

AMENDMENTS TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on December 13, 2011, and October 26, 2012
effective on January 1, 2013 and July 1, 2013

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1 **Rule 1.4. Contents of the rules**

2
3 (a)–(c) * * *

4
5 **(d) The appendixes**

6
7 The California Rules of Court includes the following appendixes:

8
9 (1)–(4) * * *

10
11 (5) Appendix E. Guidelines for Determining Financial Eligibility for County
12 Payment of the Cost of Counsel Appointed by the Court in Proceedings
13 Under the Guardianship-Conservatorship Law; and

14
15 (6) Appendix F. Guidelines for the Juvenile Dependency Counsel Collections
16 Program.

17
18 *(Subd (d) amended effective January 1, 2013; adopted as subd (e) effective January 1,*
19 *2007; previously relettered effective January 1, 2008; previously amended effective August*
20 *14, 2009.)*

21
22 *Rule 1.4 amended effective January 1, 2013; adopted effective January 1, 2007; previously*
23 *amended effective January 1, 2008, and August 14, 2009.*

24
25 **Rule 2.200. Service and filing of notice of change of address or other contact**
26 **information**

27
28 An party or attorney or self-represented party whose mailing address, telephone number,
29 fax number, or e-mail address (if it was provided under rule 2.111(1)) changes while an
30 action is pending must serve on all parties and file a written notice of the change of
31 address.

32
33 *Rule 2.200 amended effective January 1, 2013; adopted as rule 385 effective January 1, 1984;*
34 *previously amended and renumbered effective January 1, 2007.*

35
36 **~~Rule 2.1034. Statements to the jury panel~~**

37
38 ~~Prior to the examination of prospective jurors, the trial judge may, in his or her discretion,~~
39 ~~permit brief opening statements by counsel to the panel.~~

40
41 *Rule 2.1034 repealed effective January 1, 2013; adopted effective January 1, 2007.*

42
43 **Comment**

1
2 ~~This statement is not a substitute for opening statements. Its purpose is to place voir dire~~
3 ~~questions in context and to generate interest in the case so that prospective jurors will be less~~
4 ~~inclined to claim marginal hardships.~~
5

6 **Rule 3.819. Arbitrator's fees**

7
8 **(a) Filing of award ~~or notice of settlement~~ required**

9
10 Except as provided in (b), the arbitrator's award must be timely filed with the clerk
11 of the court under rule 3.825(b) ~~or a notice of settlement must have been filed~~
12 before a fee may be paid to the arbitrator.

13
14 *(Subd (a) amended effective January 1, 2013; previously amended effective July 1, 1979,*
15 *January 1, 2004, and January 1, 2007.)*

16
17 **(b) Exceptions for good cause**

18
19 On the arbitrator's verified ex parte application, the court may for good cause
20 authorize payment of a fee:

21
22 (1) If the arbitrator devoted a substantial amount of time to a case that was
23 settled without a hearing or without an award being filed. For this purpose, a
24 case is considered settled when one of the following is filed:

25
26 (A) A notice of settlement of the entire case, under rule 3.1385; or

27
28 (B) A Request for Dismissal (form CIV-110) of the entire case or as to all
29 parties to the arbitration is filed; or

30
31 (2) * * *

32
33 *(Subd (b) amended effective January 1, 2013; previously amended effective July 1, 1979,*
34 *January 1, 1987, and January 1, 2004.)*

35
36 **(c) Arbitrator's fee statement**

37
38 The arbitrator's fee statement must be submitted to the administrator promptly
39 upon the completion of the arbitrator's duties and must set forth the title and
40 number of the cause arbitrated, the date of ~~the~~ any arbitration hearing, and the date
41 the award ~~or, notice of settlement, or request for dismissal~~ was filed.
42

1 (Subd (c) amended effective January 1, 2013; previously amended effective July 1, 1979,
2 January 1, 2004, and January 1, 2007.)

3
4 Rule 3.819 amended effective January 1, 2013; adopted as rule 1608 effective July 1, 1976;
5 previously amended effective July 1, 1979, and January 1, 1987; previously amended and
6 renumbered as rule 1609 effective January 1, 2004, and as rule 3.819 effective January 1, 2007.

7
8 **Rule 3.827. Entry of award as judgment**

9
10 **(a) Entry of award as judgment by clerk**

11
12 The clerk must enter the award as a judgment immediately upon the expiration of
13 60 days after the award is filed if no party has, during that period, served and filed
14 either:

15
16 (1) * * *

17
18 (2) *A Request for Dismissal* (form CIV-110) of the entire case or as to all parties
19 to the arbitration. The *Request for Dismissal* must be fully completed ~~and~~. If
20 the request is for dismissal of the entire case, it must include the signatures of
21 all parties ~~those whose consent is required for dismissal~~. If the request is for
22 dismissal as to all parties to the arbitration, it must include the signatures of
23 all those parties.

24
25 (Subd (a) amended effective January 1, 2013; previously amended effective January 1,
26 2012.)

27
28 **(b)–(c) * * ***

29
30 Rule 3.827 amended effective January 1, 2013; adopted effective January 1, 2007; previously
31 amended effective January 1, 2012.

32
33 **Rule 3.1540. Examination of prospective jurors in civil cases**

34
35 **(a) * * ***

36
37 **(b) Examination of jurors by the trial judge**

38
39 ~~To select a fair and impartial jury, the trial judge must examine the prospective~~
40 ~~jurors orally, or by written questionnaire, or by both methods.~~ In examining
41 prospective jurors in civil cases, the judge should consider the policies and
42 recommendations in standard 3.25 of the Standards of Judicial Administration. ~~The~~
43 ~~judge may use the *Juror Questionnaire for Civil Cases* (form MC 001).~~

1
2 (Subd (b) amended effective January 1, 2013; adopted as part of untitled subd effective
3 January 1, 1949; previously amended and lettered as subd (b) effective January 1, 2007.)
4

5 **(c) Additional questions and examination by counsel**
6

7 On completion of the initial examination, the trial judge must permit counsel for
8 each party that so requests to submit additional questions that the judge will put to
9 the jurors. ~~On request of counsel, the trial judge must permit counsel to supplement~~
10 ~~the judge's examination by oral and direct questioning of any of the prospective~~
11 ~~jurors. The scope of the additional questions or supplemental examination must be~~
12 ~~within reasonable limits prescribed by the trial judge in the judge's sound~~
13 ~~discretion.~~
14

15 (Subd (c) amended effective January 1, 2013; adopted as part of untitled subd effective
16 January 1, 1949; previously amended and lettered as subd (c) effective January 1, 2007.)
17

18 **~~(d) Examination of juror outside the judge's presence~~**
19

20 ~~The court may, upon stipulation by counsel for all parties appearing in the action,~~
21 ~~permit counsel to examine the prospective jurors outside a judge's presence.~~
22

23 *Rule 3.1540 amended effective January 1, 2013; adopted as rule 228 effective January 1, 1949;*
24 *previously amended effective January 1, 1972, January 1, 1974, January 1, 1975, January 1,*
25 *1988, January 1, 1990, June 6, 1990, and July 1, 1993; previously amended and renumbered as*
26 *rule 3.1540 effective January 1, 2007.*
27

28 **Rule 4.202. Statements to the jury panel**
29

30 Prior to the examination of prospective jurors, the trial judge may, in his or her discretion,
31 permit brief opening statements by counsel to the panel.
32

33 *Rule 4.202 adopted effective January 1, 2013.*
34

35 **Comment**
36

37 This statement is not a substitute for opening statements. Its purpose is to place voir dire
38 questions in context and to generate interest in the case so that prospective jurors will be less
39 inclined to claim marginal hardships.
40

41 **Rule 4.305. Notification of appeal rights in felony cases**
42

1 After imposing sentence or making an order deemed to be a final judgment in a criminal
2 case on conviction after trial, or after imposing sentence following a revocation of
3 probation, except where the revocation is after the defendant's admission of violation of
4 probation, the court must advise the defendant of his or her right to appeal, of the
5 necessary steps and time for taking an appeal, and of the right of an indigent defendant to
6 have counsel appointed by the reviewing court. ~~A reporter's transcript of the proceedings
7 required by this rule must be forthwith prepared and certified by the reporter and filed
8 with the clerk.~~

9
10 *Rule 4.305 amended effective January 1, 2013; adopted as rule 250 effective January 1, 1972;*
11 *previously amended and renumbered as rule 470 effective January 1, 1991; previously*
12 *renumbered effective January 1, 2001; previously amended effective July 1, 1972, January 1,*
13 *1977, and January 1, 2007.*

14
15 **Rule 4.470. Notification of appeal rights in felony cases**

16
17 ~~After imposing sentence or making an order deemed to be a final judgment in a criminal
18 case on conviction after trial, or after imposing sentence following a revocation of
19 probation, except where the revocation is after the defendant's admission of violation of
20 probation, the court must advise the defendant of his or her right to appeal, of the
21 necessary steps and time for taking an appeal, and of the right of an indigent defendant to
22 have counsel appointed by the reviewing court. A reporter's transcript of the proceedings
23 required by this rule must be forthwith prepared and certified by the reporter and filed
24 with the clerk.~~

25
26 *Rule 4.470 repealed effective January 1, 2013; adopted as rule 250 effective January 1, 1972;*
27 *previously amended and renumbered as rule 470 effective January 1, 1991; previously*
28 *renumbered effective January 1, 2001; previously amended effective July 1, 1972, January 1,*
29 *1977, and January 1, 2007.*

30
31 **Rule 5.72. Court order for service by publication or posting when respondent's**
32 **address is unknown**

33
34 If the respondent cannot be found to be served a summons by any method described in
35 Code of Civil Procedure sections 415.10 through 415.40, the petitioner may request an
36 order for service of the summons by publication or posting under Code of Civil
37 Procedure sections 415.50 and 413.30, respectively.

38
39 **(a) Service of summons by publication or posting; forms**

40
41 To request service of summons by publication or posting, the petitioner must
42 complete and submit to the court *Application for Order for Publication or Posting*
43 (form FL-980) and *Order for Publication or Posting* (form FL-982). Alternatively,

1 petitioner may complete and submit to the court pleadings containing the same
2 information as forms FL-980 and FL-982. The petitioner must list all the
3 reasonable diligent efforts that have been made to find and serve the respondent.
4

5 **(b) Service of summons by posting; additional requirements**
6

7 Service of summons by posting may be ordered only if the court finds that the
8 petitioner is eligible for a waiver of court fees and costs.
9

10 (1) To request service by posting, the petitioner must have obtained an *Order on*
11 *Court Fee Waiver (Superior Court)* (form FW-003). If petitioner's financial
12 situation has improved since obtaining the approved order on court fee
13 waiver, the petitioner must file a *Notice to Court of Improved Financial*
14 *Situation or Settlement* (form FW-010). If the court finds that the petitioner
15 no longer qualifies for a fee waiver, the court may order service by
16 publication of the documents.
17

18 (2) *Proof of Service by Posting* (form FL-985) (or a pleading containing the same
19 information as form FL-985) must be completed by the person who posted
20 the documents and then filed with the court once posting is completed.
21

22 *Rule 5.72 adopted effective January 1, 2013.*
23

24 **Rule 5.616. Interstate Compact on the Placement of Children**
25

26 **(a) Applicability of rule (Fam. Code, § 7900 et seq.)**
27

28 This rule implements the purposes and provisions of the Interstate Compact on the
29 Placement of Children (ICPC, or the compact). California juvenile courts must
30 apply this rule when placing children who are dependents or wards of the juvenile
31 court and for whom placement is indicated in any other state, the District of
32 Columbia, or the U.S. Virgin Islands.
33

34 ~~(1) The rule applies to the placement in California of children who are~~
35 ~~dependents or wards of the juvenile court in any of the above named~~
36 ~~jurisdictions.~~
37

38 ~~(2)(1) This rule also applies to priority expedited placements as described below in~~
39 ~~(b)(2)(h).~~
40

41 ~~(3)(2) This rule does not apply to placements made under the Interstate Compact on~~
42 ~~for Juveniles (Welf. & Inst. Code, § 13001400 et seq.).~~
43

1 (Subd (a) amended effective January 1, 2013; previously amended effective January 1,
2 2007.)

3
4 **(b) Definitions (Fam. Code, § 7900 et seq.; ICPC Regulations)**

5
6 (1) “Placement” is defined in article H~~2~~(d) of the compact. It includes
7 placements with a relative, as defined in Regulation No. 3, paragraph 4, item
8 56, a stepparent, a grandparent, an adult brother or sister, an adult aunt or
9 uncle, a nonagency legal guardian of the child, a placement recipient who is
10 not related to the child, a residential agency or institution, or a group home, or
11 a treatment facility.

12
13 (A) A court’s directing or making an award of custody to a parent of the
14 child or placing a child with his or her parent is not a placement ~~within~~
15 ~~the meaning of requiring compliance with this rule, unless the sending~~
16 ~~court retains dependency jurisdiction over the child or the order or~~
17 ~~award requests or provides for supervision or other services or places~~
18 ~~some other condition or restriction on the conduct of the parent.~~

19
20 (B) ~~Except in cases in which a child is placed with a parent and jurisdiction~~
21 ~~has been terminated or in cases in which dependency is maintained~~
22 ~~only to provide services to or impose conditions on the noncustodial~~
23 ~~parent remaining in the sending jurisdiction, The following situations~~
24 each constitute a placement, and the compact must be applied:

25
26 (i) An order causing a child to be sent or brought to another party a
27 person, other than a parent, in a compact jurisdiction without a
28 specific date of return to the sending jurisdiction; or

29
30 (ii) An order causing a child to be sent or brought to another party a
31 person, other than a parent, in a compact jurisdiction with a
32 return date more than 30 days from the start of the visit or beyond
33 the ending date of a school vacation period, under Regulation No.
34 9;

35
36 (iii) An out-of-state placement for the purpose of an anticipated
37 adoption, whether independent, private, or public;

38
39 (iv) An out-of-state placement with a related or unrelated caregiver in
40 a licensed or approved foster home;
41

1 (v) An out-of-state placement with relatives, except when a parent or
2 relative sends or brings the child to the relative's home in the
3 receiving state, as defined in article 8(a) of the ICPC; or
4

5 (vi) An out-of-state group home or residential placement of any child,
6 including a child adjudicated delinquent.
7

8 (2) ~~“Priority placement” means a placement or placement request made by a~~
9 ~~court with specific findings of one or more of the following circumstances:~~
10

11 ~~(A) The proposed placement recipient is a relative belonging to a class of~~
12 ~~persons who, under article VIII(a) of the compact, could receive the~~
13 ~~child from another person belonging to such a class, without complying~~
14 ~~with the compact, if the child is not under the jurisdiction of the court,~~
15 ~~and if:~~
16

17 ~~(i) The child is under two years of age;~~
18

19 ~~(ii) The child is in an emergency shelter; or~~
20

21 ~~(iii) The court finds that the child has spent a substantial period of~~
22 ~~time in the home of the proposed placement recipient.~~
23

24 ~~(B) The receiving compact administrator has been in possession of a~~
25 ~~properly completed interstate compact placement request form and~~
26 ~~supporting documentation for over 30 business days, but the sending~~
27 ~~agency has not received a notice under article III(d) of the compact~~
28 ~~determining whether or not the child may be placed.~~
29

30 (2) “Child,” for the purposes of ICPC placement, includes nonminor dependents
31 up to age 21. If a California nonminor dependent is to be placed out of state,
32 the placing county may request supervision from the receiving state, but such
33 services are discretionary. If the receiving state will not supervise the
34 nonminor dependent, the sending county must make other supervision
35 arrangements, which may include contracting with a private agency to
36 provide the supervision.
37

38 (3) “Parent,” as used in this rule, does not include de facto parents or legal
39 guardians.
40

41 (4) ICPC Regulations Nos. 3, 4, 9, 10, and 11 contain additional definitions that
42 apply to California ICPC cases, except where inconsistent with this rule or
43 with California law.

1
2 (Subd (b) amended effective January 1, 2013; previously amended effective January 1,
3 2007.)
4

5 (c) **Compact requirements (Fam. Code, § 7901; ICPC Regulations)**
6

7 Whenever the juvenile court makes a placement in another jurisdiction included in
8 the compact or reviews a placement plan, the court must adhere to the provisions
9 and regulations of the compact.
10

11 (1) Cases in which out-of-state placement is proposed in order to place a child
12 for public adoption, in foster care, or with relatives, and where the criteria for
13 expedited placement are not met, must meet all requirements of Regulation
14 No. 2, except where inconsistent with California law.
15

16 (2) Expedited placement cases must meet the requirements in (h) and of
17 Regulation No. 7, except where the requirements of Regulation No. 7 are
18 inconsistent with California law.
19

20 (Subd (c) amended effective January 1, 2013; previously amended effective January 1,
21 2007.)
22

23 (d) **Notice of intention; authorization (Fam. Code, § 7901)**
24

25 A sending jurisdiction must provide to the designated receiving jurisdiction written
26 notice of intention to place the child, using ~~an interstate compact placement request~~
27 Form ICPC-100A: Interstate Compact on the Placement of Children Request.
28

29 (1) The representative of the receiving jurisdiction may request and receive
30 additional information as the representative deems necessary.
31

32 (2) The child must not be placed until the receiving jurisdiction has determined
33 that the placement is not contrary to the interest of the child and has so
34 notified the sending jurisdiction in writing.
35

36 (Subd (d) amended effective January 1, 2013; previously amended effective January 1,
37 2007.)
38

39 (e) **Placement of delinquent children in institutional care (Fam. Code, §§ 7901,**
40 **art. 6, and 7908)**
41

1 A child declared a ward of the court under Welfare and Institutions Code section
2 602 may be placed in an institution in another jurisdiction under the compact only
3 when:

4
5 (1) Before the placement, the court has held a properly noticed hearing at which
6 the child, parent, and guardian have had an opportunity to be heard;

7
8 (2)–(3) * * *

9
10 *(Subd (e) amended effective January 1, 2013; previously amended effective January 1,*
11 *2007.)*

12
13 **(f) Relocation of Family Units (ICPC Reg. No. 1)**

14
15 (1) The ICPC applies to family relocation cases when the child has been placed
16 and continues to live with a family approved by California, the family
17 relocates to another state with the child, and supervision by California is
18 ongoing.

19
20 (2) The ICPC does not apply when the family with whom the child is placed
21 relocates to another state and there will be no ongoing supervision by the
22 sending state or the relocation will be temporary (90 days or less) and will
23 not recur.

24
25 (3) Additional procedural requirements for cases involving relocation of family
26 units are in ICPC Regulation No. 1.

27
28 *(Subd (f) adopted effective January 1, 2013.)*

29
30 **(g) Placing a Child With an Out-of-State Parent (Fam. Code, §§ 7901, art. 5(b),**
31 **and 7906; ICPC Reg. No. 2, § 3)**

32
33 When a child will be placed with his or her parent in another state, compliance with
34 the requirements of the ICPC is not required. However, the court has discretion to
35 take the steps it deems necessary to ensure the child's safety and well-being in that
36 placement. Those steps may include:

37
38 (1) Directing the child welfare agency to request an independent, non-ICPC
39 home study or courtesy check;

40
41 (2) Directing the child welfare agency to enter into a contract with a public or
42 private agency in the receiving state to obtain a home study or other needed
43 information;

1
2 (3) Directing the child welfare agency to enter into an informal agreement with a
3 public or private agency in the receiving state, or requesting a courtesy check
4 from such an agency, to obtain needed information; or

5
6 (4) Any other steps that the court deems necessary to ensure the child's safety
7 and well-being.

8
9 *(Subd (g) adopted effective January 1, 2013.)*

10
11 **(f)(h) Priority Expedited placement (ICPC Reg. No. 7)**

12
13 When seeking expedited approval of an out-of-state placement of a child with a
14 relative or guardian, A a California court in a sending jurisdiction may designate a
15 proposed placement as a priority placement an expedited placement and use
16 expedited by using procedures as described in regulation 7 of the compact this
17 section.

18
19 (1) Expedited placement under Regulation No. 7 does not apply to any situation
20 in which a California child is being placed with his or her parent in another
21 state.

22
23 (1)(2) Before the court may designate a priority orders an expedited placement, the
24 court must make an express findings that: the child is a dependent child
25 removed from and no longer residing in the home of a parent and now being
26 considered for placement in another state with a stepparent, grandparent,
27 adult aunt or uncle, adult sibling, or legal guardian. In addition, the court
28 must find that the child to be placed meets at least one of the following
29 criteria:

30
31 (A) The compact administrator of the receiving jurisdiction has had
32 possession of a properly completed interstate compact placement
33 request form and supporting documents for over 30 business days, and
34 the sending jurisdiction agency has not received a notice indicating
35 whether or not placement in the receiving jurisdiction is contrary to the
36 interest of the child; or

37
38 (B) The proposed placement recipient is a parent, stepparent, grandparent,
39 adult sibling, adult uncle or aunt, or guardian of the child; and

40
41 (i) The child is under two years of age;

42
43 (ii) The child is in an emergency shelter; or

1
2 (iii) ~~The court finds that the child has spent a substantial period of~~
3 ~~time in the home of the proposed placement recipient.~~
4

5 (A) Unexpected dependency due to the sudden or recent incarceration,
6 incapacitation, or death of a parent or guardian. Incapacitation means
7 the parent or guardian is unable to care for the child due to the parent's
8 medical, mental, or physical condition;
9

10 (B) The child is 4 years of age or younger;
11

12 (C) The child is part of a group of siblings who will be placed together,
13 where one or more of the siblings is 4 years of age or younger;
14

15 (D) The child to be placed, or any of the child's siblings in a sibling group
16 to be placed, has a substantial relationship with the proposed placement
17 resource as defined in section 5(c) of Regulation No. 7; or
18

19 (E) The child is in an emergency placement.
20

21 (3) Before the court orders an expedited placement, the child welfare agency
22 must provide to the court, at a minimum, the documents required by section
23 7(a) and (b) of Regulation No. 7:
24

25 (A) A signed statement of interest from the potential placement, or a
26 written statement from the assigned case manager affirming that the
27 potential placement resource confirms appropriateness for the ICPC
28 expedited placement decision process. The statement must include all
29 items listed in Regulation No. 7, section 7(a); and
30

31 (B) A statement from the assigned case manager or other child welfare
32 agency representative stating that he or she knows of no reason why the
33 child could not be placed with the proposed placement and that the
34 agency has completed and is prepared to send all required paperwork.
35

36 ~~(2)~~(4) On findings of the court under ~~(f)~~(1)(h)(2) and (3) that a proposed priority
37 placement is necessary the child meets the criteria for an expedited placement
38 and that the required statements have been provided to the court, the court
39 case must proceed as follows:
40

41 (A) The court must enter an order for expedited placement, stating on the
42 record or in the written order the factual basis for that order. If the court
43 is also requesting provisional approval of the proposed placement, the

1 court must so order, and must state on the record or in the written order
2 the factual basis for that request.

3
4 ~~(A)~~(B) The court's findings and orders must be noted in a written order using
5 Expedited Placement Under the Interstate Compact on the Placement
6 of Children: Findings and Orders (form JV-567), which must include
7 the name, address, e-mail address, telephone number, and fax number
8 of the clerk of court and the judicial officer or designated court
9 administrator.

10
11 ~~(B)~~(C) The order must be transmitted by the court to the sending agency of
12 the court's jurisdiction within 2 business days of the hearing or
13 consideration of the request.

14
15 ~~(C)~~(D) The sending child welfare agency must be ordered to transmit to the
16 ~~compact administrator of the sending jurisdiction~~ county ICPC Liaison
17 in the sending jurisdiction within 3 business days of receipt of the order
18 the following:

19
20 (i) A copy of the completed Expedited Placement Under the
21 Interstate Compact on the Placement of Children: Findings and
22 Orders (form JV-567); and

23
24 (ii) A completed ~~interstate compact placement request form~~ Interstate
25 Compact on the Placement of Children Request (form ICPC-
26 100A), along with form ICPC-101, the statements required under
27 section (h)(3), above, and all required supporting documentation
28 as noted on that form.

29
30 ~~(D)~~(E) Within 2 business days after receipt of the paperwork, the ~~compact~~
31 ~~administrator~~ county ICPC Liaison of the sending jurisdiction must
32 transmit ~~by overnight mail~~ the documents described in ~~(C)~~(D) to the
33 compact administrator of the receiving jurisdiction with a ~~notice that~~
34 ~~the request is entitled to priority placement~~ for an expedited placement
35 decision, as well as any request for provisional placement.

36
37 ~~(3)~~(5) The compact administrator of the receiving jurisdiction must determine
38 immediately, and no later than 20 business days after receipt, whether ~~or not~~
39 the placement is ~~acceptable~~ approved and must transmit the completed
40 written report and form ICPC 100A, as required by Regulation 7, section 9,
41 ~~interstate compact placement request form~~ by fax to the compact
42 ~~administrator of~~ county ICPC Liaison in the sending jurisdiction.
43

1 ~~(4)(6)~~ If the compact administrator of the receiving jurisdiction fails to comply with
2 ~~(f)(3)~~ within the required time limit, the sending court may inform an
3 appropriate court in the receiving jurisdiction that the compact administrator
4 in that jurisdiction has not complied with the compact; provide the receiving
5 jurisdiction court with relevant documents, including *Findings and Request*
6 *for Assistance Under Interstate Compact on the Placement of Children*
7 *(ICPC)* (form JV 565); and request assistance. The transmission of any
8 documentation, request for information, or decision may be by overnight
9 mail, fax, e-mail, or other recognized, secure method of communication. The
10 receiving state may also request original documents or certified copies if it
11 considers them necessary for a legally sufficient record.
12

13 ~~(5)~~ The receiving jurisdiction court that receives notification may render
14 appropriate assistance and may issue orders to secure compliance with the
15 compact and regulations.
16

17 ~~(6)~~ The time limits for a single case may be modified by written agreement
18 between the sending court, the sending agency, and the compact
19 administrators of the sending and receiving jurisdictions.
20

21 ~~(7)~~ To fulfill its obligations under the compact, a jurisdiction, its local agencies,
22 and the court are required to process interstate cases as quickly as intrastate
23 cases and to devote equal efforts to interstate and intrastate hardship cases.
24

25 ~~(A)~~ If in doing so, a receiving jurisdiction's compact administrator finds
26 that extraordinary circumstances make compliance within the time
27 requirements impossible, strict compliance may be excused.
28

29 ~~(B)~~ The receiving jurisdiction compact administrator must immediately
30 notify the sending jurisdiction compact administrator by fax of the
31 inability to comply and must designate a date on or before which there
32 will be compliance.
33

34 ~~(C)~~ The notice must contain a full identification and explanation of the
35 extraordinary circumstances that are delaying compliance.
36

37 ~~(7)~~ When California is the sending state and there appears to be a lack of
38 compliance with Regulation No. 7 requirements by state officials or the local
39 child welfare agency in the receiving state regarding the expedited placement
40 request, the California judicial officer may communicate directly with the
41 judicial officer in the receiving state.
42

1 (A) This communication may be by telephone, e-mail, or any other
2 recognized, secure communication method.

3
4 (B) The California judicial officer may do any one or more of the
5 following:

6
7 (i) Contact the appropriate judicial officer in the receiving state to
8 discuss the situation and possible solutions.

9
10 (ii) Provide, or direct someone else to provide, the judicial officer of
11 the receiving state with copies of relevant documents and court
12 orders.

13
14 (iii) Request assistance with obtaining compliance.

15
16 (iv) Use Request for Assistance With Expedited Placement Under the
17 Interstate Compact on the Placement of Children (form JV-565)
18 to communicate the request for assistance to the receiving state
19 judicial officer. When this form is used, a copy should be
20 provided to the county ICPC Liaison in the sending jurisdiction.

21
22 (8) All other requirements, exceptions, timelines, and instructions for expedited
23 placement cases, along with procedures for provisional approval or denial of
24 a placement and for removal of a child from the placement, are stated in
25 Regulation No. 7.

26
27 *(Subd (h) relettered and amended effective January 1, 2013; adopted as subd (f);*
28 *previously amended effective January 1, 2007.)*

29
30 **(i) Authority of sending court or agency to place child (ICPC Reg. No. 2, § 8(d))**

31
32 When the receiving state has approved a placement resource, the sending court has
33 the final authority to determine whether to use the approved placement resource.
34 The sending court may delegate that decision to the child welfare agency. The
35 determination to place the child in the approved home must be made within six
36 months from the date form ICPC-100A was signed by the receiving state.

37
38 *(Subd (i) adopted effective January 1, 2013.)*

39
40 **(g)(j) Ongoing jurisdiction**

41
42 * * *

43

1 **(b) Substantive communications between judicial officers**

2
3 Before making a venue decision on a petition for appointment of a general guardian
4 in a guardianship proceeding described in (a), or a decision on a petition to transfer
5 under Probate Code section 2212 filed in the proceeding before the appointment of
6 a guardian or temporary guardian, the judicial officer responsible for the
7 proceeding in the guardianship court must communicate with the judicial officer or
8 officers responsible for the custody proceeding or proceedings in the family court
9 or courts concerning which county provides the venue for the guardianship
10 proceeding that is in the best interests of the ward or the proposed ward.

11
12 (1) If the currently responsible judicial officer in the family court or courts
13 cannot be identified, communication must be made with the managing or
14 supervising judicial officer of the family departments of the other court or
15 courts, if any, or his or her designee, or with the presiding judge of the other
16 court or courts or his or her designee.

17
18 (2) If courts in more than two counties are involved, simultaneous
19 communications among judicial officers of all of the courts are
20 recommended, if reasonably practicable. If communications occur between
21 some but not all involved courts, the record of these communications must be
22 made available to those judicial officers of the courts who were not included
23 at or before the time the judicial officer of the guardianship court
24 communicates with them.

25
26 (3) A record must be made of all communications between judicial officers under
27 this subdivision.

28
29 (4) The parties to the guardianship proceeding, including a petitioner for transfer;
30 all persons entitled to notice of the hearing on the petition for appointment of
31 a guardian; and any additional persons ordered by the guardianship court
32 must promptly be informed of the communications and given access to the
33 record of the communications.

34
35 (5) The provisions of Family Code section 3410(b) apply to communications
36 between judicial officers under this subdivision, except that the term
37 “jurisdiction” in that section corresponds to “venue” in this context, and the
38 term “parties” in that section identifies the persons listed in (4).

39
40 **(c) Preliminary communications**

41
42 To assist the judicial officer in making the communication required in (b), the
43 guardianship court may have preliminary communications with each family court

1 to collect information about the proceeding in that court or for other routine
2 matters, including calendar management, and scheduling.

3
4 (1) The guardianship court should attempt to collect, and each family court is
5 encouraged to provide, as much of the following information about the
6 proceeding in the family court as is reasonable under the circumstances:

7
8 (A) The case number or numbers and the nature of each family court
9 proceeding;

10
11 (B) The names of the parties to each family court proceeding, including
12 contact information for self-represented parties; their relationship or
13 other connection to the ward or proposed ward in the guardianship
14 proceeding, and the names and contact information of counsel for any
15 parties represented by counsel;

16
17 (C) The current status (active or inactive) of each family court proceeding,
18 whether any future hearings are set in each proceeding, and if so, their
19 dates and times, locations, and nature;

20
21 (D) The contents and dates filed of orders in the each family court
22 proceeding that decide or resolve custody or visitation issues
23 concerning the ward or proposed ward in the guardianship proceeding;

24
25 (E) Whether any orders of each family court are final, were appealed from,
26 or were the subject of extraordinary writ proceedings, and the current
27 status of any such appeal or proceeding;

28
29 (F) The court branch and department where each family court proceeding
30 was assigned and where the proceeding is currently assigned or
31 pending;

32
33 (G) The identity of the judicial officer currently assigned to or otherwise
34 responsible for each family court proceeding; and

35
36 (H) Other information about each family court proceeding requested by the
37 judicial officer of the guardianship court.

38
39 (2) In the discretion of the judicial officer of the guardianship court, preliminary
40 communications under this rule may be between judicial officers of the courts
41 involved or between staff of the guardianship court and judicial officers or
42 court staff of each other court.

43

1 (3) Family Code section 3410(c) applies to preliminary communications under
2 this rule.

3
4 **(d) Applicability of this rule to petitions to transfer filed after the appointment of**
5 **a guardian or temporary guardian**

6
7 Subdivisions (b) and (c) of this rule may, in the discretion of the guardianship
8 court, apply to petitions for transfer described in Probate Code section 2204(b)(2).

9
10 **(e) “Record” under this rule**

11
12 “Record” under this rule has the meaning provided in Family Code section 3410(e).

13
14 *Rule 7.1014 adopted effective January 1, 2013.*

15
16 **Rule 7.1016. Participation and testimony of wards in guardianship proceedings**

17
18 **(a) Definitions**

19
20 As used in this rule, the following terms have the meanings specified:

21
22 (1) “Ward” includes “proposed ward.”

23
24 (2) A “proceeding” is a matter before the court for decision in a probate
25 guardianship of the person that concerns appointment or removal of a
26 guardian, visitation, determination of the ward’s place of residence, or
27 termination of the guardianship by court order.

28
29 (3) “Party,” as used in this rule to refer to the ward, means a ward who has filed a
30 petition or opposition to a petition concerning a proceeding or other matter
31 subject to this rule.

32
33 **(b) Purpose and scope of rule**

34
35 (1) This rule applies Family Code section 3042 to the participation and testimony
36 of the ward in a proceeding in a probate guardianship of the person. The
37 testimony of other minors in a guardianship case is governed by Evidence
38 Code sections 765(b) and 767(b).

39
40 (2) The court in its discretion may apply this rule, in whole or in part, to the
41 participation and testimony of a ward in a guardianship of the estate or in a
42 matter before the court in a guardianship of the person that is not a
43 proceeding within the meaning of this rule. The phrase “or other matter

1 subject to this rule” following the term “proceeding” is a reference to the
2 matters described in this paragraph.

3
4 (3) No statutory mandate, rule, or practice requires a ward who is not a party to
5 the proceeding or other matter subject to this rule to participate in court or
6 prohibits him or her from doing so. When a ward desires to participate but is
7 not a party to the proceeding or other matter subject to this rule, the court
8 must balance the protection of the ward, the statutory duty to consider the
9 wishes of and input from the ward, and the probative value of the ward’s
10 input while ensuring all parties’ due process rights to challenge evidence
11 relied on by the court in making decisions affecting the ward in matters
12 covered by the rule.

13
14 (4) This rule rather than rule 5.250, on children’s participation and testimony in
15 family court proceedings, applies in probate guardianship proceedings.

16
17 (c) **Determining whether the nonparty ward wishes to address the court**

18
19 (1) The following persons must inform the court if they have information
20 indicating that a ward who is not a party wishes to address the court in a
21 proceeding or other matter subject to this rule:

22
23 (A) The ward’s counsel;

24
25 (B) A court or county guardianship investigator;

26
27 (C) A child custody recommending counselor who provides
28 recommendations to the judicial officer under Family Code section
29 3183;

30
31 (D) An expert appointed by the court under Evidence Code section 730 to
32 assist the court in the matter; or

33
34 (E) The ward’s guardian ad litem.

35
36 (2) The following persons may inform the court if they have information
37 indicating that a ward who is not a party wishes to address the court in a
38 proceeding or other matter subject to this rule:

39
40 (A) A party in the guardianship case; and

41
42 (B) An attorney for a party in the guardianship case.
43

1 (3) In the absence of information indicating that a ward who is not a party wishes
2 to address the court in a proceeding or other matter subject to this rule, the
3 judicial officer may inquire whether the ward wishes to do so.
4

5 **(d) Guidelines for determining whether addressing the court is in the nonparty**
6 **ward's best interest**
7

8 (1) When a ward who is not a party indicates that he or she wishes to address the
9 court, the judicial officer must consider whether involving the ward in the
10 proceeding or other matter subject to this rule is in the ward's best interest.
11

12 (2) If the ward is 12 years old or older, the judicial officer must hear from the
13 ward unless the court makes a finding that addressing the court is not in the
14 ward's best interest and states the reasons on the record.
15

16 (3) In determining whether addressing the court is in the ward's best interest, the
17 judicial officer should consider the following:
18

19 (A) Whether the ward is of sufficient age and capacity to form an
20 intelligent preference as to the matter to be decided;
21

22 (B) Whether the ward is of sufficient age and capacity to understand the
23 nature of testimony;
24

25 (C) Whether information has been presented indicating that the ward may
26 be at risk emotionally if he or she is permitted or denied the opportunity
27 to address the court or that the ward may benefit from addressing the
28 court;
29

30 (D) Whether the subject areas about which the ward is anticipated to
31 address the court are relevant to the decision the court must make;
32

33 (E) Whether the appointment of counsel under Probate Code section 1470
34 or a guardian ad litem for the ward would be helpful to the
35 determination or would be necessary to protect the ward's interests; and
36

37 (F) Whether any other factors weigh in favor of or against having the ward
38 address the court, taking into consideration the ward's desire to do so.
39

40 **(e) Guidelines for receiving testimony and other input from the nonparty ward**
41

- 1 (1) No testimony of a ward may be received without such testimony being heard
2 on the record or in the presence of the parties. This requirement may not be
3 waived.
4
- 5 (2) On deciding to take the testimony of a ward who is not a party in a
6 proceeding or other matter subject to this rule, the judicial officer should
7 balance the necessity of taking the ward’s testimony in the courtroom with
8 parents, the guardian or proposed guardian, other parties, and attorneys
9 present with the need to create an environment in which the ward can be open
10 and honest. In each case in which a ward’s testimony will be taken, the
11 judicial officer should consider:
12
- 13 (A) Where the testimony will be taken;
14
- 15 (B) Who should be present when the testimony is taken;
16
- 17 (C) How the ward will be questioned; and
18
- 19 (D) Whether a court reporter is available in all instances, but especially
20 when the ward’s testimony may be taken outside the presence of the
21 parties and their attorneys. If the court reporter will not be available,
22 whether there are other means to collect, preserve, transcribe, and make
23 the ward’s testimony available to parties and their attorneys.
24
- 25 (3) In taking testimony from a ward who is not a party to the proceeding or other
26 matter subject to this rule, the court must take the special care required by
27 Evidence Code section 765(b). If the ward is not represented by an attorney,
28 the court must inform the ward in an age-appropriate manner about the
29 limitations on confidentiality of testimony and that the information provided
30 to the court will be on the record and provided to the parties in the case.
31
- 32 (4) In the process of listening to and inviting the ward’s input, the court must
33 allow but not require the ward to state a preference regarding the matter to be
34 decided in the proceeding or other matter subject to this rule and should
35 provide information in an age-appropriate manner about the process by which
36 the court will make a decision.
37
- 38 (5) In any case in which a ward who is not a party to the proceeding or other
39 matter subject to this rule will be called to testify, the court must consider the
40 appointment of counsel for the ward under Probate Code section 1470 and
41 may consider the appointment of a guardian ad litem for the ward. In addition
42 to satisfying the requirements for minor’s counsel under rule 7.1101, minor’s
43 counsel must:

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(A) Provide information to the ward in an age-appropriate manner about the limitations on the confidentiality of testimony and indicate to the ward the possibility that information provided to the court will be on the record and provided to the parties in the case;

(B) Allow but not require the ward to state a preference regarding the issues to be decided in the proceeding or other matter subject to this rule, and provide information in an age-appropriate manner about the process by which the court will make a decision;

(C) If appropriate, provide the ward with an orientation to the courtroom or other place where the ward will testify; and

(D) Inform the parties and the court about the ward’s desire to provide input.

(6) If the court precludes the calling of a ward who is not a party as a witness in a proceeding or other matter subject to this rule, alternatives for the court to obtain information or other input from the ward may include:

(A) A court or county guardianship investigator participating in the case under Probate Code section 1513 or 1513.2;

(B) Appointment of a child custody evaluator or investigator under Evidence Code section 730;

(C) Appointment of counsel or a guardian ad litem for the ward;

(D) Admissible evidence provided by the ward’s parents, parties, or witnesses in the proceeding or other matter subject to this rule;

(E) Information provided by a child custody recommending counselor authorized under Family Code section 3183 to make a recommendation to the court; and

(F) Information provided from a child interview center or professional to avoid unnecessary multiple interviews.

(7) If the court precludes the calling of a ward who is not a party as a witness in a proceeding or other matter subject to this rule and specifies one of the other alternatives, the court must require that the information or evidence obtained

1 by alternative means and provided by a professional (other than counsel for
2 the ward or counsel for any party) or a nonparty:

3
4 (A) Be in writing and fully document the ward’s views on the matters on
5 which he or she wished to express an opinion;

6
7 (B) Describe the ward’s input in sufficient detail to assist the court in
8 making its decision;

9
10 (C) Be provided to the court and to the parties by a person who will be
11 available for testimony and cross-examination; and

12
13 (D) Be filed in the confidential portion of the case file.

14
15 **(f) Responsibilities of court-connected or appointed professionals—all wards**

16
17 A child custody evaluator, an expert witness appointed under Evidence Code
18 section 730, an investigator, a child custody recommending counselor or other
19 custody mediator appointed or assigned to meet with a ward must:

20
21 (1) Provide information to the ward in an age-appropriate manner about the
22 limitations on confidentiality of testimony and the possibility that information
23 provided to the professional may be shared with the court on the record and
24 provided to the parties in the case;

25
26 (2) Allow but not require the ward to state a preference regarding the issues to be
27 decided in the proceeding or other matter subject to this rule, and provide
28 information in an age-appropriate manner about the process by which the
29 court will make a decision; and

30
31 (3) Provide to the other parties in the case information about how best to support
32 the interest of the ward during the court process.

33
34 **(g) Methods of providing information to parties and supporting nonparty wards**

35
36 Courts should provide information to the parties and the ward who is not a party to
37 the proceeding or other matter subject to this rule when the ward wants to
38 participate or testify. Methods of providing information may include:

39
40 (1) Having court or county guardianship investigators and experts appointed
41 under Evidence Code section 730 meet jointly or separately with the parties
42 and their attorneys to discuss alternatives to having the ward provide direct
43 testimony;

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- (2) Providing an orientation for the ward about the court process and the role of the judicial officer in making decisions, how the courtroom or chambers will be set up, and what participating or testifying will entail;
- (3) Providing information to parties before the ward participates or testifies so that they can consider the possible effect on the ward of participating or not participating in the proceeding or other matter subject to this rule;
- (4) Appointing counsel under Probate Code section 1470 or a guardian ad litem for the ward to assist in the provision of information to the ward concerning his or her decision to participate in the proceeding or testify;
- (5) Including information in guardianship orientation presentations and publications about the options available to a ward who is not a party to the proceeding or other matter subject to this rule to participate or testify or not to do so, and the consequences of a ward’s decision whether to become a party to the proceeding or other matter subject to this rule; and
- (6) Providing an interpreter for the ward.

(h) If the ward is a party to the proceeding

- (1) A ward who is a party to the proceeding or other matter subject to this rule is subject to the law of discovery applied to parties in civil actions and may be called as a witness by any other party unless the court makes a finding that providing information in response to discovery requests or testifying as a witness is not in the ward’s best interest and states the reasons on the record.
- (2) The court must consider appointing counsel under Probate Code section 1470 or a guardian ad litem for a ward who is a party to the proceeding or other matter subject to this rule if the ward is not represented by counsel.
- (3) In determining whether providing information in response to discovery requests or testifying as a witness is in the ward’s best interest, the judicial officer should consider the following:
 - (A) Whether information has been presented indicating that the ward may be at risk emotionally if he or she is permitted or denied the opportunity to provide information in response to discovery requests or by testimony;

1 (B) Whether the subject areas about which the ward is anticipated to
2 provide information in response to discovery requests or by testimony
3 are relevant to the decision the court must make; and
4

5 (C) Whether any other factors weigh in favor of or against having the ward
6 provide information in response to discovery requests or by testimony.
7

8 (4) In taking testimony from a ward who is a party to the proceeding or other
9 matter subject to this rule, the court must take the special care required by
10 Evidence Code section 765(b). If the ward is not represented by an attorney,
11 the court must inform the ward in an age-appropriate manner about the
12 limitations on confidentiality of testimony and that the information provided
13 to the court will be on the record and provided to the parties in the case.
14

15 (i) **Education and training of judicial officers and court staff**
16

17 Education and training content for court staff and judicial officers should include
18 information on wards' participation in proceedings or other matters subject to this rule,
19 methods other than direct testimony for receiving input from a ward, procedures for
20 taking a ward's testimony, and differences in the application of this rule to wards who are
21 and are not parties to the proceeding or other matters subject to this rule.
22

23 *Rule 7.1016 adopted effective January 1, 2013.*
24

25 **Rule 8.32. Address and ~~telephone number~~ other contact information of record;**
26 **notice of change**
27

28 (a) **Address and ~~telephone number~~ other contact information of record**
29

30 In any case pending before the court, the court will use the mailing address, ~~and~~
31 telephone number, fax number, and e-mail address that an attorney or
32 unrepresented party provides on the first document filed in that case as the mailing
33 address, and telephone number, fax number, and e-mail address of record unless the
34 attorney or unrepresented party files a notice under (b).
35

36 *(Subd (a) amended effective January 1, 2013; adopted effective January 1, 2007.)*
37

38 (b) **Notice of change**
39

40 (1) An attorney or unrepresented party whose mailing address, ~~or~~ telephone
41 number, fax number, or e-mail address changes while a case is pending must
42 promptly serve and file a written notice of the change in the reviewing court
43 in which the case is pending.

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(2) * * *

(Subd (b) amended effective January 1, 2013; adopted as subd (a); previously amended and relettered effective January 1, 2007; previously amended effective July 1, 2008.)

~~(e)~~ **Matters affected by notice**

~~If the notice under (b) does not identify the case or cases in which the new address or telephone number applies, the clerk may use the new address, or telephone number as the person’s address telephone number of record in all pending and concluded cases.~~

~~(d)~~(c) **Multiple addresses or other contact information**

If an attorney or an unrepresented party has more than one mailing address, telephone number, fax number, or e-mail address, only one mailing address, telephone number, fax number, or e-mail address for that attorney or unrepresented party may be used in a given case.

(Subd (c) amended and relettered effective January 1, 2013; adopted as subd (c); previously amended and relettered as subd (d) effective January 1, 2007; previously amended effective January 1, 2008, and July 1, 2008.)

Rule 8.32 amended effective January 1, 2013; repealed and adopted as rule 40.5 effective January 1, 2005; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2008, and July 1, 2008.

Rule 8.40. Form of filed documents

~~(a)~~~~(b)~~ * * *

(c) Cover information

(1) Except as provided in (2), the cover—or first page if there is no cover—of every document filed by an attorney in a reviewing court must ~~comply with rule 8.204(b)(10)(D)~~ include the name, mailing address, telephone number, fax number (if available), e-mail address (if available), and California State Bar number of each attorney filing or joining in the document, or of the party if he or she is unrepresented. The inclusion of a fax number or e-mail address on any document does not constitute consent to service by fax or e-mail unless otherwise provided by law.

1 (2) If more than one attorney from a law firm, corporation, or public law office is
2 representing one party and is joining in the document, the name and State Bar
3 number of each attorney joining in the document must be provided on the
4 cover. The law firm, corporation, or public law office representing each party
5 must designate one attorney to receive notices and other communication in
6 the case from the court by placing an asterisk before that attorney’s name on
7 the cover and must provide the contact information specified under (1) for
8 that attorney. Contact information for the other attorneys from the same law
9 firm, corporation, or public law office is not required but may be provided.

10
11 *(Subd (c) amended effective January 1, 2013; adopted as subd (d); previously amended*
12 *and relettered effective January 1, 2007.)*

13
14 *Rule 8.40 amended effective January 1, 2013; repealed and adopted as rule 44 effective January*
15 *1, 2005; previously amended and renumbered effective January 1, 2007; previously amended*
16 *effective January 1, 2006, and January 1, 2011.*

17
18 **Rule 8.44. Number of copies of filed documents**

19
20 Except as these rules provide otherwise, the number of copies of every brief, petition,
21 motion, application, or other document that must be filed in a reviewing court is as
22 follows:

23
24 (a) * * *

25
26 (b) **Documents filed in a Court of Appeal**

27
28 (1) An original and 4 copies of a brief, an amicus curiae brief, or an answer to an
29 amicus curiae brief, and, in civil appeals, proof of delivery of 1 electronic
30 copy or, in case of undue hardship, 4 paper copies to the Supreme Court, as
31 provided in rule 8.212(c). For purposes of service on the Supreme Court, the
32 term “brief” does not include a petition for rehearing or answers thereto;

33
34 (2)–(7) * * *

35
36 *(Subd (b) amended effective January 1, 2013; previously amended effective January 1,*
37 *2011.)*

38
39 *Rule 8.44 amended effective January 1, 2013; adopted effective January 1, 2007; previously*
40 *amended effective January 1, 2007, and January 1, 2011.*

41
42 **Rule 8.123. Record of administrative proceedings**

43

1 (a)–(b) * * *

2
3 **(d)(c) Transmittal to the reviewing court**

4
5 Except as provided in (d), if any administrative record is designated by a party, the
6 superior court clerk must transmit the original administrative record with any
7 clerk’s or reporter’s transcript sent to the reviewing court under rule 8.150. If the
8 appellant has elected under rule 8.121 to use neither a clerk’s transcript nor a
9 reporter’s transcript, the superior court clerk must transmit any administrative
10 record designated by a party to the reviewing court no later than 45 days after the
11 respondent files a designation under (b)(2) or the time for filing it expires,
12 whichever first occurs.

13
14 *(Subd (c) amended and relettered effective January 1, 2013; adopted as subd (d).)*

15
16 **(e)(d) Administrative records returned to parties**

- 17
18 (1) If the superior court has returned a designated administrative record to a
19 party, the party in possession of the administrative record must ~~deliver it to~~
20 ~~the superior court clerk~~ make that record available to the other parties in the
21 case for copying within 15 days after the notice designating the record on
22 appeal is served and lodge the record with the clerk of the reviewing court at
23 the time the last respondent’s brief is due.
- 24
25 (2) A party seeking an administrative record that was returned to another party
26 must first ask the possessing party to provide a copy or lend it for copying.
27 The possessing party should reasonably cooperate with such requests.
- 28
29 (3) If the request under (2) is unsuccessful, the requesting party may serve and
30 file in the reviewing court a notice identifying the administrative record and
31 requesting that the possessing party deliver the administrative record to the
32 requesting party or, if the possessing party prefers, to the reviewing court.
33 The possessing party must comply with the request within 10 days after the
34 notice was served.
- 35
36 (4) If the possessing party sends the administrative record to the requesting party,
37 that party must copy and return it to the possessing party within 10 days after
38 receiving it.
- 39
40 (5) If the possessing party sends the administrative record to the reviewing court,
41 that party must:
- 42

1 (A) Include with the administrative record a copy of the notice served by
2 the requesting party; and

3
4 (B) Immediately notify the requesting party that it has sent the
5 administrative record to the reviewing court.

6
7 *(Subd (d) amended and relettered effective January 1, 2013; adopted as subd (c).)*

8
9 (e) **Return by reviewing court**

10
11 On request, the reviewing court may return an administrative record to the superior
12 court or, if the record was lodged by a party under (d), to the lodging party. When
13 the remittitur issues, the reviewing court must return any administrative record to
14 the superior court or, if the record was lodged by a party under (d), to the lodging
15 party.

16
17 *(Subd (e) amended effective January 1, 2013.)*

18
19 *Rule 8.123 amended effective January 1, 2013; adopted effective January 1, 2008.*

20
21 **Rule 8.204. Contents and form of briefs**

22
23 (a) * * *

24
25 (b) **Form**

26
27 (1)–(9) * * *

28
29 (10) The cover, preferably of recycled stock, must be in the color prescribed by
30 rule 8.40(b) and, in addition to providing the cover information required by
31 rule 8.40(c), must state:

32
33 (A)–(C) * * *

34
35 ~~(D) The name, address, telephone number, and California State Bar number~~
36 ~~of each attorney filing or joining in the brief, but the cover need not~~
37 ~~state the bar number of any supervisor of the attorney responsible for~~
38 ~~the brief; and~~

39
40 ~~(E)~~(D) The name of the party that each attorney on the brief represents.

41
42 (11) * * *

43

1 (Subd (b) amended effective January 1, 2013; previously amended effective January 1,
2 2004, July 1, 2004, January 1, 2006, and January 1, 2007.)

3
4 (c)–(e) * * *

5
6 Rule 8.204 amended effective January 1, 2013; repealed and adopted as rule 14 effective January
7 1, 2002; previously amended and renumbered effective January 1, 2007; previously amended
8 effective January 1, 2004, July 1, 2004, January 1, 2006, and January 1, 2011.

9
10 **Rule 8.212. Service and filing of briefs**

11
12 (a)–(b) * * *

13
14 (c) **Service**

15
16 (1) One copy of each brief must be served on the superior court clerk for delivery
17 to the trial judge.

18
19 (2) One electronic copy ~~or four paper copies~~ of each brief must be served on the
20 Supreme Court as ~~provided in either (A) or (B)~~.

21
22 ~~(A)~~ ~~One copy of each brief may be served on the Supreme Court~~
23 ~~electronically~~ by sending the copy to the Supreme Court’s electronic
24 service address. For purposes of this requirement, the term “brief” does
25 not include a petition for rehearing or an answer thereto.

26
27 ~~(i)(A)~~ * * *

28
29 ~~(ii)(B)~~ * * *

30
31 ~~(B)(C)~~ If it would cause undue hardship for the party filing the brief to
32 serve an electronic copy of the brief on the Supreme Court, the party
33 may instead of serving an electronic copy, serve four paper copies of
34 each the brief may be served on the Supreme Court. If the Court of
35 Appeal has ordered the brief sealed, the party serving the brief must
36 place all four copies of the brief in a sealed envelope and attach a cover
37 sheet that contains the information required by rule 8.204(b)(10) and
38 labels the contents as “CONDITIONALLY UNDER SEAL.” The
39 Court of Appeal clerk must promptly notify the Supreme Court of any
40 court order unsealing the brief. In the absence of such notice, the
41 Supreme Court clerk must keep all copies of the brief under seal.

42
43 (3) * * *

1
2 (Subd (c) amended effective January 1, 2013; previously amended effective January 1,
3 2004, January 1, 2005, January 1, 2007, January 1, 2008, and January 1, 2013.)
4

5 Rule 8.212 amended effective January 1, 2013; repealed and adopted as rule 15 effective January
6 1, 2002; previously amended and renumbered effective January 1, 2007; previously amended
7 effective January 1, 2003, January 1, 2004, January 1, 2005, July 1, 2005, January 1, 2008,
8 January 1, 2010, January 1, 2011, and January 1, 2013.
9

10 **Advisory Committee Comment**

11
12 **Subdivision (a).** * * *

13
14 **Subdivision (b).** * * *

15
16 **Subdivision (c).** In subdivision (c)(2) the word “brief” means only (1) an appellant’s opening
17 brief, (2) a respondent’s brief, (3) an appellant’s reply brief, (4) a petition for rehearing, (5) an
18 answer thereto, or (6) an amicus curiae brief, or (5) an answer thereto. It follows that no other
19 documents or papers filed in the Court of Appeal, whatever their nature, should be served on the
20 Supreme Court. Further, only briefs filed in the Court of Appeal “in a civil appeal” must be
21 served on the Supreme Court. It follows that no briefs filed in the Court of Appeal in criminal
22 appeals or in original proceedings should be served on the Supreme Court.
23

24 “Electronic service address” is defined in rule ~~2.250~~ 8.70. The Supreme Court’s electronic filing
25 address and additional information about sending electronic copies of briefs to the Supreme Court
26 can be found on the California Courts website at www.courts.ca.gov/appellatebriefs.htm.
27

28 Examples of “undue hardship” under (2)(C) include but are not limited to when a party does not
29 have access to a computer or the software necessary to prepare an electronic copy of a brief or
30 does not have e-mail access to electronically serve a brief on the Supreme Court.
31

32 **Rule 8.278. Costs on appeal**

33
34 **(a)–(c)** * * *

35
36 **(d) Recoverable costs**

37
38 (1) A party may recover only the following costs, if reasonable:

39
40 (A)–(D) * * *

41
42 (E) The cost to print and reproduce any brief, including any petition for
43 rehearing or review, answer, or reply; and

1
2 (F) The cost to procure a surety bond, including the premium, ~~and~~ the cost
3 to obtain a letter of credit as collateral, and the fees and net interest
4 expenses incurred to borrow funds to provide security for the bond or
5 to obtain a letter of credit, unless the trial court determines the bond
6 was unnecessary; and

7
8 (G) The fees and net interest expenses incurred to borrow funds to deposit
9 with the superior court in lieu of a bond or undertaking, unless the trial
10 court determines the deposit was unnecessary.

11
12 (2) * * *

13
14 (Subd (d) amended effective January 1, 2013.)

15
16 *Rule 8.278 amended effective January 1, 2013; adopted effective January 1, 2008.*

17
18 **Advisory Committee Comment**

19
20 This rule is not intended to expand the categories of appeals subject to the award of costs. See
21 rule 8.493 for provisions addressing costs in writ proceedings.

22
23 **Subdivision (c).** * * *

24
25 **Subdivision (d).** Subdivision (d)(1)(B) is intended to refer not only to a normal record prepared
26 by the clerk and the reporter under rules 8.122 and 8.130 but also, for example, to an appendix
27 prepared by a party under rule 8.124 and to a superior court file to which the parties stipulate
28 under rule 8.128.

29
30 “Net interest expenses” in subdivisions (d)(1)(F) and (G) means the interest expenses incurred to
31 borrow the funds that are deposited minus any interest earned by the borrower on those funds
32 while they are on deposit.

33
34 **Rule 8.320. Normal record; exhibits**

35
36 (a)–(c) * * *

37
38 (d) **Limited normal record in certain appeals**

39
40 If the People appeal from a judgment on a demurrer to the accusatory pleading, or
41 if the defendant or the People appeal from an appealable order other than a ruling
42 on a motion for new trial, the normal record is composed of:
43

1 (1) Clerk's transcript

2
3 ~~a reporter's transcript of any oral proceedings incident to the judgment or~~
4 ~~order being appealed and~~ A clerk's transcript containing:

5
6 ~~(1)~~(A) The accusatory pleading and any amendment;

7
8 ~~(2)~~(B) Any demurrer or other plea;

9
10 ~~(3)~~(C) Any written motion or notice of motion granted or denied by the
11 order appealed from, with supporting and opposing memoranda and
12 attachments;

13
14 ~~(4)~~(D) The judgment or order appealed from and any abstract of
15 judgment or commitment;

16
17 ~~(5)~~(E) Any court minutes relating to the judgment or order appealed
18 from; and:

19
20 (i) If there was a trial in the case, any court minutes of proceedings
21 at the time the original verdict is rendered and any subsequent
22 proceedings; or

23
24 (ii) If the original judgment of conviction is based on a guilty plea or
25 nolo contendere plea, any court minutes of the proceedings at the
26 time of entry of such plea and any subsequent proceedings;

27
28 ~~(6)~~(F)The notice of appeal; and

29
30 (G) If the appellant is the defendant, all probation officer reports and any
31 court-ordered diagnostic report required under Penal Code section
32 1203.03(b).

33
34 (2) Reporter's transcript

35
36 (A) A reporter's transcript of any oral proceedings incident to the judgment
37 or order being appealed; and

38
39 (B) If the appeal is from an order after judgment, a reporter's transcript of:

40
41 (i) The original sentencing proceeding; and
42

1 (ii) If the original judgment of conviction is based on a guilty plea or
2 nolo contendere plea, the proceedings at the time of entry of such
3 plea.
4

5 *(Subd (d) amended effective January 1, 2013; previously amended effective January 1,*
6 *2007.)*
7

8 **(e)–(g) * * ***
9

10 *Rule 8.320 amended effective January 1, 2013; repealed and adopted as rule 31 effective January*
11 *1, 2004; previously amended and renumbered effective January 1, 2007; previously amended*
12 *effective January 1, 2005, January 1, 2008, and January 1, 2010.*
13

14 **Advisory Committee Comment**

15

16 **Subdivisions (b)(13) and (d)(1)(G).** Rule 8.336(g) addresses the appropriate handling of
17 probation officers' reports and court-ordered diagnostic reports that must be included in the
18 clerk's transcript ~~under (b)(13)(D) or (E).~~

19
20 **Subdivision (d)(1)(E).** This rule identifies the minutes that must be included in the record. The
21 trial court clerk may include additional minutes beyond those identified in this rule if that would
22 be more cost-effective.
23

24 **Rule 8.403. Right to appointment of appellate counsel and prerequisites for appeal**

25

26 **(a) Welfare and Institutions Code section 601 or 602 proceedings**

27

28 In appeals of proceedings under Welfare and Institutions Code section 601 or 602,
29 the child is entitled to court-appointed counsel. ~~If the court determines that the~~
30 ~~parent or guardian can afford counsel but has not retained counsel for the child, the~~
31 ~~court must appoint counsel for the child at the expense of the parent or guardian.~~
32

33 *(Subd (a) amended effective January 1, 2013.)*
34

35 **(b) * * ***
36

37 *Rule 8.403 amended effective January 1, 2013; adopted effective July 1, 2010.*
38

39 **Rule 8.450. Notice of intent to file writ petition to review order setting hearing** 40 **under Welfare and Institutions Code section 366.26**

41

42 **(a)–(c) * * ***
43

1 (d) **Extensions of time**

2
3 The superior court may not extend any time period prescribed by rules 8.450–
4 8.452. The reviewing court may extend any time period but must require an
5 exceptional showing of good cause.

6
7 *(Subd (d) amended effective January 1, 2013; previously amended effective January 1,*
8 *2007, and July 1, 2010.)*

9
10 (e) * * *

11
12 (f) **Premature or late notice of intent to file writ petition**

13
14 (1) A notice of intent to file a writ petition under Welfare and Institutions Code
15 section 366.26 is premature if filed before an order setting a hearing under
16 Welfare and Institutions Code section 366.26 has been made.

17
18 (2) If a notice of intent is premature or late, the superior court clerk must
19 promptly:

20
21 (A) Mark the notice of intent “Received [date] but not filed;”

22
23 (B) Return the marked notice of intent to the party with a notice stating
24 that:

25
26 (i) The notice of intent was not filed either because it is premature,
27 as no order setting a hearing under Welfare and Institutions Code
28 section 366.26 has been made, or because it is late; and

29
30 (ii) The party should contact his or her attorney as soon as possible to
31 discuss this notice, because the time available to take appropriate
32 steps to protect the party’s interests may be short; and

33
34 (C) Send a copy of the marked notice of intent and clerk’s notice to the
35 party’s counsel of record, if applicable.

36
37 *(Subd (f) adopted effective January 1, 2013.)*

38
39 ~~(f)~~(g) **Sending the notice of intent**

40
41 (1)–(3) * * *

42

1
2 **Subdivision (f)(1).** A party who prematurely attempts to file a notice of intent to file a writ
3 petition under Welfare and Institutions Code section 366.26 is not precluded from later filing
4 such a notice after the issuance of an order setting a hearing under Welfare and Institutions Code
5 section 366.26.

6
7 **Rule 8.816. Address and ~~telephone number~~ other contact information of record;**
8 **notice of change**

9
10 **(a) Address and ~~telephone number~~ other contact information of record**

11
12 (1) Except as provided in (2), the cover—or first page if there is no cover—of
13 every document filed in the appellate division must include the name, mailing
14 address, telephone number, fax number (if available), e-mail address (if
15 available), and California State Bar number of each attorney filing or joining
16 in the document, or of the party if he or she is unrepresented. The inclusion of
17 a fax number or e-mail address on any document does not constitute consent
18 to service by fax or e-mail unless otherwise provided by law.

19
20 (2) If more than one attorney from a law firm, corporation, or public law office is
21 representing one party and is joining in the document, the name and State Bar
22 number of each attorney joining in the document must be provided on the
23 cover. The law firm, corporation, or public law office representing each party
24 must designate one attorney to receive notices and other communication in
25 the case from the court by placing an asterisk before that attorney’s name on
26 the cover and need must provide the contact information specified under (1)
27 for that attorney. Contact information for the other attorneys from the same
28 law firm, corporation, or public law office is not required but may be
29 provided.

30
31 (3) In any case pending before the appellate division, the appellate division will
32 use the mailing address, and telephone number, fax number, and e-mail
33 address that an attorney or unrepresented party provides on the first document
34 filed in that case as the mailing address, and telephone number, fax number,
35 and e-mail address of record unless the attorney or unrepresented party files a
36 notice under (b).

37
38 *(Subd (a) amended effective January 1, 2013.)*

39
40 **(b) Notice of change**

41
42 (1) An attorney or unrepresented party whose mailing address, and telephone
43 number, fax number, or e-mail address changes while a case is pending must

1 promptly serve and file a written notice of the change in the appellate
2 division in which the case is pending.

3
4 (2) * * *

5
6 *(Subd (b) amended effective January 1, 2013.)*

7
8 ~~(e)~~ **Matters affected by notice**

9
10 ~~If the notice under (b) does not identify the case or cases in which the new address~~
11 ~~or telephone number applies, the clerk may use the new address or telephone~~
12 ~~number as the person's address telephone number of record in all pending and~~
13 ~~concluded cases.~~

14
15 ~~(d)~~**(c) Multiple addresses or other contact information**

16
17 If an attorney or unrepresented party has more than one mailing address, telephone
18 number, fax number, or e-mail address, only one mailing address, telephone
19 number, fax number, and e-mail address may be used in a given case.

20
21 *(Subd (c) amended and relettered effective January 1, 2013; adopted as subd (d).)*

22
23 *Rule 8.816 amended effective January 1, 2013; adopted effective January 1, 2009.*

24
25 **Rule 8.821. Notice of appeal**

26
27 (a) * * *

28
29 (b) **Filing fee**

30
31 (1) Unless otherwise provided by law, the notice of appeal must be accompanied
32 by the filing fee required under Government Code sections 70621 and
33 70602.5, an application for a waiver of court fees and costs on appeal under
34 rule 8.818, or an order granting an application for a waiver of court fees and
35 costs. The filing fee is nonrefundable.

36
37 (2) * * *

38
39 *(Subd (b) amended effective January 1, 2013; previously amended effective July 1, 2009.)*

40
41 (c)–(e) * * *

42

1 Rule 8.821 amended effective January 1, 2013; adopted effective January 1, 2009; previously
2 amended effective July 1, 2009.

3
4 **Advisory Committee Comment**
5

6 **Subdivision (a).** *Notice of Appeal/Cross-Appeal (Limited Civil Case)* (form APP-102) may be
7 used to file the notice of appeal required under this rule. This form is available at any courthouse
8 or county law library or online at ~~www.courtinfo.ca.gov/forms~~ www.courts.ca.gov/forms.htm.

9
10 **Subdivision (b).** ~~The filing fee required under Government Code section 70621 is \$180 if the~~
11 ~~amount claimed in the case is \$10,000 or less and \$300 if the amount claimed in the case is more~~
12 ~~than \$10,000. For information about the amount of the filing fee, see the current Statewide Civil~~
13 Fee Schedule linked at www.courts.ca.gov/7646.htm (note that the “Appeal and Writ Related
14 Fees” section appears near the end of the schedule and that there are different fees for limited
15 civil cases depending on the amount demanded in the case.)

16
17 **Subdivision (c)(2).** * * *
18

19 **Rule 8.867. Limited normal record in certain appeals**
20

21 If the People appeal from a judgment on a demurrer to the complaint, including any
22 notice to appear, or if the defendant or the People appeal from an appealable order other
23 than a ruling on a motion for new trial, the normal record is composed of:
24

25 (1) *Record of the documents filed in the trial court*

26
27 A clerk’s transcript or original trial court file containing:

28
29 (A)–(D) * * *

30
31 (E) Any court minutes relating to the judgment or order appealed from; and

32
33 (i) If there was a trial in the case, any court minutes of proceedings at the
34 time the original verdict is rendered and any subsequent proceedings;
35 or

36
37 (ii) If the original judgment of conviction is based on a guilty plea or nolo
38 contendere plea, any court minutes of the proceedings at the time of
39 entry of such plea and any subsequent proceedings;

40
41 (F) The notice of appeal; and

42
43 (G) If the appellant is the defendant, all probation officer reports.

1
2 (2) *Record of the oral proceedings in the trial court*

3
4 If an appellant wants to raise any issue which requires consideration of the oral
5 proceedings in the trial court;

6
7 (A) A reporter's transcript, a transcript prepared under rule 8.866 8.868, an
8 official electronic recording under rule 8.868, or a settled statement on appeal
9 under rule 8.869 summarizing any oral proceedings incident to the judgment
10 or order being appealed.

11
12 (B) If the appeal is from an order after judgment, a reporter's transcript, a
13 transcript prepared under rule 8.868, an official electronic recording under
14 rule 8.868, or a statement on appeal under rule 8.869 summarizing any oral
15 proceedings from:

16
17 (i) The original sentencing proceeding; and

18
19 (ii) If the original judgment of conviction is based on a guilty plea or nolo
20 contendere plea, the proceedings at the time of entry of such plea.

21
22 *Rule 8.867 amended effective January 1, 2013; adopted effective January 1, 2009.*

23
24 **Advisory Committee Comment**

25
26 **Subdivision (1)(E).** This rule identifies the minutes that must be included in the record. The trial
27 court clerk may include additional minutes beyond those identified in this rule if that would be
28 more cost-effective.

29
30 **Subdivision (1)(G).** Rule 8.862(c) addresses the appropriate handling of probation officers'
31 reports that must be included in the clerk's transcript under (1)(G).

32
33 **Rule 8.883. Contents and form of briefs**

34
35 (a) * * *

36
37 (b) **Length**

38
39 (1)–(2) * * *

40
41 (3) ~~The cover information listed on the cover in rule 8.204(b)(10),~~ any table of
42 contents or table of authorities, the certificate under (1), and any signature
43 block are excluded from the limits stated in (1) or (2).

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(4) * * *

(Subd (b) amended effective January 1, 2013; previously amended effective January 1, 2011.)

(c) Form

(1)–(7) * * *

(8) The cover—or first page if there is no cover—must include the information required by rule 8.816(a)(1).

~~(8)(9)~~ * * *

~~(9)(10)~~ * * *

~~(10)(11)~~ * * *

(Subd (c) amended effective January 1, 2013; previously amended effective January 1, 2011.)

(d) * * *

Rule 8.883 amended effective January 1, 2013; adopted effective January 1, 2009; previously amended effective January 1, 2011.

Rule 8.891. Costs and sanctions in civil appeals

(a)–(c) * * *

(d) Recoverable costs

(1) A party may recover only the costs of the following, if reasonable:

(A)–(D) * * *

(E) The cost to print and reproduce any brief, including any petition for rehearing or review, answer, or reply; ~~and~~

(F) The cost to procure a surety bond, including the premium, ~~and~~ the cost to obtain a letter of credit as collateral, and the fees and net interest expenses incurred to borrow funds to provide security for the bond or

1 to obtain a letter of credit, unless the trial court determines the bond
2 was unnecessary; and

3
4 (G) The fees and net interest expenses incurred to borrow funds to deposit
5 with the superior court in lieu of a bond or undertaking, unless the trial
6 court determines the deposit was unnecessary.

7
8 (2) * * *

9
10 (Subd (d) amended effective January 1, 2013.)

11
12 (e) * * *

13
14
15 *Rule 8.891 amended effective January 1, 2013; adopted effective January 1, 2009; previously*
16 *amended effective January 1, 2011.*

17
18 **Advisory Committee Comment**

19
20 **Subdivision (d).** “Net interest expenses” in subdivisions (d)(1)(F) and (G) means the interest
21 expenses incurred to borrow the funds that are deposited minus any interest earned by the
22 borrower on those funds while they are on deposit.

23
24 **Rule 8.920. Limited normal record in certain appeals**

25
26 If the People appeal from a judgment on a demurrer to the complaint, including any
27 notice to appear, or if the defendant or the People appeal from an appealable order other
28 than a ruling on a motion for new trial, the normal record is composed of:

29
30 (1) *Record of the documents filed in the trial court*

31
32 A clerk’s transcript or original trial court file containing:

33
34 (A)–(D) * * *

35
36 (E) Any court minutes relating to the judgment or order appealed from; and

37
38 (i) If there was a trial in the case, any court minutes of proceedings at the
39 time the original judgment is rendered and any subsequent proceedings;
40 or

41

1 (ii) If the original judgment of conviction is based on a guilty plea or nolo
2 contendere plea, any court minutes of the proceedings at the time of
3 entry of such plea and any subsequent proceedings; and
4

5 (F) * * *

6
7 (2) *Record of the oral proceedings in the trial court*
8

9 If an appellant wants to raise any issue that requires consideration of the oral
10 proceedings in the trial court;

11
12 (A) a reporter's transcript, a transcript prepared under rule ~~8.918~~ 8.917, an
13 official electronic recording under rule 8.917, or a settled statement on appeal
14 under rule ~~8.915~~ 8.916 summarizing any oral proceedings incident to the
15 judgment or order being appealed.
16

17 (B) If the appeal is from an order after judgment, a reporter's transcript, a
18 transcript prepared under rule 8.917, an official electronic recording under
19 rule 8.917, or a statement on appeal under rule 8.916 summarizing any oral
20 proceedings from:
21

22 (i) The original sentencing proceeding; and
23

24 (ii) If the original judgment of conviction is based on a guilty plea or nolo
25 contendere plea, the proceedings at the time of entry of such plea.
26

27 *Rule 8.920 amended effective January 1, 2013; adopted effective January 1, 2009.*
28

29 **Advisory Committee Comment**
30

31 **Subdivision (1)(E).** This rule identifies the minutes that must be included in the record. The trial
32 court clerk may include additional minutes beyond those identified in this rule if that would be
33 more cost-effective.
34

35 **Rule 8.928. Contents and form of briefs**
36

37 (a) * * *

38
39 (b) **Length**
40

41 (1)–(2) * * *
42

1 (3) The ~~cover~~ information listed on the ~~cover~~ in rule 8.204(b)(10), any table of
2 contents or table of authorities, the certificate under (1), and any signature
3 block are excluded from the limits stated in (1) or (2).
4

5 (4) * * *

6
7 (*Subd (b) amended effective January 1, 2013; previously amended effective January 1,*
8 *2011.*)
9

10 **(c) Form**

11
12 (1)–(7) * * *

13
14 (8) The cover—or first page if there is no cover—must include the information
15 required by rule 8.816(a)(1).

16
17 ~~(8)(9)~~ * * *

18
19 ~~(9)(10)~~ * * *

20
21 ~~(10)(11)~~ * * *

22
23 (*Subd (c) amended effective January 1, 2013.*)
24

25 **(d)** * * *

26
27 *Rule 8.928 amended effective January 1, 2013; adopted effective January 1, 2009; previously*
28 *amended effective January 1, 2011.*
29

30 **~~Chapter 5. Ethics Training~~**

31 *Title 10, Judicial Administration Rules—Division 2, Administration of the Judicial Branch—Chapter*
32 *5, Ethics Training; repealed effective January 1, 2013.*
33

34 **~~Chapter 6~~5. Management of Human Resources**

35 *Title 10, Judicial Administration Rules—Division 2, Administration of the Judicial Branch—Chapter*
36 *5, Management of Human Resources; renumbered effective January 1, 2013; adopted as Chapter 6.*
37

38 **~~Chapter 7~~6. Court Technology, Information, and Automation**

39 *Title 10, Judicial Administration Rules—Division 2, Administration of the Judicial Branch—Chapter*
40 *6, Court Technology, Information and Automation; renumbered effective January 1, 2013; adopted as*
41 *Chapter 7.*
42

1 (i.e., justices, judges, subordinate judicial officers, temporary judges, or
2 court personnel) may apply the education following hours as of faculty
3 service: 3 hours for each hour of presentation the first time a given
4 course is presented and 2 hours for each hour of presentation each
5 subsequent time that course is presented. The hours applied for faculty
6 service are limited to 15 in each three-year period, this limit is prorated
7 for individuals who enter the three-year period after it has begun. Credit
8 for faculty service counts toward the continuing education requirement
9 in the same manner as all other types of education—on an hour-for-
10 hour basis.

11
12 *(Subd (c) amended effective January 1, 2013; adopted effective January 1, 2008;*
13 *previously amended effective January 1, 2012.)*

14
15 **(d)–(e) * * ***

16
17 *Rule 10.461 amended effective January 1, 2013; adopted effective January 1, 2007; previously*
18 *amended effective January 1, 2008, August 15, 2008, and January 1, 2012.*

19
20 **Rule 10.462. Minimum education requirements and expectations for trial court**
21 **judges and subordinate judicial officers**

22
23 **(a)–(c) * * ***

24
25 **(d) Hours-based continuing education**

26
27 **(1)–(2) * * ***

- 28
29 (3) Each hour of participation in traditional (live, face-to-face) education,
30 distance education, such as broadcasts, and videoconferences, and
31 online coursework; self-directed study; and faculty service counts toward the
32 continuing education expectation or requirement on an hour-for-hour basis.
33 Each judge and subordinate judicial officer must complete at least half of his
34 or her continuing education hours expectation or requirement as a participant
35 in traditional (live, face-to-face) education. The judge or subordinate judicial
36 officer may complete the balance of his or her judicial education hours
37 expectation or requirement through any other means with no limitation on
38 any particular type of education. The hours applied for participation in online
39 coursework and self-directed study are limited to a combined total of 7 hours
40 in each three-year period; this limit is prorated for individuals who enter the
41 three-year period after it has begun.
42

1 (4) A judge or subordinate judicial officer who serves as faculty by teaching
2 legal or judicial education for a legal or judicial audience for a California
3 court-based audience (i.e., justices, judges, subordinate judicial officers,
4 temporary judges, or court personnel) may apply the education following
5 hours as of faculty service. Credit for faculty service counts toward the
6 continuing education expectation or requirement in the same manner as all
7 other types of education—on an hour-for-hour basis. 3 hours for each hour of
8 presentation the first time a given course is presented and 2 hours for each
9 hour of presentation each subsequent time that course is presented. The hours
10 applied for faculty service are limited to 15 in each three-year period; this
11 limit is prorated for individuals who enter the three-year period after it has
12 begun.

13
14 (5) * * *

15
16 *(Subd (d) amended effective January 1, 2013; previously amended effective January 1,*
17 *2008, and January 1, 2012.)*

18
19 (e)–(g) * * *

20
21 *Rule 10.462 amended effective January 1, 2013; adopted effective January 1, 2007; previously*
22 *amended effective January 1, 2008, July 1, 2008, August 15, 2008, and January 1, 2012.*

23
24 **Rule 10.473. Minimum education requirements for trial court executive officers**

25
26 (a)–(b) * * *

27
28 (c) **Hours-based requirement**

29
30 (1) * * *

31
32 (2) The following education applies toward the required 30 hours of continuing
33 education:

34
35 (A) * * *

36
37 (B) Each hour of participation in traditional (live, face-to-face) education;
38 distance education such as broadcasts, and videoconferences courses,
39 and online coursework; self-directed study, and faculty service counts
40 toward the requirement on an hour-for-hour basis. The hours applied
41 for participation in online coursework and self directed study are
42 limited to a combined total of 7 hours in each three-year period. Each
43 court executive officer must complete at least half of his or her

1 continuing education hours requirement as a participant in traditional
2 (live, face-to-face) education. The court executive officer may
3 complete the balance of his or her education hours requirement through
4 any other means with no limitation on any particular type of education.
5

6 (C) An court executive officer who serves as faculty by teaching legal or
7 judicial education to a legal or judicial audience for a California court-
8 based audience (i.e., justices, judges, subordinate judicial officers,
9 temporary judges, or court personnel) may apply education the
10 following hours as of faculty service: 3 hours for each hour of
11 presentation the first time a given course is presented and 2 hours for
12 each hour of presentation each subsequent time that course is presented.
13 The hours applied for faculty service are limited to 15 in each three-
14 year period. Credit for faculty service counts toward the continuing
15 education requirement in the same manner as all other types of
16 education—on an hour-for-hour basis.
17

18 *(Subd (c) amended effective January 1, 2013; previously amended effective January 1,*
19 *2008, January 1, 2011, and January 1, 2012.)*
20

21 **(d)–(e) * * ***
22

23 *Rule 10.473 amended effective January 1, 2013; adopted as rule 10.463 effective January 1,*
24 *2007; previously amended and renumbered effective January 1, 2008; previously amended*
25 *effective January 1, 2011, and January 1, 2012.*
26

27 **Rule 10.474. Trial court managers, supervisors, and other personnel**

28

29 **(a)–(b) * * ***
30

31 **(c) Hours-based requirements**
32

33 **(1)–(4) * * ***
34

35 (5) Each hour of participation in traditional (live, face-to-face) education;
36 distance education such as broadcasts, ~~and~~ videoconferences ~~courses~~, and
37 online coursework; and faculty service counts toward the requirement on an
38 hour-for-hour basis. ~~The hours applied for participation in online coursework~~
39 ~~are limited to a total of 4 hours for managers and supervisors and to a total of~~
40 ~~3 hours for other personnel in each two year period; these limits are prorated~~
41 ~~for individuals who enter the two year period after it has begun. Each~~
42 manager, supervisor, and employee must complete at least half of his or her
43 continuing education hours requirement as a participant in traditional (live,

1 face-to-face) education. The individual may complete the balance of his or
2 her education hours requirement through any other means with no limitation
3 on any particular type of education. Self-directed study is encouraged for
4 professional development but does not apply toward the required hours.
5

- 6 (6) A manager, supervisor, or employee who serves as faculty ~~for a~~ by teaching
7 legal or judicial education to a legal or judicial audience ~~California court-~~
8 ~~based audience (i.e., justices, judges, subordinate judicial officers, temporary~~
9 ~~judges, or court personnel)~~ may apply education the following hours as of
10 faculty service: 3 hours for each hour of presentation the first time a given
11 course is presented and 2 hours for each hour of presentation each subsequent
12 time that the course is presented. The hours applied for faculty service are
13 limited to 6 hours for managers and supervisors and to 4 hours for other
14 personnel in each two-year period; these limits are prorated for individuals
15 who enter the two-year period after it has begun. Credit for faculty service
16 counts toward the continuing education requirement in the same manner as
17 all other types of education—on an hour-for-hour basis.
18

19 (7) * * *

20
21 *(Subd (c) amended effective January 1, 2013; previously amended effective January 1,*
22 *2008, and January 1, 2012.)*
23

24 **(d)–(e) * * ***

25
26 *Rule 10.474 amended effective January 1, 2013; adopted as rule 10.464 effective January 1,*
27 *2007; previously amended and renumbered effective January 1, 2008; previously amended*
28 *effective January 1, 2012.*
29

30 **Rule 10.1028. Preservation and destruction of Court of Appeal records**

31 **(a) Form or forms in which records may be preserved**

- 32 (1) Court of Appeal records may be created, maintained, and preserved in any
33 appropriate medium form or forms of communication or representation,
34 including paper or optical, electronic, magnetic, micrographic, or
35 photographic media, ~~or microphotographic medium~~ or other technology, if
36 the form or forms of representation or communication satisfy the standards or
37 guidelines for the creation, maintenance, reproduction, and preservation of
38 court records established under rule 10.854 ~~capable of accurately reproducing~~
39 ~~the original. The medium used must comply with the minimum standards or~~
40 ~~guidelines for the preservation and reproduction of the medium adopted by~~
41
42

1 the American National Standards Institute or the Association for Information
2 and Image Management.

- 3
4 (2) If records are preserved in a medium other than paper, the following
5 provisions of Government Code section 68150 apply: subdivisions ~~(b)~~–~~(d)~~
6 ~~(c)~~–~~(l)~~, ~~(f)~~, excluding subdivision ~~(f)~~(1)(i)(1); and ~~(g)~~–~~(h)~~.

7
8 *(Subd (a) amended effective January 1, 2013.)*

9
10 **(b) Methods for signing, subscribing, or verifying documents**

11
12 Any notice, order, ruling, decision, opinion, memorandum, certificate of service, or
13 similar document issued by an appellate court or by a judicial officer of an
14 appellate court may be signed, subscribed, or verified using a computer or other
15 technology in accordance with procedures, standards, and guidelines established by
16 the Judicial Council. Notwithstanding any other provision of law, all notices,
17 orders, rulings, decisions, opinions, memoranda, certificates of service, or similar
18 documents that are signed, subscribed, or verified by computer or other
19 technological means under this subdivision shall have the same validity, and the
20 same legal force and effect, as paper documents signed, subscribed, or verified by
21 an appellate court or a judicial officer of the court.

22
23 *(Subd (b) adopted effective January 1, 2013.)*

24
25 **~~(b)~~(c) Permanent records**

26 * * *

27
28
29 *(Subd (c) relettered effective January 1, 2013; adopted as subd (b).)*

30
31 **~~(e)~~(d) Time to keep other records**

32 (1)–(2) * * *

33
34
35 *(Subd (d) relettered effective January 1, 2013; adopted as subd (c).)*

36
37 *Rule 10.1028 amended effective January 1, 2013; adopted as rule 70 effective January 1, 2005;*
38 *previously renumbered effective January 1, 2007.*

39
40 **Appendix E**

41
42 **Guidelines for Determining Financial Eligibility for County**

1 **Payment of the Cost of Counsel Appointed by the Court in Proceedings**
2 **Under the Guardianship-Conservatorship Law**

3
4 **1. Purpose**

5
6 These guidelines are adopted to implement Probate Code section 1470(c)(3), which
7 provides that the Judicial Council shall adopt guidelines to assist in determining
8 financial eligibility for county payment of all or part of the reasonable sum fixed by
9 the court for compensation and expenses of counsel appointed by the court under
10 chapter 4 of part 1 of division 4 of the Probate Code.

11
12 **2. Persons responsible for payment of the cost of appointed counsel**

13
14 Except to the extent that they are determined to be unable to pay for all or any
15 portion of the cost of appointed counsel under paragraph 5 of these guidelines, the
16 following persons or estates of persons (referred to collectively as the “responsible
17 person”) are responsible for the payment of that cost:

- 18
19 A. The estate of the ward or proposed ward in a guardianship proceeding under
20 section 1470;
21
22 B. The parent or parents of the ward or proposed ward in a guardianship
23 proceeding under section 1470;
24
25 C. The estate of a conservatee or proposed conservatee in a conservatorship
26 proceeding under sections 1470–1472;
27
28 D. The conservatee or proposed conservatee, if he or she has no estate, in a
29 conservatorship proceeding under sections 1471–1472;
30
31 E. The person alleged to lack legal capacity in a proceeding to authorize a
32 particular transaction in community property under sections 1471–1472, to
33 the extent the court does not order the cost paid from the proceeds of the
34 transaction under section 1472(a)(3); and
35
36 F. The health care patient in a proceeding to determine his or her capacity to
37 make a health care decision under sections 1471–1472.

38
39 **3. Cost of appointed counsel**

40
41 The cost of appointed counsel is the reasonable sum fixed by the court after the
42 performance of legal services under Probate Code section 1470 or section 1472 for
43 the compensation and expenses of appointed counsel.

1
2 **4. Presumed eligibility for county payment**
3

4 Except as provided in paragraph 7, the person responsible for payment of the cost
5 of appointed counsel is presumed to be eligible for payment by the county of that
6 cost if the person satisfies one or more of the following three conditions:
7

8 A. The responsible person is eligible for:
9

- 10 (1) Supplemental Security Income (SSI) and State Supplementary
11 Payment (SSP);
12
13 (2) Medi-Cal;
14
15 (3) General Assistance or General Relief (GA/GR) Program (county
16 general relief);
17
18 (4) Cash Assistance Program for [aged, blind, and disabled legal]
19 Immigrants (CAPI);
20
21 (5) CalWORKs (California Work Opportunity and Responsibility to Kids)
22 or Tribal (Native American) TANF (Temporary Assistance for Needy
23 Families) grant program;
24
25 (6) CalFresh (Supplemental Nutrition Assistance Program (SNAP)) or
26 California Food Assistance Program (CFAP), a California program for
27 immigrants not eligible for federal SNAP; or
28
29 (7) In-Home Supportive Services (IHSS);
30

31 B. The responsible person's income is 125 percent or less of current federal
32 poverty guidelines, updated periodically in the Federal Register by the United
33 States Department of Health and Human Services; or
34

35 C. The responsible person, as individually determined by the court, cannot pay
36 the cost of appointed counsel without using funds that would be normally
37 used to pay for the common necessities of life for the responsible person and
38 his or her family.
39

40 **5. Determination of responsible person's obligation for the cost of appointed**
41 **counsel**
42

1 If the court finds that the responsible person, including a responsible person
2 described in paragraph 4, can pay all or a portion of the cost of appointed counsel,
3 can pay those costs in installments, or can pay those costs under some other
4 equitable arrangement without using money that normally would pay for the
5 common necessities of life for the responsible person and the responsible person's
6 family, the court may order the responsible person to pay appointed counsel
7 directly, reimburse the county for the costs of appointed counsel paid by the
8 county, or both, in part or on such other terms as the court determines are fair and
9 reasonable under the circumstances.

10
11 **6. Apportionment**

12
13 If the responsible person is the estate of a ward or proposed ward and one or both
14 of his or her parents, the court may allocate the amount determined to be payable
15 by the responsible person under paragraph 5 among them in any proportions the
16 court deems just.

17
18 **7. Private appointed counsel for conservatee under section 1470**

19
20 A conservatee or proposed conservatee for whom private counsel is appointed
21 under Probate Code section 1470 is ineligible for payment by the county of any
22 portion of the cost of appointed counsel.

23
24 **8. Amount payable by the county**

25
26 Except as provided in paragraph 7, the amount payable by the county for the cost of
27 appointed counsel is all or any part of the cost that the court determines that the
28 responsible person cannot pay under paragraph 5.

29
30 *Appendix E adopted effective January 1, 2013.*

31
32 **Advisory Committee Comment**

33
34 The guidelines placed in Appendix E to the California Rules of Court are not rules of court. They
35 are based in part on the conditions for granting an initial court fee waiver under Government
36 Code section 68632(a)–(c). For the purposes of these guidelines as well as of that Government
37 Code section, the term “common necessities of life” has the same meaning it had in Code of
38 Civil Procedure section 706.051(c)(1) before the amendment of that section effective on January
39 1, 2012. (Assem. Bill 1388; Stats. 2011, ch. 694, § 1.)

40
41 The 2012 amendment of section 706.051(c)(1) completely eliminated “common necessities of
42 life” from that code section. The deleted phrase referred to an exception to the exemption
43 provided in the section from an earnings withholding order for amounts the debtor can prove are

1 necessary to support himself or herself and his or her family, often referred to as the support
2 exemption. In other words, under former section 706.051(c)(1), the support exemption of section
3 706.051(b) would not apply to shield the debtor from an earnings withholding order to collect a
4 debt incurred to purchase the “common necessities of life.”

5
6 The following appellate cases discussed the meaning of “common necessities of life” as that
7 phrase was used in section 706.051(c)(1) and predecessor code sections that used the phrase for
8 the same purpose:

- 9
10 • A debt for hospital services to defendant or his family was based on the common
11 necessaries of life. (*J. J. MacIntyre Co. v. Duren* (1981) 118 Cal.App.3d Supp. 16.)
12
- 13 • The performance of legal services and the advancement of costs of litigation giving rise
14 to award to an attorney in marriage dissolution action qualified as “common necessities
15 of life” for the benefit of the debtor’s indigent wife, thereby permitting the attorney to
16 enforce the award by writ of execution on the husband’s earnings against his claim of the
17 support exemption. (*In re Marriage of Pallesi* (1977) 73 Cal.App.3d 424.)
18
- 19 • “Common necessities of life,” in former section 690.11 (repealed) exempting debts
20 incurred for common necessities of life from a statute protecting all of a judgment
21 debtor’s earnings from execution or attachment if earnings were necessary for the support
22 of the debtor’s family, did not refer to “necessaries” in the broad sense, but meant things
23 that are ordinarily required for everyone’s sustenance. (*Ratzlaff v. Portillo* (1971) 14
24 Cal.App.3d 1013.)
25
- 26 • Attorney’s fees former wife incurred in obtaining divorce were not common “necessaries
27 of life” within the meaning of former section 690.11 (repealed). (*Lentfoehr v. Lentfoehr*
28 (1955) 134 Cal.App.2d Supp. 905.)
29
- 30 • “Common necessities of life,” as used in former section 690.11 (repealed), exempting all
31 of the earnings of a debtor if necessary for the use or support of debtor’s family residing
32 within the state, except as against the collection of debts incurred by debtor, his wife, or
33 family for common necessities of life—meant those things that are commonly required
34 by persons for their sustenance regardless of their employment or status. (*Los Angeles*
35 *Finance Co. v. Flores* (1952) 110 Cal.App.2d Supp. 850.)
36
- 37 • In proceedings supplemental to execution, the debtor was required to pay one-half of a
38 check for \$47.50, which was in her possession, and which had been received as salary
39 from the Works Progress Administration, in partial satisfaction of a judgment based on a
40 necessary of life, although money may have been needed by debtor for the support of
41 herself and her family. (*Medical Finance Association v. Short* (1939)
42 36 Cal.App.2d Supp. 745.)
43

1
2 **Appendix F**

3
4 **Guidelines for the Juvenile Dependency Counsel Collections Program**

5
6 **1. Legal Authority**

7
8 These guidelines are adopted under the authority of section 903.47 of the Welfare
9 and Institutions Code, which mandates that the Judicial Council “establish a
10 program to collect reimbursements from the person liable for the costs of counsel
11 appointed to represent parents or minors pursuant to Section 903.1 in dependency
12 proceedings.” (Welf. & Inst. Code, § 903.47(a).) As part of the program, the statute
13 requires the council to “[a]dopt a statewide standard for determining [a responsible
14 person’s] ability to pay reimbursements for counsel.” This standard must “at a
15 minimum include the family’s income, their necessary obligations, the number of
16 people dependent on this income, and the cost-effectiveness of the program.”
17 (Ibid.) The statute also requires the council to “[a]dopt policies and procedures
18 allowing a court to recover from the money collected the costs associated with
19 implementing the reimbursements program.” These policies and procedures must,
20 in turn, “limit the amount of money a court may recover to a reasonable proportion
21 of the reimbursements collected and provide the terms and conditions under which
22 a court may use a third party to collect reimbursements.” (Ibid.)

23
24 Section 903.1 imposes liability on specified persons and estates for the cost of legal
25 services provided to the child and directly to those persons in dependency
26 proceedings. These responsible persons are jointly and severally liable for the cost
27 of the child’s representation. If the petition is dismissed at or before the
28 jurisdictional hearing, though, no liability attaches.

29
30 Section 904 authorizes the trial court to determine the cost of dependency-related
31 legal services using methods or procedures approved by the Judicial Council.

32
33 Under section 903.47(b), the court may designate a court financial evaluation
34 officer (FEO) or, with the consent of the county, a county financial evaluation
35 officer (FEO) to determine a responsible person’s ability to pay the cost of court-
36 appointed counsel. The court refers any responsible person to the designated FEO
37 at the close of the dispositional hearing under section 903.45(b) unless that referral
38 would not be cost-effective under section 903.47(a)(1)(A). The FEO then
39 determines the responsible person’s ability to pay all or part of the cost of
40 dependency-related legal services under the procedures and within the limits set by
41 section 903.45(b). The statutory scheme, particularly sections 901 and 903,
42 prohibits the assessed amount from exceeding the actual cost of the legal services.
43

1 **2. Effective Date**

2
3 These guidelines are effective for all dependency proceedings filed on or after
4 January 1, 2013.

5
6 **3. Responsible Person—Definition**

7
8 “Responsible person,” as used in these guidelines, refers to the father, mother,
9 spouse, or any other person liable for the support of a child; the estate of that
10 person; or the estate of the child, as made liable under section 903.1(a) for the cost
11 of dependency-related legal services rendered to the child or directly to that person.

12
13 **4. No Liability**

14
15 Under section 903.1(b), a responsible person is not liable for, and the court will not
16 seek reimbursement of, the cost of legal services under section 903.1(a) if the
17 dependency petition is dismissed at or before the jurisdictional hearing.

18
19 **5. Determination of Cost of Legal Services**

20
21 The court is charged with determining the cost of dependency-related legal
22 services. In doing so, the court may adopt one of the three methods in (a)–(c). In no
23 event will the court seek reimbursement of an amount that exceeds the actual cost
24 of legal services already provided to the children and the responsible person in the
25 proceeding. The court may update its determination of the cost of legal services on
26 an annual basis, on the conclusion of the dependency proceedings in the juvenile
27 court, or on the cessation of representation of the child or responsible person.

28
29 **(a) Actual Cost**

30
31 The court may determine the actual cost of the legal services provided to a
32 child or responsible person in a dependency proceeding. The court should
33 base this determination on the actual cost incurred per event in the
34 proceeding, per hour billed, or per client represented.

35
36 **(b) Cost Model**

37
38 The court may determine the cost of legal services provided to a child or
39 responsible person in a dependency proceeding by applying the Uniform
40 Regional Cost Model available on serranus.jud.ca.gov or from
41 jdccp@jud.ca.gov. Use of the cost model as described in this section will
42 ensure that the court seeks reimbursement of an amount that most closely
43 approximates, but does not exceed, the actual cost incurred by the court.

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(1) Time Allocated to Each Event per Attorney

The court will calculate the time allocated to each event in a local dependency proceeding by

(A) Dividing the normative caseload of 141 clients per attorney by the actual caseload reported by the dependency attorneys in the county in which the court sits, and then

(B) Multiplying the result by the number of hours allocated to the type of event in question by the Dependency Counsel Caseload Study.

(2) Cost of Each Event per Attorney

The court will then calculate the cost of each type of event by multiplying the time allocated to the event by:

(A) The actual hourly rate billed to the court for the provision of dependency-related legal services, or

(B) The lowest actual hourly rate billed for dependency-related legal services in the region in which the court is located as reported in the most recent survey of those rates, or

(C) The approved hourly rate for the region in which the court is located, as provided in the Caseload Funding Model approved by the Judicial Council in October 2007.

(3) Cost of Proceeding per Attorney

The court will then calculate the cost of the services provided by an attorney in a dependency proceeding by adding together the costs of each event that has occurred in the proceeding at issue.

(c) Flat Rate Fee Structure

The court may adopt a flat rate fee structure for the cost of legal services in a dependency proceeding as long as the fees charged do not exceed the actual cost of the services provided in that proceeding up to and including the date of the determination and assessment.

1 **6. Determination of Ability to Pay; Financial Evaluation Officer; Statewide**
2 **Standard**

3
4 **(a) Referral for Financial Evaluation**

5
6 At the close of the dispositional hearing, the court will order any responsible
7 person present at the hearing to appear before a designated financial
8 evaluation officer (FEO) for a determination of the responsible person's
9 ability to pay reimbursement of all or part of the cost of legal services for
10 which he or she is liable under section 903.1(a), unless the court finds that,
11 given the resources of the court, evaluation by an FEO would not be a cost-
12 effective method of determining the responsible person's ability to pay.

13
14 (1) *Responsible Person Not Present at Dispositional Hearing*

15
16 If a responsible person is not present at the dispositional hearing, the
17 court will issue proper notice and an order for him or her to appear
18 before an FEO for determination of his or her ability to pay
19 reimbursement of all or part of the cost of legal services for which he or
20 she is liable under section 903.1(a) unless the court finds that
21 evaluation by an FEO would not be a cost-effective method of
22 determining the responsible person's ability to pay given the resources
23 of the court.

24
25 To issue proper notice to a responsible person not present at the hearing
26 at which appearance for a financial evaluation is ordered, the court
27 should send *Order to Appear for Financial Evaluation* (form JV-131)
28 or the equivalent local form by first-class mail to that person's mailing
29 address of record.

30
31 (2) *Alternative Methods*

32
33 If the court finds that evaluation by an FEO is not cost-effective, it may
34 take whatever steps it deems cost-effective to determine the responsible
35 person's ability to pay.

36
37 (3) *Failure to Appear for Financial Evaluation*

38
39 If a responsible person is ordered to appear for financial evaluation, has
40 received proper notice, and fails to appear as ordered, the FEO will
41 recommend that the court order the responsible person to pay the full
42 cost of legal services as determined under section 5 of these guidelines
43 unless the next paragraph applies.

1
2 If a responsible person is not present at the hearing at which the order
3 to appear for a financial evaluation is made, has received proper notice
4 and an order to appear, and responds to the order by submitting a
5 declaration that he or she is involuntarily confined and therefore not
6 able to attend or reschedule the evaluation, the FEO or the court may
7 presume that he or she is unable to pay reimbursement and is eligible
8 for a waiver of liability at that time.
9

10 (4) Proper Notice

11
12 Proper notice to a responsible person will contain notice of all of the
13 following:

- 14
15 (A) His or her right to a statement of the costs as soon as it is
16 available;
17
18 (B) His or her procedural rights under section 27755 of the
19 Government Code;
20
21 (C) The time limit within which his or her appearance is required;
22 and
23
24 (D) A warning that if he or she fails to appear before the FEO, the
25 officer will recommend that the court order him or her to pay the
26 full cost of legal services, and that the FEO's recommendation
27 will be a sufficient basis for the court to order payment of an
28 amount up to the full cost.
29

30 (b) **Financial Evaluation Officer**

31
32 The court may either designate a court FEO to determine responsible
33 persons' ability to reimburse the cost of legal services or, with the consent of
34 and under terms agreed to by the county, designate a county FEO to
35 determine responsible persons' ability to reimburse the cost of legal services.
36

37 (c) **Authority of Financial Evaluation Officer**

38
39 The designated FEO will conduct the evaluation under the procedures
40 outlined in section 903.45(b). The FEO may determine a referred responsible
41 person's ability to pay all or part of the cost of legal services for which he or
42 she is liable, negotiate a plan for reimbursement over a set period of time
43 based on the responsible person's financial condition, enter into an agreement

1 with the responsible person regarding the amount to be reimbursed and the
2 terms of reimbursement, petition the court for an order of reimbursement
3 according to the terms agreed to with the responsible person, and refer the
4 responsible person back to court for a hearing in the event of a lack of
5 agreement.

6
7 **(d) Standard for Determining Ability to Pay**

8
9 The FEO will determine the responsible person’s ability to reimburse the cost
10 of legal services using the following standard:

11
12 **(1) Presumptive Inability to Pay; Waiver**

13
14 If a responsible person receives qualifying public benefits or has a
15 household income 125 percent or less of the threshold established by
16 the federal poverty guidelines in effect at the time of the inquiry, then
17 he or she is presumed to be unable to pay reimbursement and is eligible
18 for a waiver of liability.

19
20 **(A) Qualifying public benefits** include benefits under any of the
21 programs listed in Government Code section 68632(a).

22
23 **(2) Further Inquiry**

24
25 If the court has concluded as a matter of policy that further inquiry into
26 the financial condition of person presumed eligible for a waiver would
27 not be warranted or cost-effective, the inquiry may end at this point. If
28 the court has concluded as a matter of policy that further inquiry into
29 the financial condition of a person presumed eligible for a waiver is
30 warranted, the FEO may proceed to a detailed evaluation under section
31 6(d)(3).

32
33 **(3) Responsible Person’s Financial Condition**

34
35 The FEO may, at any time following the close of the dispositional
36 hearing, make a detailed evaluation of a referred responsible person’s
37 financial condition at that time under section 903.45(b). Based on any
38 relevant information submitted by the responsible person, including but
39 not limited to a completed *Financial Declaration—Juvenile*
40 *Dependency* (form JV-132) or the equivalent local form, the FEO will
41 assess the responsible person’s household income, household needs and
42 obligations (including other court-ordered obligations), and the number
43 of persons dependent on the household income and will determine the

1 person's ability pay all or part of the cost of legal services without
2 using funds that would normally be used to pay for the common
3 necessaries of life.

4
5 When calculating a person's household income, the FEO must exclude
6 from consideration any benefits received from a public assistance
7 program that determines eligibility based on need.

8
9 **(e) Circumstances Requiring No Petition or Order for Reimbursement**

10
11 Under section 903.45(b), the FEO will not petition the court to order
12 reimbursement of the cost of legal services, and the court will not so order, if
13 the responsible person has been reunified with any of the children under a
14 court order and reimbursement would harm his or her ability to support the
15 children.

16
17 **(f) Amount Assessed**

18
19 The FEO may, consistent with the responsible person's ability to pay, assess
20 any amount up to the full cost determined under section 5 of these guidelines
21 and may recommend reimbursement in a single lump sum or in multiple
22 installments over a set period of time.

23
24 **(g) Agreement; Petition**

25
26 If the responsible person agrees in writing to the FEO's written determination
27 of the amount that the responsible person is able to reimburse and the terms
28 of reimbursement, the FEO will petition the court for an order requiring the
29 responsible person to reimburse the court in a manner reasonable and
30 compatible with the responsible person's financial condition.

31
32 **(h) Dispute; Hearing**

33
34 If the responsible person disputes liability for the cost of legal services, the
35 amount of that cost, the FEO's determination of his or her ability to
36 reimburse all or part of that cost, or the terms of reimbursement, the FEO will
37 refer the matter back to the court for a hearing.

38
39 **7. Judicial Proceeding Following Determination of Ability to Reimburse Cost**

40
41 On having made a determination of the responsible person's ability to reimburse all
42 or part of the cost of legal services, the FEO will return the matter to the juvenile
43 court as follows:

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(a) Agreement; Order

If the responsible person agrees to reimburse the court as recommended by the FEO, the FEO will prepare an agreement to be signed by the responsible person. The agreement will reflect the amount to be reimbursed and the terms under which reimbursement will be paid. The court may order the responsible person to pay reimbursement under those terms without further notice to the responsible person.

(b) Dispute; Hearing

If the responsible person does not agree with the FEO’s determination with respect to liability, ability to pay, amount, or terms of reimbursement, the matter will be deemed in dispute and the FEO will refer the matter to the court to be set for a hearing as required under section 903.45(b).

(c) Judicial Determination

If at the conclusion of the hearing, the court determines that the responsible person is able to reimburse all or part of the cost of legal services—including the cost of any attorney appointed to represent the responsible person at that hearing—without using funds that would normally be used to pay for the common necessities of life, the court will set the amount to be reimbursed and order the responsible person to pay that amount to the court in a manner that the court believes reasonable and compatible with the responsible person’s financial condition.

(d) Exclusions

The court will not order the responsible person to reimburse the cost of legal services if:

(1) The responsible person is currently receiving reunification services and the court finds that reimbursement would pose a barrier to reunification because:

(A) It would limit the responsible person’s ability to comply with the requirements of the reunification plan, or

(B) It would harm the responsible person’s current or future ability to meet the needs of the child; or

1 (2) The court finds that reimbursement would be unjust under the
2 circumstances of the case.

3
4 **8. Reevaluation of Ability to Pay**

5
6 At any time before reimbursement is complete, a responsible person may petition
7 the court for a modification of the reimbursement order on the ground of a change
8 in circumstances affecting his or her ability to pay reimbursement. The court may
9 deny the petition without a hearing if the petition fails to state a change of
10 circumstances. The court may grant the petition without a hearing if the petition
11 states a change of circumstances and all parties stipulate to the requested
12 modification.

13
14 **9. Frequency of Determination of Ability to Pay and Assessment**

15
16 The initial evaluation and determination of a responsible person’s ability to pay
17 reimbursement may be conducted at any time following the conclusion of the
18 dispositional hearing. The court may order a reevaluation of a responsible person’s
19 financial condition on an annual basis, on the conclusion of the dependency
20 proceedings in the juvenile court, or on the cessation of court-appointed
21 representation of the child or the responsible person.

22
23 If the FEO determines on reevaluation that the responsible person is able at that
24 time to pay all or part of the cost of legal services, the FEO may, consistent with
25 the responsible person’s ability to pay without using funds that would normally be
26 used to pay for the common necessities of life, assess an amount up to the full cost
27 determined under section 5 of these guidelines of any legal services provided to the
28 child or the responsible person and may recommend reimbursement in a single
29 lump sum or in multiple installments over a set period of time.

30
31 **10. Collection Services**

32
33 **(a) Court-Based Collection Services**

34
35 To the extent applicable and consistent with sections 903.1 and 903.47,
36 courts should administer the collection, processing, and deposit of court-
37 ordered reimbursement of the cost of dependency-related legal services under
38 the procedures in policies FIN 10.01 and FIN 10.02 of the *Trial Court*
39 *Financial Policies and Procedures Manual.*

40
41 **(b) Outside Collection Services Providers**

42

1 When appropriate and consistent with policy FIN 10.01, a court may use an
2 outside collection services provider.

3
4 (1) *Collection Services Provided by County*

5
6 If collection services are provided by the county, the agreement should
7 be formalized by a memorandum of understanding (MOU) between the
8 court and county. AOC staff will provide a sample MOU on request.
9 An electronic copy of the MOU, including a scanned copy of the
10 completed signature page, must be sent to jdccp@jud.ca.gov.

11
12 (2) *Collection Services Provided by Private Vendor*

13
14 A court that uses a private collection service should use a vendor has
15 entered into a master agreement with the AOC to provide
16 comprehensive collection services. A court that uses such a vendor
17 should complete a participation agreement and send it to the AOC via
18 e-mail to jdccp@jud.ca.gov.

19
20 (3) *Court Option for AOC Agreement with Collection Services Provider*

21
22 At a court's request, the AOC may directly enter into an MOU with the
23 county or an agreement with a private collection services vendor for
24 dependency counsel reimbursement collection services.

25
26 **11. Recovery of Cost of Program Implementation**

27
28 Courts may recover the cost of implementing the reimbursements program.
29 Recoverable costs are limited by statute to the cost of assessing responsible
30 persons' ability to pay for court-appointed counsel and the costs to collect
31 delinquent reimbursements. Courts may recover these costs before remitting
32 collected reimbursements to the bank accounts designated under Government Code
33 section 68085.1. Any program costs recovered by the court should be reported by
34 e-mail and follow the Cost Recovery Template available on
35 serranus.courtinfo.ca.gov or from jdccp@jud.ca.gov.

36
37 **(a) Limit on Recovery**

38
39 Under section 903.47(a)(1)(B), recovered costs may not exceed a reasonable
40 proportion of the reimbursements collected.

41
42 **12. Remittance and Reporting of Collected Revenue**

43

1 Courts will remit collected revenue to the AOC, less costs recoverable under
2 section 903.47(a)(1)(B), in the same manner as required under Government Code
3 section 68085.1 and will report this revenue on row 130 of *Court Remittance*
4 *Advice* (form TC-145). The AOC will deposit the revenue received under these
5 guidelines into the Trial Court Trust Fund.

6
7 **(a) AOC Collections Agreement Option**

8
9 Where the AOC has entered into an MOU or agreement with a county or a
10 private collection services vendor under section 10(b)(3) of these guidelines,
11 funds will be remitted directly to the AOC under the terms of the MOU or the
12 agreement.

13
14 **13. Program Data Reporting**

15
16 Each court should report collections program data to the AOC to ensure
17 implementation of the Legislature’s intent by determining the cost-effectiveness of
18 the program and confirming that efforts to collect reimbursement do not negatively
19 impact reunification; to provide a basis for projecting the amount of future
20 reimbursements; and to evaluate the effectiveness of the reimbursement program at
21 both statewide and local levels.

22
23 **(a) Ongoing Reporting Requirement**

24
25 All courts will report collections annually on or before September 1,
26 beginning September 1, 2013. Completed reports should be sent as
27 attachments to an e-mail message to jdccp@jud.ca.gov. The first report
28 should cover the period from January 1 to June 30, 2013. Thereafter reports
29 should reflect data from the entire preceding fiscal year.

30
31 **(1) Collections Data**

32
33 To the extent feasible in light of each court’s current practices and
34 resources, data should be collected in the following categories:

35
36 **(A) Total number of responsible persons evaluated**

37
38 **(B) Total number of responsible persons not ordered to pay because**
39 **of potential impact on reunification**

40
41 **(C) Total number of responsible persons not ordered to pay based on**
42 **other financial hardship**

43

- 1 (D) Number of responsible persons with open collections, start of
2 fiscal year
- 3
- 4 (E) Dollar amount of open collections, start of fiscal year
- 5
- 6 (F) Number of responsible persons added in fiscal year
- 7
- 8 (G) Dollar amount added in fiscal year
- 9
- 10 (H) Total amount collected in fiscal year
- 11
- 12 (I) Total responsible persons fully paid/closed in fiscal year
- 13
- 14 (J) Number of responsible person accounts closed in fiscal year
- 15
- 16 (K) Number of responsible persons with open collections, end of
17 fiscal year
- 18
- 19 (L) Dollar amount of open collections, end of fiscal year
- 20

21 **14. Technical Assistance**

22

23 AOC staff to the Judicial Council will provide technical assistance on request to
24 courts that do not yet have a dependency counsel reimbursement program in place
25 or that wish to coordinate with other courts in establishing a regional
26 reimbursement program. Courts may send requests by e-mail to jdccp@jud.ca.gov
27 to receive technical assistance, which can include (but is not limited to) services
28 such as:

29

- 30 **(a)** Helping a court establish a reimbursement program within its current
31 administrative structure;
- 32
- 33 **(b)** Advising a court on the application of the Uniform Cost Model under section
34 5(b) of these guidelines;
- 35
- 36 **(c)** Coordinating a regional reimbursement program among several courts; or
37
- 38 **(d)** Working with current collection services providers who have entered into
39 master agreements with the AOC to ensure compliance with the JDCCP
40 reporting requirements.
- 41

42 *Appendix F adopted effective January 1, 2013.*

43

1 *Rules to be effective July 1, 2013:*

2
3 **Rule 3.1385. Duty to notify court and others of settlement of entire case**

4
5 (a)–(b) * * *

6
7 (c) **Conditional settlement**

8
9 (1) Notice

10
11 If the settlement agreement conditions dismissal of the entire case on the
12 satisfactory completion of specified terms that are not to be performed within
13 45 days of the settlement, including payment in installment payments, the
14 notice of conditional settlement served and filed by each plaintiff or other
15 party seeking affirmative relief must specify the date by which the dismissal
16 is to be filed. ~~If the plaintiff or other party required to serve and file a request~~
17 ~~for dismissal within 45 days after the dismissal date specified in the notice~~
18 ~~does not do so, the court must dismiss the entire case unless good cause is~~
19 ~~shown why the case should not be dismissed.~~

20
21 (2) Dismissal

22
23 If the plaintiff or other party required to serve and file a request for dismissal
24 within 45 days after the dismissal date specified in the notice does not do so,
25 the court must dismiss the entire case unless good cause is shown why the
26 case should not be dismissed.

27
28 (3) Hearings vacated

29
30 (A) Except as provided in (B), on the filing of the notice of conditional
31 settlement, the court must vacate all hearings and other proceedings
32 requiring the appearance of a party and may not set any hearing or
33 other proceeding requiring the appearance of a party earlier than 45
34 days after the dismissal date specified in the notice, unless requested by
35 a party.

36
37 (B) The court need not vacate a hearing on an order to show cause or other
38 proceeding relating to sanctions, or for determination of good faith
39 settlement at the request of a party under Code of Civil Procedure
40 section 877.6.

41
42 (4) Case disposition time

43

1 Under standard 2.2(n)(1)(A), the filing of a notice of conditional settlement
2 removes the case from the computation of time used to determine case
3 disposition time.

4
5 *(Subd (c) amended effective July 1, 2013; adopted effective January 1, 1989; previously*
6 *amended effective July 1, 2002, January 1, 2004, and January 1, 2006.)*

7
8 **(d)–(e)** * * *

9
10 *Rule 3.1385 amended effective July 1, 2013; adopted as rule 225 effective January 1, 1985;*
11 *previously amended and renumbered effective January 1, 2007; previously amended effective*
12 *January 1, 1989, January 1, 1992, July 1, 2001, July 1, 2002, January 1, 2004, January 1,*
13 *2006;and January 1, 2009.*

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