearing as provided in section 358.

(Subd (f) amended effective January 1, 2021; adopted as subd (g); previously amended effective July 1, 1997, and January 1, 2007; previously amended and relettered as subd (f) effective January 1, 2017.)

(g) * * *

Rule 5.684 amended effective January 1, 2021; adopted as rule 1450 effective January 1, 1991; previously amended effective July 1, 1997, January 1, 2005, and January 1, 2017; previously amended and renumbered as rule 5.684 effective January 1, 2007.

Rule 5.695. Findings and orders of the court—disposition

(a) Orders of the court (§§ 245.5, 358, 360, 361, 361.2, 390)

At the disposition hearing, the court may:

(1)–(2) * * *

(3) If the requirements of section 360(a) are met, appoint a legal guardian for the child without declaring dependency and order the clerk, as soon as the guardian has signed the required affirmation, to issue letters of guardianship, which are not subject to the confidential protections of juvenile court documents ~~as described~~ in section 827;

(4) If the requirements of section 360(a) are met, declare dependency, ~~and~~ appoint a legal guardian for the child, ~~if the requirements of section 360~~(a)

~~are met~~ and order the clerk, as soon as the guardian has signed the required affirmation, to issue letters of guardianship, which are not subject to the confidential protections of juvenile court documents ~~as described~~ in section 827;

(5)–(7) * * *

(Subd (a) amended effective January 1, 2021; previously amended effective July 1, 1995, January 1, 2007, January 1, 2015, and January 1, 2017.)

(b)–(i) * * *

Rule 5.695 amended effective January 1, 2021; adopted as rule 1456 effective January 1, 1991; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 1993, July 1, 1993, January 1, 1994, January 1, 1995, July 1, 1995, January 1, 1996, January 1, 1997, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2001, July 1, 2002, January 1, 2004, January 1, 2006, January 1, 2008, January 1, 2010, January 1, 2011, January 1, 2014, January 1, 2015, January 1, 2017, and January 1, 2019.

Rule 5.697. Disposition Hearing for a Nonminor (Welf. & Inst. Code, §§ 224.1, 295, 303, 358, 358.1, 361, 366.31, 390, 391)

(a) Purpose

This rule provides the procedures that must be followed when a disposition hearing for a nonminor is set under Welfare and Institutions Code section 358(d).

(b) Notice of hearing (§§ 291, 295)

(1) The social worker must serve written notice of the hearing in the manner provided in section 291 to all persons required to receive notice under section 295, including the nonminor's parent or guardian.

(2) The social worker must serve a copy of the *Nonminor's Informed Consent to Hold Disposition Hearing* (form JV-463) with the notice to the youth.

(c) Informed consent (§§ 317, 358)

(1) Unless the court has appointed a guardian ad litem for the nonminor or the nonminor is not locatable after reasonable and documented efforts have been made to locate the nonminor, the court must find that the nonminor:

(A) Understands the potential benefits of continued dependency;

(B) Has been informed of their right to seek termination of dependency jurisdiction under section 391 if the court establishes dependency;

(C) Has been informed of their right to have dependency reinstated under section 388(e) if the court establishes dependency; and

(D) Has had the opportunity to confer with their attorney regarding providing informed consent.

(2) The youth must give informed consent to the disposition hearing by completing and signing *Nonminor's Informed Consent to Hold Disposition Hearing* (form JV-463). The youth or their attorney must file the form with the court at or before the scheduled disposition hearing.

(3) If the nonminor is not competent to direct counsel and give informed consent in accordance with Code of Civil Procedure section 372 and Probate Code sections 810 thru 813, the court must appoint a guardian ad litem to determine whether to provide informed consent on the nonminor's behalf by completing and signing *Nonminor's Informed Consent to Hold Disposition Hearing* (form JV-463) and filing it with the court at or before the scheduled disposition hearing.

(d) Conduct of the hearing (§§ 295, 303, 358, 361)

(1) The hearing may be attended, as appropriate, by participants invited by the nonminor in addition to those entitled to notice under (b).

(2) The nonminor may appear by telephone as provided in rule 5.900(e).

(3) If the nonminor or the nonminor's guardian ad litem does not provide informed consent, the court must vacate the temporary orders made under section 319, and dependency or general jurisdiction must not be retained. Before dismissing jurisdiction, the court must make the following findings:

(A) Notice was given as required by law;

(B) The requirements of (c)(1) have been met unless a guardian ad litem has been appointed for the nonminor or the nonminor could not be located after reasonable and documented efforts have been made to locate the nonminor;

(C) If the reason the nonminor did not give informed consent is because the social worker could not locate the nonminor, the court must find that after reasonable and documented efforts the nonminor could not be located.

(4) If the nonminor or the nonminor's guardian ad litem does provide informed consent, the court must proceed to a disposition hearing consistent with this rule and section 358(d). The parent or guardian of the nonminor may participate as a party in the disposition hearing, receive the social study and other evidence submitted for the hearing, and present evidence. The parent's participation is limited to addressing the court's consideration of whether one of the conditions of section 361(c) existed immediately before the nonminor attained 18 years of age.

(e) Social study (§§ 358, 358.1)

The petitioner must prepare a social study of the nonminor if the court proceeds to a disposition hearing. The social study must include a discussion of all matters relevant to disposition and a recommendation for disposition.

(1) The petitioner's social study must include the following information:

(A) Whether one of the conditions of section 361(c) existed immediately before the youth attained 18 years of age.

(B) The reasonable efforts that were made to prevent or eliminate the need for removal.

(C) A plan for achieving legal permanence or successful adulthood, if reunification is not being considered.

(D) If reunification services are being considered:

(i) A plan for reuniting the nonminor with the family, including a plan of visitation, developed in collaboration with the nonminor, parent or guardian, and child and family team;

(ii) Whether the nonminor and parent or guardian were actively involved in the development of the case plan;

(iii) The extent of progress the parent or guardian has made toward alleviating or mitigating the causes necessitating placement in foster care;

(iv) Whether the nonminor and parent, parents, or guardian agree with the continuation of reunification services;

(v) Whether continued reunification services are in the best interest of the nonminor; and

(vi) Whether there is a substantial probability that the nonminor will be able to safely reside in the home of the parent or guardian by the next review hearing date.

(E) The social worker's efforts to comply with rule 5.637, including but not limited to:

(i) The number of relatives identified and the relationship of each to the nonminor;

(ii) The number and relationship of those relatives described by (i) who were located and notified;

(iii) The number and relationship of those relatives described by (ii) who are interested in ongoing contact with the nonminor;

(iv) The number and relationship of those relatives described by (ii) who are interested in providing placement for the nonminor; and

(v) If it is known or there is reason to know that the nonminor is an Indian child, efforts to locate extended family members as defined in section 224.1, and evidence that all individuals contacted have been provided with information about the option of obtaining approval for placement through the tribe's license or approval procedure.

(F) If siblings are not placed together, an explanation of why they have not been placed together in the same home, what efforts are being made to place the siblings together, or why making those efforts would be contrary to the safety and well-being of any of the siblings.

(G) How and when the Transitional Independent Living Case Plan was developed, including the nature and the extent of the nonminor's participation in its development and, for an Indian child who has elected to have the Indian Child Welfare Act apply to them, the extent of consultation with the tribal representative.

(H) The nonminor's plans to remain under juvenile court jurisdiction, including the criteria in section 11403(b) that the nonminor meets or plans to meet.

(I) The efforts made by the social worker to help the nonminor meet the criteria in section 11403(b).

(J) The efforts made by the social worker to comply with the nonminor's Transitional Independent Living Case Plan, including efforts to finalize the permanent plan and prepare the nonminor for successful adulthood.

(K) The continuing necessity for the nonminor's placement and the facts supporting the conclusion reached.

(L) The appropriateness of the nonminor's current foster care placement.

(M) Progress made by the nonminor toward meeting the Transitional Independent Living Case Plan goals and the need for any modifications to assist the nonminor in attaining the goals.

(N) Verification that the nonminor was provided with the information, documents, and services required under section 391.

(2) The petitioner must submit the social study and copies of it to the court clerk at least 48 hours before the disposition hearing is set to begin, and the clerk must make the copies available to the parties and attorneys. A continuance within statutory time limits must be granted on the request of a party who has not been furnished with a copy of the social study in accordance with this rule.

(f) Case plan and Transitional Independent Living Case Plan (§§ 11401, 16501.1)

(1) Whenever court-ordered services are provided, the social worker must prepare a case plan consistent with section 16501.1 and the requirements of rule 5.690(c).

(2) At least 48 hours before the hearing, the nonminor's Transitional Independent Living Case Plan must be submitted with the report that the social worker prepared for the hearing and must include:

(A) The individualized plan for the nonminor to satisfy one or more of the criteria in section 11403(b) and the nonminor's anticipated placement as specified in section 11402; and

(B) The nonminor's alternate plan for their transition to independence—including housing, education, employment, and a support system—in the event that the nonminor does not remain under juvenile court jurisdiction.

(g) Evidence considered (§§ 358, 360)

At a hearing held under this rule, the court must receive in evidence and consider the following:

(1) The social study described in (e), the report of any CASA volunteer, and any relevant evidence offered by the petitioner, nonminor, or parent or guardian. The court may require production of other relevant evidence on its own motion. In the order of disposition, the court must state that the social study and the study or evaluation by the CASA volunteer, if any, have been read and considered by the court.

(2) The case plan, if applicable, and the Transitional Independent Living Case Plan.

(h) Findings and orders (§§ 358, 358.1, 361, 390)

After the nonminor or the nonminor's guardian ad litem provides informed consent, the court must consider the safety of the nonminor, determine if notice was given as required by law, and determine if by clear and convincing evidence one of the conditions of section 361(c) existed immediately before the nonminor attained 18 years of age.

(1) If the court does not find by clear and convincing evidence that one of the conditions of section 361(c) existed immediately before the nonminor attained 18 years of age, the court must vacate the temporary orders made under section 319 and dismiss dependency jurisdiction.

(2) If the court finds by clear and convincing evidence that one of the conditions of section 361(c) existed immediately before the nonminor attained 18 years of age, the court must declare dependency and:

(A) Order the continuation of juvenile court jurisdiction and, consistent with (3), set a nonminor dependent review hearing under section 366.31 and rule 5.903 within 60 days or six months, or

(B) Set a hearing to consider termination of juvenile court jurisdiction over the nonminor dependent under rule 5.555 within 30 days, if the nonminor dependent chooses not to remain in foster care.

(3) If the court makes the finding in (2), the following findings and orders must be made and included in the written court documentation of the hearing, with the exception of those findings and orders stated in (C) that may be made at the nonminor disposition hearing or at a nonminor dependent status review hearing under section 366.31 and rule 5.903 to be held within 60 days:

(A) Findings

(i) Whether reasonable efforts have been made to prevent or eliminate the need for removal;

(ii) Whether the social worker has exercised due diligence in conducting the required investigation to identify, locate, and notify the nonminor dependent's relatives consistent with section 309(e); and

(iii) Whether a nonminor who is an Indian child chooses to have the Indian Child Welfare Act apply to them as a nonminor dependent.

(B) Orders

(i) Order that placement and care is vested with the placing agency.

(ii) Order the county agency to comply with rule 5.481, if there was no inquiry or determination of whether the nonminor dependent was an Indian child before the nonminor dependent attained 18 years of age and the nonminor dependent requests an Indian Child Welfare Act determination.

(iii) The court may order family reunification services under 361.6 for the nonminor and the parent or legal guardian. Court-ordered reunification services must not exceed the time frames as stated in section 361.5.

(C) The following findings and orders must be considered either at the nonminor disposition hearing held under this rule and section 358(d), or at a nonminor dependent status review hearing under rule 5.903 and section 366.31 held within 60 days of the nonminor disposition hearing:

(i) The findings contained in rule 5.903(e)(1)(A)–(P);

(ii) The orders contained in rule 5.903(e)(2)(A)(i) and (ii); and

(iii) For a nonminor dependent whose case plan is court-ordered family reunification services, a determination of the following:

a. The extent of the agency's compliance with the case plan in making reasonable efforts or, in the case of an Indian child, active efforts, as described in section 361.7, to create a safe home of the parent or guardian for the nonminor dependent to reside in or to complete whatever steps are necessary to finalize the permanent placement of the nonminor dependent; and

b. The extent of progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care.

Rule 5.697 adopted effective January 1, 2021.

Rule 5.725. Selection of permanent plan (§§ 366.24, 366.26, 727.3, 727.31)

(a) Application of rule

This rule applies to children who have been declared dependents or wards of the juvenile court.

(1) * * *

(2) ~~Only~~ Sections 360, 366.26, ~~and~~ 727.3, 727.31, and 728 ~~apply~~ provide the exclusive authority and procedures for the juvenile court to ~~establishing~~ establish a legal guardianship for a dependent child or ward of the court.

(3) * * *

(Subd (a) amended effective January 1, 2021; previously amended effective January 1, 1994, July 1, 2002, January 1, 2007, January 1, 2009, and January 1, 2017.)

(b)–(e) * * *

~~**(f) Procedures—legal guardianship**~~

~~The proceedings for appointment of a legal guardian for a dependent child of the juvenile court must be in the juvenile court as provided in rule 5.735.~~

~~(g)~~(f) * * *

(Subd (f) relettered effective January 1, 2021; adopted as subd (g) effective July 1, 1997; previously amended and relettered as subd (h) effective January 1, 2005; previously amended effective July 1, 2002, and January 1, 2015; previously relettered as subd (g) effective January 1, 2010.)

~~(h)~~(g) * * *

(Subd (g) relettered effective January 1, 2021; repealed and adopted as subd (f); previously relettered as subd (g) effective January 1, 1992; amended and relettered as subd (h) effective July 1, 1997; relettered as subd (i) effective January 1, 2005; relettered as subd (h) effective January 1, 2010; previously amended effective July 1, 2002, January 1, 2006, and January 1, 2007.)

Rule 5.725 amended effective January 1, 2021; repealed and adopted as rule 1463 effective January 1, 1991; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 1992, July 1, 1992, January 1, 1994, July 1, 1994, January 1, 1995, July 1, 1995, July 1, 1997, January 1, 1999, July 1, 1999, July 1, 2002, January 1, 2005, January 1, 2006, January 1, 2009, January 1, 2010, July 1, 2010, January 1, 2015, January 1, 2017, and January 1, 2020.

Rule 5.735. Legal guardianship

(a) Proceedings in juvenile court (§§ 360, 366.26~~(d)~~)

The proceedings for the appointment of a legal guardian for a dependent child must be held in the juvenile court. The ~~request~~ recommendation for appointment of a guardian must be included in the social study report prepared by the county welfare

department or in the assessment prepared for the hearing under section 366.26. Neither a separate petition nor a separate hearing is required.

(Subd (a) amended effective January 1, 2021; previously amended effective July 1, 1997, July 1, 1999, January 1, 2006, and January 1, 2007.)

(b) Notice; hearing

Unless the court proceeds under section 360(a) at the dispositional hearing, notice ~~for the guardianship~~ of the hearing at which the court considers appointing a legal guardian must be given under section 294, and the hearing must ~~proceed~~ be conducted under the procedures in section 366.26.

(Subd (b) amended effective January 1, 2021; previously amended effective July 1, 1999, and January 1, 2006.)

(c) Findings and orders

(1) If the court finds that legal guardianship is the appropriate permanent plan, the court must appoint the guardian and order the clerk to issue letters of guardianship~~,~~ (*Letters of Guardianship (Juvenile)* (form JV-330)) as soon as the guardian has signed the required affirmation. ~~which will not be~~ These letters are not subject to the confidentiality protections ~~described~~ in section 827.

(2)–(3) * * *

(4) Except as provided in (5), on appointment of a legal guardian under section 360 or 366.26, the court may retain dependency jurisdiction or terminate dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship under section 366.4.

(5) If the court appoints a relative or nonrelative extended family member as the child's legal guardian and the other requirements in section 366.3(a)(3) apply, the court must terminate dependency jurisdiction and retain jurisdiction over the child under section 366.4 unless the guardian objects or the court finds that exceptional circumstances require it to retain dependency jurisdiction.

(Subd (c) amended effective January 1, 2021; adopted as subd (d); previously amended effective July 1, 1999, and January 1, 2006; previously amended and relettered effective January 1, 2017.)

(d) * * *

Rule 5.735 amended effective January 1, 2021; adopted as rule 1464 effective January 1, 1991; renumbered as rule 1465 effective July 1, 1995; previously amended effective July 1, 1999, January 1, 2006, and January 1, 2017; previously amended and renumbered as rule 5.735 effective January 1, 2007.

Rule 5.740. Hearings ~~subsequent to~~ after selection of a permanent plan (§§ 366.26, 366.3, 16501.1)

(a) Review hearings—adoption and guardianship

Following an order for termination of parental rights or, in the case of tribal customary adoption, modification of parental rights, or a plan for the establishment of a legal guardianship under section 366.26, the court must retain jurisdiction and conduct review hearings at least every 6 months to ensure the expeditious completion of the adoption or guardianship.

(1)–(3) * * *

(4) ~~When~~ After a legal guardianship is ~~granted~~ established, the court may continue dependency jurisdiction ~~if it is in the best interest of the child,~~ or ~~the court may~~ terminate dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship under section 366.4. If the court appoints a relative or nonrelative extended family member as the child's guardian and the other requirements in section 366.3(a)(3) apply, the court must terminate dependency jurisdiction and retain jurisdiction over the child under section 366.4 unless the guardian objects or the court finds that exceptional circumstances require it to retain dependency jurisdiction.

(5)–(6) * * *

(Subd (a) amended effective January 1, 2021; repealed and adopted effective January 1, 1991; previously amended effective January 1, 1992, January 1, 1993, July 1, 1999, January 1, 2005, January 1, 2006, January 1, 2007, July 1, 2010, January 1, 2015, and January 1, 2017.)

(b) * * *

(c) Review hearings—youth 16 years of age and older

If the youth is 16 years of age or older, the procedures in section 391 must be followed.

(1) If it is the first review hearing after the youth turns 16 years of age, the social worker must provide the information, documents, and services required by section 391(a) and must use *First Review Hearing After Youth Turns 16 years of Age—Information, Documents, and Services* (form JV-361).

(2) If it is the last review hearing before the youth turns 18 years of age, the social worker must provide the information, documents, and services required by section 391(b)–(c) and must use *Review Hearing for Youth Approaching 18 Years of Age—Information, Documents, and Services* (form JV-362).

(3) If it is a review hearing after the youth turns 18 years of age, the social worker must provide the information, documents, and services required by section 391(c) and must use *Review Hearing for Youth 18 Years of Age or Older—Information, Documents, and Services* (form JV-363). If the court is terminating jurisdiction at this review hearing, the social worker must also provide the information, documents, and services required by section 391(h), must follow the procedures in rule 5.555, and must use *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365).

(Subd (c) amended effective January 1, 2021; adopted effective January 1, 2021

~~(c)~~(d) * * *

(Subd (d) relettered effective January 1, 2021; adopted as subd (c); previously amended effective January 1, 1993, July 1, 1994, July 1, 1999, January 1, 2007 and January 1, 2017.)

Rule 5.740 amended effective January 1, 2021; adopted as rule 1465 effective January 1, 1991; previously renumbered as rule 1466 effective July 1, 1995; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 1992, January 1, 1993, January 1, 1994, July 1, 1994, January 1, 1998, January 1, 1999, July 1, 1999, July 1, 2002, January 1, 2005, January 1, 2006, July 1, 2010, January 1, 2012, January 1, 2015, and January 1, 2017.

Rule 5.785. General conduct of hearing

(a)–(b) * * *

(c) Case plan

* * *

(1)–(2) * * *

(3) For a child 12 years of age or older and in a permanent placement, the court must consider the case plan and must find as follows:

(A) * * *

(B) The child was not given the opportunity to review the case plan, sign it, and receive a copy. If the court makes such a finding, the court must order the probation officer to give the child the opportunity to review the case plan, sign it, and receive a copy, unless the court finds that the child was unable, unavailable, or unwilling to participate.

(4)–(5) * * *

(Subd (c) amended effective January 1, 2021; adopted effective July 1, 2002; previously amended effective January 1, 2007, and July 1, 2013.)

Rule 5.785 amended effective January 1, 2021; adopted as rule 1492 effective January 1, 1991; previously amended effective July 1, 2002, and July 1, 2013; previously amended and renumbered effective January 1, 2007.

Rule 5.810. Reviews, hearings, and permanency planning

(a)–(b) * * *

(c) Postpermanency status review hearings (§ 727.2)

A postpermanency status review hearing must be conducted for wards in placement no less frequently than once every six months.

(1)–(2) * * *

(3) *Information, Documents, and Services (§ 391)*

If the youth is 16 years of age or older, the procedures in section 391 must be followed.

(A) If it is the first review hearing after the youth turns 16 years of age, the probation officer must provide the information, documents, and services required by section 391(a) and must use *First Review Hearing After Youth Turns 16 Years of Age—Information, Documents, and Services* (form JV-361).

(B) If it is the last review hearing before the youth turns 18 years of age, the probation officer must provide the information, documents, and services required by section 391(b)–(c) and must use *Review Hearing for Youth Approaching 18 Years of Age—Information, Documents, and Services* (form JV-362).

(C) If it is a review hearing after the youth turns 18 years of age, the probation officer must provide the information, documents, and services required by section 391(c) and must use *Review Hearing for Youth 18 Years of Age or Older—Information, Documents, and Services* (form JV-363). If the court is terminating jurisdiction at this review hearing, the probation officer must also provide the information, documents, and services required by section 391(h), must follow the procedures in rule 5.555, and must use *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365).

(Subd (c) amended effective January 1, 2021; adopted effective January 1, 2001; previously amended effective January 1, 2003, January 1, 2007, January 1, 2014, January 1, 2016, and January 1, 2018.)

(d)–(e) * * *

Rule 5.810 amended effective January 1, 2021; adopted as rule 1496 effective January 1, 1991; previously amended and renumbered as rule 5.810 effective January 1, 2007; previously amended effective January 1, 1998, January 1, 2001, January 1, 2003, January 1, 2004, January 1, 2006, January 1, 2014, January 1, 2016, January 1, 2018, and September 1, 2020.

Rule 5.815. Appointment of legal guardians for wards of the juvenile court; modification or termination of guardianship Legal guardianship—wards (§§ 366.26, 727.3, 728)

(a) Proceedings in juvenile court ~~(§ 728)~~

Proceedings for the appointment of a legal guardian for a child who is a ward of the juvenile court ~~under section 725(b)~~ may be held in the juvenile court~~.~~ under the procedures specified in section 366.26.

(Subd (a) amended effective January 1, 2021; previously amended effective January 1, 2007.)

(b) ~~Recommendation for~~ Hearing to consider guardianship ~~(§ 728(c))~~

On the recommendation of the probation officer supervising the child in the social study and case plan required by sections 706.5(c)–(d) and 706.6(n), the motion of the child's attorney ~~representing the child~~ under section 778, or the court's ~~own motion and order~~ determination under section 727.3 that a legal guardianship ~~should be appointed~~ is the appropriate permanent plan for the child, the court must set a hearing to consider the establishment of a legal guardianship and must order the probation officer to prepare an assessment that includes:

(1) ~~A review of the existing relationship between the child and the proposed guardian;~~ All the elements required to be addressed in the assessment prepared under Welfare and Institutions Code section 727.31(b); and

~~(2) A summary of the child's medical, developmental, educational, mental, and emotional status;~~

~~(3) A social history of the proposed guardian, including a screening for criminal records and any prior referrals for child abuse or neglect;~~

~~(4) An assessment of the ability of the proposed guardian to meet the child's needs and the proposed guardian's understanding of the legal and financial rights and responsibilities of guardianship; and~~

~~(5)~~(2) A statement confirming that the proposed guardian has been provided with a copy of ~~*Guardianship Pamphlet*~~ *Becoming a Child's Guardian in Juvenile Court* (form JV-350-INFO) or ~~*Guardianship Pamphlet (Spanish)*~~ *La función de un tutor nombrado por la corte de menores* (form ~~JV-350S~~ JV-350-INFO S).

(Subd (b) amended effective January 1, 2021; previously amended effective January 1, 2007.)

(c) ~~Forms~~ Probation officer's recommendation

~~The probation officer or child's attorney may use *Juvenile Wardship Petition* (form JV-600) and *Petition to Modify Previous Orders—Change of Circumstances* (form JV-740) to request that a guardianship hearing be set.~~ The probation officer's recommendation for appointment of a legal guardian may be included in the social

study report and case plan submitted under sections 706.5 and 706.6. Neither a separate petition nor a separate hearing is required.

(Subd (c) amended effective January 1, 2021; previously amended effective January 1, 2007.)

(d) * * *

(e) Conduct of hearing

The proceedings for appointment of a legal guardian must be conducted according to the procedural requirements of section 366.26, except for subdivision (j). The court must read and consider the assessment prepared by the probation officer and any other relevant evidence. The preparer of the assessment must be available for examination by the court or any party to the proceedings.

(Subd (e) amended effective January 1, 2021.)

(f) Findings and orders

~~If the court finds that establishment of a legal guardianship is necessary or convenient and consistent with the rehabilitation and protection of the child and with public safety,~~ If the court makes the necessary findings under section 366.26(c)(4)(A), the court must appoint a legal guardian for the child and order the clerk to issue letters of guardianship (*Letters of Guardianship (Juvenile)* (form JV-330)) as soon as the appointed guardian has signed them. These letters are not subject to the confidentiality protections in section 827.

(1)–(2) * * *

(Subd (f) amended effective January 1, 2021; previously amended effective July 1, 2006, and January 1, 2007.)

(g) Modification or termination of ~~the~~ juvenile court guardianship~~, or appointment of a co-guardian or successor guardian (§ 728(f))~~

A petition to modify or terminate a legal guardianship established by the juvenile court, including a petition to appoint a co-guardian or successor guardian, ~~or to modify or supplement orders regarding the guardianship~~ must be filed and heard in juvenile court. The procedures described in rule 5.570 must be followed, and ~~*Juvenile Wardship Petition* (form JV-600) and *Petition to Modify Previous Orders—Change of Circumstances* (form JV-740)~~ *Request to Change Court Order* (form JV-180) must be used. The hearing on the ~~motion~~ petition may be held

~~simultaneously~~ concurrently with any regularly scheduled hearing regarding the child.

(Subd (g) amended effective January 1, 2021; previously amended effective January 1, 2007.)

Rule 5.815 amended effective January 1, 2021; adopted as rule 1496.2 effective January 1, 2004; previously amended effective July 1, 2006, and July 1, 2016; previously amended and renumbered as rule 5.815 effective January 1, 2007

Rule 5.860. Prosecuting attorney request to access sealed juvenile case files

(a) Applicability

This rule applies when a prosecuting attorney is seeking to access, inspect, utilize, or disclose a record that has been sealed by the court under sections 781, 786, or 793, or Penal Code section 851.7, and the attorney has reason to believe that access to the record is necessary to meet the attorney's statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case.

(b) Contents of the request

Any request filed with the juvenile court under this rule must include the prosecuting attorney's rationale for believing that access to the information in the record may be necessary to meet the disclosure obligation and the date by which the records are needed. The date must allow for sufficient time to meet the notice and hearing requirements of this rule. Form JV-592, *Prosecutor Request for Access to Sealed Juvenile Case File,* may be used for this purpose.

(c) Notice and opportunity to respond

(1) *Notice requirements*

(A) The request must include a form for the court to notify the person whose records are to be accessed as well as that person's attorney of record, and a form for those individuals to respond in writing and to request an appearance before the juvenile court. Forms JV-593, *Notice of Prosecutor Request for Access to Sealed Juvenile Case File,* and JV-594, *Response to Prosecutor Request for Access to Sealed Juvenile Case File,* may be used for this purpose.

(B) The juvenile court must notify the person with the sealed record and that person's attorney of record using the documents prepared by the prosecuting attorney within two court days of the request being filed.

(2) *Requirements if a response is filed*

(A) If a written response is filed no more than 10 days after the date the notice was issued and no appearance has been requested, the clerk of the court must provide that response to the juvenile court for its consideration as it reviews the prosecuting attorney's request.

(B) If a response is filed no more than 10 days after the date the notice was issued and an appearance is requested, the clerk of the court must set a hearing and provide notice of the hearing to the person with the sealed record, the attorney of record for that person, and the prosecuting attorney who filed the request.

(d) Juvenile court review and order

The court must review the case file and records that have been referenced by the prosecuting attorney's request as well as any response provided as set forth in subdivision (c)(2). The court must approve the request, in whole or in part, if it determines that access to a specific sealed record or portion of a sealed record is necessary to enable the prosecuting attorney to comply with the disclosure obligation. If the court approves the request, the order must include appropriate limits on the access, inspection, utilization, and disclosure of the sealed record information in order to protect the confidentiality of the person whose sealed record is at issue. Such limits may include protective orders to accompany authorized disclosure, discovery, or access, including an order that the prosecuting attorney first submit the records to be disclosed to the court for its review and possible redaction to protect confidentiality. The court must make its initial order within 21 court days of when the request is filed, unless an appearance has been requested under subdivision (c)(2), in which case the court must act within five court days of the date set for the appearance.

Rule 5.860 adopted effective January 1, 2021.

Rule 7.101. Use of Judicial Council forms

(a) * * *

(b) Alternative mandatory forms

The following forms have been adopted by the Judicial Council as alternative mandatory forms for use in probate proceedings or other proceedings governed by provisions of the Probate Code:

(1)–(2) * * *

(3) *Petition ~~to Approve~~ for Approval of Compromise of ~~Disputed~~ Claim or ~~Pending~~ Action or Disposition of Proceeds of Judgment for Minor or Person With a Disability* (form MC-350) and ~~*Expedited Petition to Approve Compromise of Disputed Claim or Pending Action*~~ *Petition for Expedited Approval of Compromise of Claim or Action or Disposition of Proceeds of Judgment for Minor or Person With a Disability* (form MC-350EX).

(Subd (b) amended effective January 1, 2021; adopted effective January 1, 2007; previously amended effective January 1, 2010, and January 1, 2014.)

(c) * * *

Rule 7.101 amended effective January 1, 2021; adopted effective January 1, 2001; previously amended effective January 1, 2002, January 1, 2007, January 1, 2010, and January 12, 2014.

Rule 7.950. Petition for ~~court~~ approval of ~~the~~ compromise of~~, or a covenant on, a disputed claim; a compromise or settlement of a pending~~ claim or action~~;~~ or ~~the~~ disposition of ~~the~~ proceeds of ~~a~~ judgment for minor or person with a disability

A petition for court approval of a compromise of, or a covenant not to sue or enforce judgment on, a minor's disputed claim; a compromise or settlement of a pending action or proceeding to which a minor or person with a disability is a party; or the disposition of the proceeds of a judgment for a minor or person with a disability under ~~chapter 4 of part 8 of division 4 of the~~ Probate Code ~~(commencing with~~ sections 3500 and 3600–3613~~)~~ or Code of Civil Procedure section 372 must be verified by the petitioner and must contain a full disclosure of all information that has any bearing ~~up~~on the reasonableness of the compromise, covenant, settlement, or disposition. Except as provided in rule 7.950.5, the petition must be ~~prepared~~ submitted on a ~~fully~~ completed *Petition ~~to Approve~~ for Approval of Compromise of ~~Disputed~~ Claim or ~~Pending~~ Action or Disposition of Proceeds of Judgment for Minor or Person With a Disability* (form MC-350).

Rule 7.950 amended effective January 1, 2020; adopted effective January 1, 2002; previously amended effective January 1, 2007, and January 1, 2010.

Rule 7.950.5. ~~Expedited~~ Petition for expedited ~~court~~ approval of ~~the~~ compromise of~~, or a covenant on, a disputed claim; a compromise or settlement of a pending~~ claim or action~~;~~ or ~~the~~ disposition of ~~the~~ proceeds of ~~a~~ judgment for minor or person with a disability

(a) Authorized use of ~~expedited~~ petition for expedited approval

~~Notwithstanding the provisions of rule 7.950,~~ If all the circumstances specified in paragraphs (1) through (9) of this rule exist, a petitioner for court approval of a compromise of, or a covenant not to sue or enforce judgment on, a minor's disputed claim; a compromise or settlement of a pending action or proceeding to which a minor or person with a disability is a party; or the disposition of the proceeds of a judgment for a minor or person with a disability under ~~chapter 4 of part 8 of division 4 of the~~ Probate Code ~~(commencing with~~ sections 3500 and 3600–3613~~)~~ or Code of Civil Procedure section 372 may~~, in the following circumstances, satisfy the information requirements of that rule by fully completing the *Expedited*~~ satisfy the disclosure requirements of rule 7.950 by submitting the petition on a completed *Petition ~~to Approve~~ for Expedited Approval of Compromise of ~~Disputed~~ Claim or ~~Pending~~ Action or Disposition of Proceeds of Judgment for Minor or Person With a Disability* (form MC-350EX)~~:~~.

(1)–(7) * * *

(8) The judgment for the minor or ~~disabled~~ claimant with a disability (exclusive of interest and costs) or the total amount payable to the minor or ~~disabled~~ claimant with a disability and all other parties under the proposed compromise or settlement is $50,000 or less or, if greater:

(A) The total amount payable to the minor or ~~disabled~~ claimant with a disability represents payment of the individual-person policy limits of all liability insurance policies covering all proposed contributing parties; and

(B) All proposed contributing parties would be substantially unable to discharge an adverse judgment on the ~~minor's or disabled person's~~ claim from assets other than the proceeds of their liability insurance policies; and

(9) The court does not otherwise order~~;~~.

(Subd (a) amended effective January 1, 2021.)

(b) Determination of ~~expedited~~ petition

~~An expedited~~ A petition for expedited approval must be determined by the court not more than 35 days after it is filed, unless a hearing is requested, required, or scheduled under (c), or the time for determination is extended for good cause by order of the court.

(Subd (b) amended effective January 1, 2021.)

(c) Hearing on ~~expedited~~ petition

(1) The ~~expedited~~ petition for expedited approval must be determined by the court without a hearing unless:

(A) A hearing is requested by the petitioner at the time the ~~expedited~~ petition is filed~~,~~;

(B) An objection or other opposition to the petition is filed by an interested party~~,~~; or

(C) A hearing is scheduled by the court under (2) or (3).

(2) The court may, on its own motion, elect to schedule and conduct a hearing on ~~an expedited~~ a petition for expedited approval. The court must make its election to schedule the hearing and must give notice of its election and the date, time, and place of the hearing to the petitioner and all other interested parties not more than 25 days after the date the ~~expedited~~ petition is filed.

(3) If the court decides not to grant ~~an expedited~~ a petition for expedited approval in full as requested, it must schedule a hearing and give notice of its intended ruling and the date, time, and place of the hearing to the petitioner and all other interested parties within the time provided in (2).

(Subd (c) amended effective January 1, 2021.)

Rule 7.950.5 amended effective January 1, 2021; adopted effective January 1, 2010.

Rule 7.951. Disclosure of ~~the~~ attorney's interest in ~~a~~ petition ~~to~~ for approval of compromise ~~a~~ of claim

If the petitioner has been represented or assisted by an attorney in preparing the petition ~~to~~ for approval of the compromise of the claim or in any other respect with regard to the claim, the petition must disclose the following information:

(1)–(6) * * *

Rule 7.951 amended effective January 1, 2021; adopted effective January 1, 2002.

Rule 7.952. Attendance at hearing on ~~the~~ petition ~~to~~ for approval of compromise ~~a~~ of claim

(a) Attendance of ~~the~~ petitioner and claimant

The person petitioning for approval of the ~~compromising~~ compromise of the claim on behalf of the minor or person with a disability and the minor or person with a disability must attend the hearing on the ~~compromise of the claim~~ petition unless the court for good cause dispenses with their personal appearance.

(Subd (a) amended effective January 1, 2021; previously amended effective January 1, 2007.)

(b) Attendance of ~~the~~ physician and other witnesses

~~At the hearing,~~ The court may require the presence and testimony of witnesses, including the attending or examining physician, at the hearing.

(Subd (b) amended effective January 1, 2021; previously amended effective January 1, 2021.)

Rule 7.952 amended effective January 1, 2007; adopted effective January 1, 2002.

Rule 7.955. Attorney's fees for services to ~~a~~ minor or ~~a~~ person with a disability

(a)–(d) * * *

Advisory Committee Comment

This rule requires the court to approve and allow attorney's fees in an amount that is reasonable under all the facts and circumstances, under Probate Code section 3601. The rule is declaratory of existing law concerning attorney's fees under a contingency fee agreement when the fees must be approved by the court. The facts and circumstances that the court may consider are discussed in a large body of decisional law under section 3601 and under other statutes that require the court to determine reasonable attorney's fees. The factors listed in rule 7.955(b) are modeled in part after

those provided in rule ~~4-200~~ 1.5 of the Rules of Professional Conduct of the State Bar of California concerning an unconscionable attorney's fee, but the advisory committee does not intend to suggest or imply that an attorney's fee must be found to be unconscionable under rule ~~4-200~~ 1.5 to be determined to be unreasonable under this rule.

* * *

Rule 8.25. Service, filing, and filing fees

(a) Service

(1) Before filing any document, a party must serve~~, by any method permitted by the Code of Civil Procedure,~~ one copy of the document on the attorney for each party separately represented, on each unrepresented party, and on any other person or entity when required by statute or rule.

(2) The party must attach to the document presented for filing a proof of service showing service on each person or entity required to be served under (1), or, if using an electronic filing service provider's automatic electronic document service, the party may have the electronic filing service provider generate a proof of service. The proof must name each party represented by each attorney served.

(Subd (a) amended effective January 1, 2021; previously amended effective January 1, 2007.)

(b)–(c) * * *

Rule 8.25 amended effective January 1, 2021; adopted as rule 40.1 effective January 1, 2005; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2009, July 1, 2010, January 1, 2011, October 28, 2011, July 1, 2012, January 1, 2018.

Advisory Committee Comment

Subdivision (a). ~~Subdivision (a)(1) requires service "by any method permitted by the Code of Civil Procedure." The reference is to the several permissible methods of service provided in~~ Code of Civil Procedure sections 1010.6– ~~1020~~ 1013a describe generally permissible methods of service. *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) provides additional information about how to serve documents and how to provide proof of service. In the Supreme Court and the Courts of Appeal, registration with the court's electronic filing service provider is deemed to show agreement to accept service electronically at the email address

provided, unless a party affirmatively opts out of electronic service under rule 8.78(a)(2)(B). This procedure differs from the procedure for electronic service in the superior courts, including their appellate divisions. See rules 2.250–2.261.

* * *

Rule 8.72. Responsibilities of court and electronic filer

(a) * * *

(b) Responsibilities of electronic filer

Each electronic filer must:

(1) Take all reasonable steps to ensure that the filing does not contain computer code, including viruses, that might be harmful to the court's electronic filing system and to other users of that system;

(2) Furnish one or more electronic service addresses, in the manner specified by the court, at which the electronic filer agrees to accept ~~service~~ receipt and filing confirmations under rule 8.77 and, if applicable, at which the electronic filer agrees to receive electronic service; and

(3) Immediately provide the court and all parties with any change to the electronic filer's electronic service address.

(Subd (b) amended effective January 1, 2021; previously adopted effective January 1, 2020)

Rule 8.72 amended effective January 1, 2021; adopted as rule 8.74 effective July 1, 2010; previously amended and renumbered effective January 1, 2017; previously amended effective January 1, 2020.

Rule 8.78. Electronic service

(a) Authorization for electronic service; exceptions

(1) A document may be electronically served under these rules:

(A) If electronic service is provided for by law or court order; or

(B) If the recipient agrees to accept ~~electronic~~ services as provided by these rules and the document is otherwise authorized to be served by mail, express mail, overnight delivery, or fax transmission.

(2) A party indicates that the party agrees to accept electronic service by:

(A) Serving a notice on all parties that the party accepts electronic service and filing the notice with the court. The notice must include the electronic service address at which the party agrees to accept service; or

(B) ~~Electronically filing any document with the court~~ Registering with the court's electronic filing service provider and providing the party's electronic service address. ~~The act of electronic filing shall be~~ Registration with the court's electronic filing service provider is deemed to show that the party agrees to accept service at the electronic service address that the party has ~~furnished to the court under rule 8.72(b)(2)~~ provided, unless the party serves a notice on all parties and files the notice with the court that the party does not accept electronic service and chooses instead to be served paper copies at an address specified in the notice.

(3) A document may be electronically served on a nonparty if the nonparty consents to electronic service or electronic service is otherwise provided for by law or court order. All provisions of this rule that apply or relate to a party also apply to any nonparty who has agreed to or is otherwise required by law or court order to accept electronic service or to electronically serve documents.

(Subd (a) amended effective January 1, 2021; previously amended effective January 1, 2011, January 1, 2016, January 1, 2017, and January 1, 2020.)

(b)–(f) * * *

(g) Electronic ~~service~~ delivery by court and electronic service ~~or~~ on court

(1) The court may ~~electronically serve~~ deliver any notice, order, opinion, or other document issued by the court ~~in the same manner that parties may serve documents~~ by electronic ~~service~~ means.

(2) * * *

(Subd (g) amended effective January 1, 2021; previously amended effective January 1, 2016.)

Rule 8.78 amended effective January 1, 2021; adopted as rule 8.80 effective July 1, 2010; previously amended and renumbered as rule 8.71 effective January 1, 2011, and previously amended and renumbered as rule 8.78 effective January 1, 2017; previously amended effective January 1, 2016, and January 1, 2016.

Advisory Committee Comment

In the Supreme Court and the Courts of Appeal, registration with the court's electronic filing service provider is deemed to show agreement to accept service electronically at the email address provided, unless a party affirmatively opts out of electronic service under rule 8.78(a)(2)(B). This procedure differs from the procedure for electronic service in the superior courts, including their appellate divisions. See rules 2.250–2.261.

Rule 8.77. Actions by court on receipt of ~~electronic filing~~ electronically submitted document; date and time of filing

(a) Confirmation of receipt and filing of document

(1) *Confirmation of receipt*

When the court receives an electronically submitted document, the court must arrange to promptly send the electronic filer confirmation of the court's receipt of the document, indicating the date and time of receipt by the court. ~~A document is considered received at the date and time the confirmation of receipt is created.~~

(2) *Filing*

If the electronically submitted document received by the court complies with filing requirements, the document is deemed filed on the date and time it was received by the court as stated in the confirmation of receipt.

~~(2)~~ (3) *Confirmation of filing*

~~If the document received by the court under (1) complies with filing requirements,~~ When the court files an electronically submitted document, the court must arrange to promptly send the electronic filer confirmation that the document has been filed. The filing confirmation must indicate the date and time of filing as specified in the confirmation of receipt, and ~~is proof that the~~

~~document was filed on the date and at the time specified. The filing confirmation~~ must also specify:

(A) Any transaction number associated with the filing; and

(B) The titles of the documents as filed by the court.

~~(3)~~ (4) – ~~(4)~~ (5) * * *

(Subd (a) amended effective January 1, 2021; previously amended effective January 1, 2011, January 1, 2017, and January 1, 2020.)

(b)–(e) * * *

Rule 8.77 amended effective January 1, 2021; adopted as rule 8.79 effective July 1, 2010; previously amended effective January 1, 2011, January 1, 2012, January 1, 2017, and January 1, 2020.

Title 8. Appellate Rules

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

Chapter 5. Juvenile Appeals and Writs

Article 2. Appeals

Rule 8.405. Filing the appeal

(a) * * *

(b) Superior court clerk's duties

(1) When a notice of appeal is filed, the superior court clerk must immediately:

(A) Send a notification of the filing to:

(i) Each party other than the appellant, including the child if the child is 10 years of age or older;

(ii) The attorney of record for each party;

(iii) Any person currently awarded by the juvenile court the status of the child's de facto parent;

(iv) Any Court Appointed Special Advocate (CASA) volunteer;

(v) If the court knows or has reason to know that an Indian child is involved, the Indian custodian, if any, and tribe of the child or the Bureau of Indian Affairs, as required under Welfare and Institutions Code section 224.2; and

(vi) The reviewing court clerk; and

(B) Notify the reporter ~~by telephone and in writing~~, in a manner providing immediate notice, to prepare a reporter's transcript and deliver it to the clerk within 20 days after the notice of appeal is filed.

(2)–(6) * * *

(Subd (b) amended effective January 1, 2021; previously amended effective January 1, 2016.)

Rule 8.405 amended effective January 1, 2021; adopted effective July 1, 2010; previously amended effective January 1, 2016.

Rule 8.450. Notice of intent to file writ petition to review order setting hearing under Welfare and Institutions Code section 366.26

(a)–(g) * * *

(h) Preparing the record

When the notice of intent is filed, the superior court clerk must:

(1) Immediately notify each court reporter ~~by telephone and in writing~~, in a manner providing immediate notice, to prepare a reporter's transcript of the oral proceedings at each session of the hearing that resulted in the order under review and deliver the transcript to the clerk within 12 calendar days after the notice of intent is filed; and

(2) Within 20 days after the notice of intent is filed, prepare a clerk's transcript that includes the notice of intent, proof of service, and all items listed in rule 8.407(a).

(Subd (h) amended effective January 1, 2021; adopted as subd (g); previously amended effective January 1, 2006, January 1, 2007, January 1, 2008, and July 1, 2010; amended and relettered effective January 1, 2013.)

(i)–(j) * * *

Rule 8.450 amended effective January 1, 2021; adopted as rule 38 effective January 1, 2005; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2006, July 1, 2006, January 1, 2008, January 1, 2009, July 1, 2010, January 1, 2013, and January 1, 2017.

Rule 8.454. Notice of intent to file writ petition under Welfare and Institutions Code section 366.28 to review order designating specific placement of a dependent child after termination of parental rights

(a)–(g) * * *

(h) Preparing the record

When the notice of intent is filed, the superior court clerk must:

(1) Immediately notify each court reporter ~~by telephone and in writing~~, in a manner providing immediate notice, to prepare a reporter's transcript of the oral proceedings at each session of the hearing that resulted in the order under review and to deliver the transcript to the clerk within 12 calendar days after the notice of intent is filed; and

(2) Within 20 days after the notice of intent is filed, prepare a clerk's transcript that includes the notice of intent, proof of service, and all items listed in rule 8.407(a).

(Subd (h) amended effective July 1, 2013; adopted as subd (g) effective January 1, 2005; previously amended and relettered effective January 1, 2006; previously amended effective July 1, 2006, January 1, 2007, January 1, 2008, and July 1, 2010.)

(i)–(j) * * *

Rule 8.454 amended effective January 1, 2021; adopted as rule 38.2 effective January 1, 2005; previously amended and renumbered effective January 1, 2007; previously amended effective

January 1, 2006, July 1, 2006, January 1, 2008, January 1, 2009, July 1, 2010, July 1, 2013,and January 1, 2017.

Rule 8.830. Record on appeal

(a) Normal record

Except as otherwise provided in this chapter, the record on an appeal to the appellate division in a civil case must contain the following, which constitute the normal record on appeal:

(1) A record of the written documents from the trial court proceedings in the form of one of the following:

(A) A clerk's transcript under rule 8.832;

(B) An appendix under rule 8.845;

~~(B)~~ (C) If the court has a local rule for the appellate division electing to use this form of the record, the original trial court file under rule 8.833; or

~~(C)~~ (D) An agreed statement under rule 8.836.

(2) * * *

(Subd (a) amended effective January 1, 2021.)

(b) * * *

Rule 8.830 amended effective January 1, 2021; adopted effective January 1, 2009.

Advisory Committee Comment

Subdivision (a). The options of using the original trial court file instead of a clerk's transcript under (1)~~(B)~~(C) or an electronic recording itself, rather than a transcript, under (2)(B) are available only if the court has local rules for the appellate division authorizing these options.

Rule 8.840. Completion and filing of the record

(a) When the record is complete

(1) If the appellant elected under rule 8.831 or 8.834(b) to proceed without a record of the oral proceedings in the trial court and the parties are not proceeding by appendix under rule 8.845, the record is complete:

(A) If a clerk's transcript will be used, when the clerk's transcript is certified under rule 8.832(d);

(B) If the original trial court file will be used instead of the clerk's transcript, when that original file is ready for transmission as provided under rule 8.833(b); or

(C) If an agreed statement will be used instead of the clerk's transcript, when the appellant files the agreed statement under rule 8.836(b).

(2) If the parties are not proceeding by appendix under rule 8.845 and the appellant elected under rule 8.831 to proceed with a record of the oral proceedings in the trial court, the record is complete when the clerk's transcript or other record of the documents from the trial court is complete as provided in (1) and:

(A) If the appellant elected to use a reporter's transcript, when the certified reporter's transcript is delivered to the court under rule 8.834(d);

(B) If the appellant elected to use a transcript prepared from an official electronic recording, when the transcript has been prepared under rule 8.835;

(C) If the parties stipulated to the use of an official electronic recording of the proceedings, when the electronic recording has been prepared under rule 8.835; or

(D) If the appellant elected to use a statement on appeal, when the statement on appeal has been certified by the trial court or a transcript or an official electronic recording has been prepared under rule 8.827(d)(6).

(3) If the parties are proceeding by appendix under rule 8.845 and the appellant elected under rule 8.831 to proceed with a record of the oral proceedings in the trial court, the record is complete when the record of the oral proceedings is complete as provided in (2)(A), (B), (C), or (D).

(Subd (a) amended effective January 1, 2021; adopted effective January 1, 2014.)

(b) * * *

Rule 8.840 amended effective January 1, 2021; adopted effective January 1, 2009; previously amended effective January 1, 2014, and January 1, 2016.

Rule 8.843. Transmitting exhibits

(a) Notice of designation

(1) If a party wants the appellate division to consider any original exhibits that were admitted in evidence, refused, or lodged but that were not copied in the clerk's transcript under rule 8.832 or the appendix under rule 8.845 or included in the original file under rule 8.833, within 10 days after the last respondent's brief is filed or could be filed under rule 8.882 the party must serve and file a notice in the trial court designating such exhibits.

(2) Within 10 days after a notice under (1) is served, any other party wanting the appellate division to consider additional exhibits must serve and file a notice in the trial court designating such exhibits.

(3) A party filing a notice under (1) or (2) must serve a copy on the appellate division.

(Subd (a) amended effective January 1, 2021.)

(b)–(e) * * *

Rule 8.843 amended effective January 1, 2021; adopted effective January 1, 2009; previously amended effective January 1, 2016.

Rule 8.845. Appendixes

(a) Notice of election

(1) Unless the superior court orders otherwise on a motion served and filed within 10 days after the notice of election is served, this rule governs if:

(A) The appellant elects to use an appendix under this rule in the notice designating the record on appeal under rule 8.831; or

(B) The respondent serves and files a notice in the superior court electing to use an appendix under this rule within 10 days after the notice of appeal

is filed, and no waiver of the fee for a clerk's transcript is granted to the appellant.

(2) When a party files a notice electing to use an appendix under this rule, the superior court clerk must promptly send a copy of the register of actions, if any, to the attorney of record for each party and to any unrepresented party.

(3) The parties may prepare separate appendixes or they may stipulate to a joint appendix.

(b) Contents of appendix

(1) A joint appendix or an appellant's appendix must contain:

(A) All items required by rule 8.832(a)(1), showing the dates required by rule 8.832(a)(2);

(B) Any item listed in rule 8.832(a)(3) that is necessary for proper consideration of the issues, including, for an appellant's appendix, any item that the appellant should reasonably assume the respondent will rely on;

(C) The notice of election; and

(D) For a joint appendix, the stipulation designating its contents.

(2) An appendix may incorporate by reference all or part of the record on appeal in another case pending in the reviewing court or in a prior appeal in the same case.

(A) The other appeal must be identified by its case name and number. If only part of a record is being incorporated by reference, that part must be identified by citation to the volume and page numbers of the record where it appears and either the title of the document or documents or the date of the oral proceedings to be incorporated. The parts of any record incorporated by reference must be identified both in the body of the appendix and in a separate section at the end of the index.

(B) If the appendix incorporates by reference any such record, the cover of the appendix must prominently display the notice "Record in case number: incorporated by reference," identifying the number of the case from which the record is incorporated.

(C) On request of the reviewing court or any party, the designating party must provide a copy of the materials incorporated by reference to the court or another party or lend them for copying as provided in (c).

(3) An appendix must not:

(A) Contain documents or portions of documents filed in superior court that are unnecessary for proper consideration of the issues.

(B) Contain transcripts of oral proceedings that may be designated under rule 8.834.

(C) Incorporate any document by reference except as provided in (2).

(4) All exhibits admitted in evidence, refused, or lodged are deemed part of the record, whether or not the appendix contains copies of them.

(5) A respondent's appendix may contain any document that could have been included in the appellant's appendix or a joint appendix.

(6) An appellant's reply appendix may contain any document that could have been included in the respondent's appendix.

(c) Document or exhibit held by other party

If a party preparing an appendix wants it to contain a copy of a document or an exhibit in the possession of another party:

(1) The party must first ask the party possessing the document or exhibit to provide a copy or lend it for copying. All parties should reasonably cooperate with such requests.

(2) If the request under (1) is unsuccessful, the party may serve and file in the reviewing court a notice identifying the document or specifying the exhibit's trial court designation and requesting the party possessing the document or exhibit to deliver it to the requesting party or, if the possessing party prefers, to the reviewing court. The possessing party must comply with the request within 10 days after the notice was served.

(3) If the party possessing the document or exhibit sends it to the requesting party nonelectronically, that party must copy and return it to the possessing party within 10 days after receiving it.

(4) If the party possessing the document or exhibit sends it to the reviewing court, that party must:

(A) Accompany the document or exhibit with a copy of the notice served by the requesting party; and

(B) Immediately notify the requesting party that it has sent the document or exhibit to the reviewing court.

(5) On request, the reviewing court may return a document or an exhibit to the party that sent it nonelectronically. When the remittitur issues, the reviewing court must return all documents or exhibits to the party that sent them, if they were sent nonelectronically.

(d) Form of appendix

(1) An appendix must comply with the requirements of rule 8.838 for a clerk's transcript.

(2) In addition to the information required on the cover of a brief by rule 8.883(c)(8), the cover of an appendix must prominently display the title "Joint Appendix" or "Appellant's Appendix" or "Respondent's Appendix" or "Appellant's Reply Appendix."

(3) An appendix must not be bound with or transmitted electronically with a brief as one document.

(e) Service and filing

(1) A party preparing an appendix must:

(A) Serve the appendix on each party, unless otherwise agreed by the parties or ordered by the reviewing court; and

(B) File the appendix in the reviewing court.

(2) A joint appendix or an appellant's appendix must be served and filed with the appellant's opening brief.

(3) A respondent's appendix, if any, must be served and filed with the respondent's brief.

(4) An appellant's reply appendix, if any, must be served and filed with the appellant's reply brief.

(f) Cost of appendix

(1) Each party must pay for its own appendix.

(2) The cost of a joint appendix must be paid:

(A) By the appellant;

(B) If there is more than one appellant, by the appellants equally; or

(C) As the parties may agree.

(g) Inaccurate or noncomplying appendix

Filing an appendix constitutes a representation that the appendix consists of accurate copies of documents in the superior court file. The reviewing court may impose monetary or other sanctions for filing an appendix that contains inaccurate copies or otherwise violates this rule.

Advisory Committee Comment

Subdivision (a). Under this provision, either party may elect to have the appeal proceed by way of an appendix. If the appellant's fees for a clerk's transcript are not waived and the respondent timely elects to use an appendix, that election will govern unless the superior court orders otherwise. This election procedure differs from all other appellate rules governing designation of a record on appeal. In those rules, the appellant's designation, or the stipulation of the parties, determines the type of record on appeal. Before making this election, respondents should check whether the appellant has been granted a fee waiver that is still in effect. If the trial court has granted the appellant a fee waiver for the clerk's transcript, or grants such a waiver after the notice of appeal is filed, the respondent cannot elect to proceed by way of an appendix.

Subdivision (a)(2) is intended to assist appellate counsel in preparing an appendix by providing counsel with the list of pleadings and other filings found in the register of actions or "docket sheet" in those counties that maintain such registers. (See Gov. Code, § 69845.) The provision is derived from rule 10-1 of the United States Circuit Rules (9th Cir.).

Subdivision (b). Under subdivision (b)(1)(A), a joint appendix or an appellant's appendix must contain any register of actions that the clerk sent to the parties under subdivision (a)(2). This provision is intended to assist the reviewing court in determining the accuracy of the appendix. The provision is derived from rule 30-1.3(a)(ii) of the United States Circuit Rules (9th Cir.).

In support of or opposition to pleadings or motions, the parties may have filed a number of lengthy documents in the proceedings in superior court, including, for example, declarations, memorandums, trial briefs, documentary exhibits (e.g., insurance policies, contracts, deeds), and photocopies of judicial opinions or other publications. Subdivision (b)(3)(A) prohibits the inclusion of such documents in an appendix when they are not necessary for proper consideration of the issues raised in the appeal. Even if a document is otherwise includable in an appendix, the rule prohibits the inclusion of any substantial *portion* of the document that is not necessary for proper consideration of the issues raised in the appeal. The prohibition is intended to simplify and therefore expedite the preparation of the appendix, to reduce its cost to the parties, and to relieve the courts of the burden of reviewing a record containing redundant, irrelevant, or immaterial documents. The provision is adapted from rule 30-1.4 of the United States Circuit Rules (9th Cir.).

Subdivision (b)(3)(B) prohibits the inclusion in an appendix of transcripts of oral proceedings that may be made part of a reporter's transcript. (Compare rule 8.834(c)(4) [the reporter must not copy into the reporter's transcript any document includable in the clerk's transcript under rule 8.832].) The prohibition is intended to prevent a party filing an appendix from evading the requirements and safeguards imposed by rule 8.834 on the process of designating and preparing a reporter's transcript. In addition, if an appellant were to include in its appendix a transcript of less than all the proceedings, the respondent would not learn of any need to designate additional proceedings (under rule 8.834(a)(3)) until the appellant had served its appendix with its brief, when it would be too late to designate them. Note also that a party may file a certified transcript of designated proceedings instead of a deposit for the reporter's fee (Cal. Rules of Court, rule 8.834(b)(2)(D)).

Subdivision (d). In current practice, served copies of filed documents often bear no clerk's date stamp and are not conformed by the parties serving them. Consistent with this practice, subdivision (d) does not require such documents to be conformed. The provision thereby relieves the parties of the burden of obtaining conformed copies at the cost of considerable time and expense, and expedites the preparation of the appendix and the processing of the appeal. It is to be noted, however, that under subdivision (b)(1)(A) each document necessary to determine the timeliness of the appeal must show the date required under rule 8.822 or 8.823. Note also that subdivision (g) of rule 8.845 provides that a party filing an appendix represents under penalty of sanctions that its copies of documents are accurate.

Subdivision (e). Subdivision (e)(2) requires a joint appendix to be filed with the appellant's opening brief. The provision is intended to improve the briefing process by enabling the appellant's opening brief to include citations to the record. To provide for the case in which a respondent concludes in light of the appellant's opening brief that the joint appendix should have included additional documents, subdivision (b)(5) permits such a respondent to present in an appendix filed with its respondent's brief (see subd. (e)(3)) any document that could have been included in the joint appendix.

Under subdivision (e)(2)–(4), an appendix is required to be filed "with" the associated brief. This provision is intended to clarify that an extension of a briefing period ipso facto extends the filing period of an appendix associated with the brief.

Subdivision (g). Under subdivision (g), sanctions do not depend on the degree of culpability of the filing party—i.e., on whether the party's conduct was willful or negligent—but on the nature of the inaccuracies and the importance of the documents they affect.

Rule 8.845 adopted effective January 1, 2021.

Rule 8.882. Briefs by parties and amici curiae

(a) Briefs by parties

(1) The appellant must serve and file an appellant's opening brief within:

(A) 30 days after the record—or the reporter's transcript, after a rule 8.845 election in a civil case—is filed in the appellate division; or

(B) 60 days after the filing of a rule 8.845 election in a civil case, if the appeal proceeds without a reporter's transcript.

(2)–(5) * * *

(Subd (a) amended effective January 1, 2021.)

(b)–(e) * * *

Rule 8.882 amended effective January 1, 2021; adopted effective January 1, 2009; previously amended effective January 1, 2009, January 1, 2010, January 1, 2013, March 1, 2014, January 1, 2016, and January 1, 2018.

Rule 9.21. Resignations of licensees of the State Bar with disciplinary charges pending

(a) General provisions

A licensee of the State Bar against whom disciplinary charges are pending may tender a written resignation from the State Bar and relinquishment of the right to practice law. The written resignation must be signed and dated by the licensee at the time it is tendered and must be tendered to the Office of the Clerk, State Bar

Court, ~~1149 South Hill Street~~ 845 S. Figueroa Street, Los Angeles, California ~~90015~~ 90017. The resignation must be substantially in the form specified in (b) of this rule. In submitting a resignation under this rule, a licensee of the State Bar agrees to be transferred to inactive status in the State Bar effective on the filing of the resignation by the State Bar. Within 30 days after filing of the resignation, the licensee must perform the acts specified in rule 9.20(a)(1)–(4) and (b) and within 40 days after filing of the resignation, the licensee must file with the Office of the Clerk, State Bar Court, at the above address, the proof of compliance specified in rule 9.20(c). No resignation is effective unless and until it is accepted by the Supreme Court after consideration and recommendation by the State Bar Court.

(Subd (a) amended effective January 1, 2021; previously amended effective January 1, 2007, January 1, 2010, and January 1, 2019.)

(b)–(e) * * *

Rule 9.21 amended effective January 1, 2021; adopted as rule 960 by the Supreme Court effective December 14, 1984; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2010, January 1, 2014, and January 1, 2019.

Rule 10.469. Judicial education recommendations for justices, judges, and subordinate judicial officers, and additional requirements

(a)–(d) * * *

(e) Education on fairness and access, unconscious bias, and prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct

(1) In order to achieve the objective of assisting judicial officers in preserving the integrity and impartiality of the judicial system through the prevention of bias, each justice, judge, and subordinate judicial officer should regularly participate in education on fairness and access. The education should include the following subjects: race and ethnicity, gender, sexual orientation, and persons with disabilities.

(2) Each justice, judge, and subordinate judicial officer must participate in education on unconscious bias, as well as the prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct. This education must be taken at least once every three-year continuing education period as determined by rules 10.461(c)(1) and 10.462(d).

(Subd (e) amended effective January 1, 2021.)

Rule 10.469 amended effective January 1, 2021; adopted effective January 1, 2008; previously amended effective January 1, 2012, and January 1, 2016;1999, and January 1, 2015; previously amended and renumbered effective January 1, 2007.

Standard 5.20. Uniform standards of practice for providers of supervised visitation

(a) * * *

(b) Definitions

~~Family Code section 3200 defines the term "provider" as including any individual or supervised visitation center that monitors visitation. Supervised visitation is contact between a noncustodial party and one or more children in the presence of a neutral third person.~~For purposes of this standard, the following definitions apply:

(1) A "nonprofessional provider," as defined in Family Code section 3200.5, is any person who is not paid for providing supervised visitation services.

(2) A "professional provider," as defined in Family Code section 3200.5, is any person who is paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency.

(3) A "provider," as defined in Family Code section 3200, includes any individual who functions as a visitation monitor, as well as supervised visitation centers.

(4) "Supervised visitation" is contact between a noncustodial party and one or more children in the presence of a neutral third person.

(5) A "TrustLine provider," is a professional supervised visitation provider who is registered on TrustLine, a database that is administered by the California Department of Social Services.

(Subd (b) amended effective January 1, 2021; previously amended effective January 1, 2007, and January 1, 2015.)

(c) * * *

(d) Qualifications of nonprofessional providers

~~A "nonprofessional provider" is any person who is not paid for providing supervised visitation services.~~ Unless otherwise ordered by the court or stipulated by the parties, the nonprofessional provider must:

(1)–(2) * * *

(3) Sign a local court form or *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)) stating that all requirements to be a nonprofessional provider have been met.

(Subd (d) amended effective January 1, 2021; adopted as part of subd (c) previously relettered and amended as subd (d) effective January 1, 2015.)

(e) Qualifications of professional providers

~~A "professional provider" is any person paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency.~~ The professional provider must:

(1)–(9) * * *

(10) ~~Meet the training requirements stated in (f); and~~ Complete a Live Scan criminal background check, at the expense of the provider or the supervised visitation center or agency, before providing visitation services;

(11) ~~Sign a declaration or *Declaration of Supervised Visitation Provider* (form FL-324) stating that all requirements to be a professional provider have been met.~~ Be registered as a TrustLine provider under chapter 3.35 (commencing with section 1596.60) of division 2 of the Health and Safety Code. Notwithstanding any other law, a person is ineligible to be a professional provider if the California Department of Social Services either:

(A) Denies that person's TrustLine registration under Health and Safety Code sections 1596.605 or 1596.607; or

(B) Revokes that person's TrustLine registration under Health and Safety Code section 1596.608;

(12) Meet the training requirements listed in (f);

(13) Sign a *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)) stating that all requirements to be a professional provider have been met; and

(14) Sign a separate, updated form FL-324(P) each time the professional provider submits a report to the court.

(Subd (e) amended effective January 1, 2021; adopted as part of subd (c); previously relettered and amended as subd (e) effective January 1, 2015.)

(f) Training for professional providers

~~(1) Each court is encouraged to make available to all providers informational materials about the role of a provider, the terms and conditions of supervised visitation, and the legal responsibilities and obligations of a provider under this standard.~~

~~(2)~~(1) ~~In addition,~~ Before providing services, professional providers must ~~receive~~ complete 24 hours of training, including at least 12 hours of classroom instruction in the following subjects:

(A)–(G) * * *

(H) Conflicts of interest, including the acceptance of gifts;

(I)–(K) * * *

(2) Of the 24 hours of training required in (1), the training must include at least:

(A) Three hours on the screening, monitoring, and termination of visitation;

(B) Three hours on the developmental needs of children;

(C) Three hours on issues relating to substance abuse, child abuse, sexual abuse, and domestic violence; and

(D) One hour on basic knowledge of family law.

(3) On or after January 1, 2021, to complete the required training in child abuse reporting laws under (1)(B), a professional provider must complete an online training required for mandated reporters that is provided by the California

Department of Social Services. This mandatory online training is not intended to increase the total of 24 hours of training required in (1).

(Subd (f) amended effective January 1, 2021; adopted as subd (d) effective January 1, 2007; previously amended and relettered as subd (f) effective January 1, 2015.)

(g)–(q) * * *

(r) Informational materials; procedures

(1) Each court is encouraged to make available to all providers informational materials about the role of a provider, the terms and conditions of supervised visitation, and the legal responsibilities and obligations of a provider under this standard.

(2) By January 1, 2022, each court must develop and adopt local rules that establish procedures for processing and maintaining:

(A) *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)), along with the professional provider's original report required in (j)(3) of this standard; and

(B) The nonprofessional supervised visitation provider's declaration regarding qualifications, whether the provider uses the court's local form or *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)).

(Subd (r) adopted effective January 1, 2021.)

Standard 5.20 amended effective January 1, 2021; adopted as sec. 26.2 effective January 1, 1998; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2015.