

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on November 13, 2020, effective January 1, 2021

1	Rule 5.707. Review or dispositional hearing requirements for child approaching	
2	majority (§§ 224.1, 366(a)(1)(F), 366.3, 366.31, 16501.1(f)(16))	2
3	Rule 5.770. Conduct of transfer of jurisdiction hearing under section 707.....	3
4	Rule 10.492. Temporary extension and pro rata reduction of judicial branch	
5	education requirements.....	4
6	Rule 10.493. Instructor-led training.....	6
7		

1 **Rule 5.707. Review or dispositional hearing requirements for child approaching**
2 **majority (§§ 224.1, 366(a)(1)(F), 366.3, 366.31, 16501.1(f)(16))**

3
4 **(a) Reports**

5
6 At the last review hearing before the child attains 18 years of age held under
7 section 366.21, 366.22, 366.25, or 366.3, or at the dispositional hearing held under
8 section 360 if no review hearing will be set before the child attains 18 years of age,
9 in addition to complying with all other statutory and rule requirements applicable to
10 the report prepared by the social worker for the hearing, the report must include a
11 description of:

12
13 (1)–(5) * * *

14
15 (6) The efforts made by the social worker toward providing the child with the
16 written information, documents, and services described in section 391 (b) and
17 (c), and to the extent that the child has not yet been provided with them, the
18 barriers to providing the information, documents, or services and the steps
19 that will be taken to overcome those barriers by the date the child attains 18
20 years of age;

21
22 (7)–(9) * * *

23
24 *(Subd (a) amended effective January 1, 2021; previously amended effective July 1, 2012,*
25 *and January 1, 2016.)*

26
27 **(b) * * ***

28
29 **(c) Findings**

30
31 (1) At the last review hearing before the child attains 18 years of age held under
32 section 366.21, 366.22, 366.25, or 366.3, or at the dispositional hearing held
33 under section 360 if no review hearing will be set before the child attains 18
34 years of age, in addition to complying with all other statutory and rule
35 requirements applicable to the hearing, the court must make the following
36 findings in the written court documentation of the hearing:

37
38 (A)–(E) * * *

39
40 (F) Whether all the information, documents, and services in sections 391 ~~(e)~~
41 (b) and (c) were provided to the child, and whether the barriers to
42 providing any missing information, documents, or services can be
43 overcome by the date the child attains 18 years of age;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(G)–(I) * * *

(2) * * *

(Subd (c) amended effective January 1, 2016; previously amended effective July 1, 2012, and January 1, 2014.)

(d) * * *

Rule 5.707 amended effective January 1, 2021; adopted effective January 1, 2012; previously amended effective July 1, 2012, January 1, 2014, and January 1, 2016.

Rule 5.770. Conduct of transfer of jurisdiction hearing under section 707

(a) * * *

(b) **Criteria to consider (§ 707)**

Following receipt of the probation officer’s report and any other relevant evidence, the court may order that the child be transferred to the jurisdiction of the criminal court if the court finds:

- (1) The child was 16 years or older at the time of any alleged felony offense, or the child was 14 or 15 years at the time of an alleged felony offense listed in section 707(b); and
- (2) The child should be transferred to the jurisdiction of the criminal court based on an evaluation of all of the criteria in section 707(a)~~(2)~~(3) as provided in that section.

Subd (b) amended effective January 1, 2021; adopted as subd (b); previously amended and relettered as subd (c) effective January 1, 1996; previously amended and relettered effective January 1, 2001; previously amended effective January 1, 2007, and May 22, 2017.)

(c)–(h) * * *

Rule 5.770 amended effective January 1, 2021; adopted as rule 1482 effective January 1, 1991; previously amended effective January 1, 1996, January 1, 2001, July 1, 2002, and May 22, 2017; previously amended and renumbered effective January 1, 2007.

1 **(e) Sunset**

2
3 This rule remains in effect through December 31, 2022, or until amended or
4 repealed.

5
6 *Rule 10.492 adopted effective January 1, 2021.*

7
8 **Advisory Committee Comment**

9
10 Various rules in title 10, chapter 7, of the California Rules of Court authorize, for good cause, the
11 granting of an extension of time to complete content-based and hours-based education
12 requirements and expectations. Nothing in this rule modifies that authority.

13
14 Nothing in this rule alters education requirements and expectations outside the California Rules
15 of Court, including education requirements mandated by statute or regulation (e.g., Welf. & Inst.
16 Code, § 304.7) or required by Judicial Council policy (e.g., the Qualifying Ethics Program and
17 the Temporary Assigned Judges Program).

18
19 **Subdivision (c).** This subdivision applies to all rules of court containing content-based education
20 requirements. Below are examples of this subdivision in practice.

21
22 Rule 10.462(c)(1) contains education requirements for new trial court judges and subordinate
23 judicial officers. Based on the date on which individuals took their oath of office, rule
24 10.462(c)(1) allows judges six months within which to attend the New Judge Orientation (NJO)
25 program, one year within which to attend an orientation course in their primary assignment, and
26 two years within which to attend the B. E. Witkin Judicial College of California.

27
28 Under rule 10.462(c)(1), a judge who took the oath of office on January 1, 2020, is required to
29 complete these programs by June 30, 2020 (NJO), December 31, 2020 (primary assignment
30 orientation), and December 31, 2021 (judicial college), respectively. With the 12-month
31 extension under rule 10.492(c), this same judge now has to complete these programs by June 30,
32 2021 (NJO), December 31, 2021 (primary assignment orientation), and December 31, 2022
33 (judicial college), respectively.

34
35 As another example of the 12-month extension under rule 10.492(c), a judge who took the oath of
36 office on December 1, 2018, needs to complete NJO by April 30, 2020 (within 18 months), a
37 primary assignment orientation by November 30, 2020 (within two years), and the judicial
38 college by November 30, 2021 (within three years).

39
40 Using a different rule as an example, rule 10.478(b)(1) requires court investigators to complete 18
41 hours of education on specified topics within 1 year of their start date. Rule 10.492(c) allows a
42 court investigator up to 2 years to complete this education.

1 **Subdivision (d).** This subdivision applies to all rules of court containing hours-based education
2 requirements. Below are examples of this subdivision in practice.

3
4 Rule 10.461(c)(1) contains education requirements for Supreme Court and Court of Appeal
5 justices. Each justice must complete 30 hours of judicial education every three years.

6
7 Under rule 10.492(d), a justice’s hours requirements are prorated for the three-year education
8 cycle that runs from January 1, 2019, through December 31, 2021. For example, justices who
9 were confirmed for appointment before January 1, 2019, must complete 20 hours of education by
10 December 31, 2021.

11
12 Education hours requirements for justices who were confirmed for appointment on or after
13 January 1, 2019, would be prorated by rule 10.492(d) and prorated additionally based on the
14 number of years remaining in the three-year educational cycle. For example, a justice confirmed
15 for appointment on October 1, 2020, ordinarily has 10 hours of hours-based education to
16 complete for the last year of the three-year cycle. Under rule 10.492(d), the months of January
17 2021 through March 2021 would be excluded, and the justice would have 7.5 hours rather than 10
18 hours of hours-based education to complete.

19
20 As an additional example, rule 10.474(c)(2) requires 8 hours of continuing education every two
21 years for nonmanagement court staff. For a court employee hired on or before January 1, 2020,
22 rule 10.492(d) prorates the number of hours of education required for the cycle that runs from
23 January 1, 2020, through December 31, 2021. The number of hours required would be prorated
24 for 4 quarters—April 1, 2020, through March 31, 2021—and would result in a reduced hours-
25 based requirement of 4 hours.

26
27
28 **Rule 10.493. Instructor-led training**

29
30 **(a) Definition**

31
32 “Instructor-led training” means synchronous education, guided by faculty, that
33 allows for real-time communication between faculty and participants and is offered
34 by an approved provider under rule 10.481. Examples of instructor-led training
35 include in-person trainings in a classroom setting, live webinars, and live
36 videoconferences.

37
38 **(b) Application**

39
40 Notwithstanding any other rule, instructor-led training may be used to satisfy all
41 continuing education requirements specified in the California Rules of Court that
42 require traditional (live, face-to-face) education. This provision applies whether the

1 requirement relates to a specific course or to a certain percentage or number of
2 hours of education.

3
4 *Rule 10.493 adopted effective January 1, 20201.*

5
6
7 **Advisory Committee Comment**

8
9 This rule is intended to eliminate within the California Rules of Court any restriction that requires
10 that a specific course or a certain number or percentage of hours of education be taken in a
11 traditional (live, face-to-face) learning environment. This rule applies whether the education is
12 described as “traditional (live, face-to-face),” “live (face-to-face),” “in person,” or any
13 combination of these terms.