

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts
Office of the General Counsel
Kenneth Kann, Managing Attorney
Susan Goins, Senior Attorney – 415-865-7990

DATE: March 23, 2005

SUBJECT: Miscellaneous Technical Changes to Rules, Forms, Standards, and Family Law Information Center Guidelines (amend Cal. Rules of Court, rules 15, 38.4, 38.5, 6.43, and 7.903; repeal rules 1640–1640.8; amend Cal. Stds. Jud. Admin. § 20.6; amend Fam. Law Inf. Center Guidelines, div. V; revise forms 982(a)(15.2), 982(A)(15.3), 982(a)(15.4), APP-001, APP-006, CR-120, FL-311, JV-220, JV-305, JV-310, MC-030, MC-031, MC-050, MC-275, UD-100, revoke form 982(a)(11S)) (Action required)

Issue Statement

Advisory committee members, court personnel, members of the public, and staff have identified errors in rules and forms resulting from statutory changes and inadvertent omissions.

Recommendation

The Administrative Office of the Courts recommends that the Judicial Council, effective July 1, 2005, amend rules 15, 38.4, 38.5, 6.43, and 7.903 of the California Rules of Court; repeal rules 1640–1640.8; amend section 20.6 of the California Standards of Judicial Administration; revise division V of the Family Law Information Center Guidelines; revise forms 982(a)(15.2), 982(a)(15.3), 982(a)(15.4), APP-001, APP-006, CR-120, FL-311, JV-220, JV-305, JV-310, MC-030, MC-031, MC-050, MC-275, and UD-100; revoke form 982(a)(11S)) to:

1. Reflect the appellate rules reorganization;
2. Correct and update cross-references to rules and statutes;

3. Reflect recent legislative changes; and
4. Correct typographical, layout, and formatting errors.

The text of the proposed amendments is attached at pages 6– 59.

Rationale for Recommendation

Changes to reflect legislation

Chapter 6, Mediation Pilot Program Rules, rules 1640–1640.8 should be repealed because the legislation authorizing the program had a sunset of January 1, 2004.

Division V of the Appendix to the California Rules of Court (Guidelines for the operation of family law information centers and family law facilitators offices) would be corrected to refer to new form numbers and to delete references to Family Law Code sections that were repealed on January 1, 2005.

Senate Bill 1956 repealed Welfare and Institutions Code section 366.23, which set forth the notice parents and relatives were entitled to when a court scheduled a hearing to terminate parental rights or establish a guardianship under that section. It was replaced by section 294, which describes the persons entitled to notice, the information that must be contained in the notice, and how the notice must be served. Forms JV-305, *Citation For Publication Under Welfare and Institutions Code Section 366.23*, and JV-310, *Proof of Service—Juvenile Hearing Under Section 366.26 of the Welfare and Institutions Code* would be revised to conform to the statutory change.

Code of Civil Procedure section 1167.2 established a pilot project in several trial courts that required deposit with the court of unpaid prospective rent for the period from the date of commencement of an unlawful detainer action to the date of the anticipated trial. The statute was repealed effective July 1, 1999. Therefore, form 982(a)(11S), *Summons – Unlawful Detainer (Pilot Project—C.C.P. § 1167.2*, is obsolete and should be repealed.

Rule 6.43(b) defines the membership of the Judicial Council’s Family and Juvenile Law Advisory Committee. Subdivision (b)(13) currently requires that a least one member of the committee be a “[d]istrict attorney assigned to the child support cases.” Although in the past district attorneys were responsible for enforcing child support orders, currently these matters are the responsibility of the California Department of Child Support Services (DCSS). Rule

6.43(b)(13) would be corrected to specify a lawyer from DCSS instead of a district attorney.

Changes to correct language and cross-reference to rules and statutes

Under rule 810, the court is responsible for funding representation of children in a custody or visitation proceeding under Family Code section 3150. This means that the court, not the county, must pay counsel. Section 20.6 of the California Standards of Judicial Administration (Guidelines for determining payment for costs of appointed counsel for children in family court) currently provides that the county must pay the cost of appointed counsel. The proposed amendment replaces “county” with “court.” This correction should have been made when rule 810 was adopted, but was not due to an oversight.

Rule 7.903(c)(6) requires a trustee to account to the court in the manner and with the frequency required for guardians or conservators of the estate under the Probate Code. The citation to section 2320 et seq. is incorrect and should be changed to 2620 et seq.

Rule 15 would be amended to correct the cross-reference to rule 13(c)(5).

Rule 38.4 and rule 38.5 would be amended to correct cross-references to rules.

Rule 44 was amended effective January 1, 2005, to reduce from 5 to 4 the number of copies that must be served on the California Supreme Court when a paper is filed in the Court of Appeal. Form APP-001, *Information on Appeal Procedures for Unlimited Civil Cases*, would be revised to reflect that change.

Changes to reflect renumbering, typographical, layout, and formatting errors

Assembly Bill 3081, enacted in 2004, completely renumbered all of the statutes in the Civil Discovery Act, effective July 1, 2005. Forms 982(a)(15.2), *Deposition Subpoena for Production of Business Records*, 982(a)(15.3), *Deposition Subpoena for Personal Appearance*, and 982(a)(15.4), *Deposition Subpoena for Personal Appearance and Production of Documents and Things*, are the civil forms that contain references to the old statute numbers in their footers. They would be corrected to refer to the new statute numbers. Their captions also would be revised in accordance with the current standard format.

The subdivisions of rule 45 were renumbered effective January 1, 2005. Form APP-006 *Application for Extension of Time to File Brief (Civil Case)*, would be revised at item 8 to refer to the correct subdivision.

The renumbering of the appellate rules of the California Rules of Court makes it necessary to correct the rule reference listed on form CR-120, *Notice of Appeal— Felony (Defendant) (Criminal)*.

When form FL-311, *Child Custody and Visitation Application Attachment*, was modified to incorporate gender-neutral language in accordance with Assembly Bill 205, a typographical error was made in which the first lines of form FL-341, *Child Custody and Visitation Order Attachment*, replaced those of the original FL-311. This error would be corrected.

When form JV-220, *Application and Order for Authorization to Administer Psychotropic Medication—Juvenile*, was last revised, an applicant signature line, and text boxes to identify the applicant in item 4, were inadvertently omitted. These would be inserted. Also, the heading on page 2 would be corrected to read “Questions 5–13” and those on page 5 to read “Questions 14–17” and “Questions 18–21” and “Date” under item 17. Items 25–27 would be renumbered and reordered.

Forms MC-030, *Declaration*, and MC-031, *Attached Declaration*, which are currently on the reverse sides of a single page (with statements indicating this on each side), would be separated into two separate, more usable forms. On both forms, the statements about the reverse side would be deleted. An identifying number would be placed at the top right margin of each form. On the *Attached Declaration*, a form title would be added and minor stylistic changes would be made.

Form MC-050, *Substitution of Attorney—Civil (Without Court Order)*, would be revised to have the reference number MC-050 at the top right margin of the page, and the caption would be revised in accordance with the current standard format.

The references in the instruction portion of form MC-275, *Petition for Writ of Habeas Corpus*, regarding the number of copies and supporting documents would be changed to reflect new provisions in the recently revised appellate rules.

Form UD-100, *Complaint—Unlawful Detainer*, would be revised to correct a typographical error in item 19.

Alternative Actions Considered

No viable alternatives exist. These technical amendments and revisions are necessary to make the rules and forms accurate and correct.

Comments From Interested Parties

This proposal was not circulated for comment because it is technical and noncontroversial.

Implementation Requirements and Costs

There are no implementation requirements. Courts may incur some cost reproducing the revised forms.

Attachments

Rule 15 of the California Rules of Court is amended effective July 1, 2005 to read:

1 **Rule 15. Service and filing of briefs**

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14
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(a) ***

(b) **Extensions of time**

(1) ***

(2) Before the brief is due, a party may apply to the presiding justice for an extension of each period under (a), or under rule 13~~(b)~~(c)(5) or (6), on a showing that there is good cause and that:

(c) ***

Rule 38.4 of the California Rules of Court is amended effective July 1, 2005 to read:

1 **Rule 38.4. Hearing and decision in the Court of Appeal**

2

3

Except as provided in rules 37–~~38.4~~ 38.3, rules 22–26 govern hearing and decision in the

4

Court of Appeal in juvenile cases.

Rule 38.5 of the California Rules of Court is amended effective July 1, 2005 to read:

1 **Rule 38.5. Hearing and decision in the Supreme Court**

2

3 Rules ~~28–28.9~~ 29.9 govern hearing and decision in the Supreme Court in juvenile
4 cases.

Rules 1640, 1640.1, 1640.2, 1640.3, 1640.4, 1640.5, 1640.6, 1640.7, and 1640.8 of the California Rules of Court (title five, division III, chapter 6, Mediation Pilot Program Rules) are repealed effective July 1, 2005:

~~CHAPTER 6. Mediation Pilot Program Rules~~

~~Title Five, Special Rules for Trial Courts—Division III, Alternative Dispute Resolution Rules for Civil Cases—Chapter 6 Mediation Pilot Program Rules renumbered effective January 1, 2001. Adopted as Chapter 3, effective January 1, 2000.~~

~~**Rule 1640. Purpose and application**~~

~~**Rule 1640.1. Exemption from pilot program**~~

~~**Rule 1640.2. Cases exempt from mandatory referrals to mediation**~~

~~**Rule 1640.3. Panel of mediators**~~

~~**Rule 1640.4. Early mediation status conference**~~

~~**Rule 1640.5. Status conference statement**~~

~~**Rule 1640.6. Selection of mediator**~~

~~**Rule 1640.7. Compensation of mediators**~~

~~**Rule 1640.8. Filing of statement by mediator**~~

Drafter's Notes

~~2000—New rules 1640–1640.8 establish (a) exemptions from the mediation pilot programs, (b) mediator selection and compensation requirements, and (c) other procedures for the mediation pilot programs.~~

Rule 1640. Purpose and application

The rules in this chapter implement title 11.5, commencing with section 1730, of part 3 of the Code of Civil Procedure, relating to mediation pilot programs and, as provided in section 1730, apply only to the pilot program courts selected by the Judicial Council.

Rule 1640 adopted effective January 1, 2000.

Rule 1640.1. Exemption from pilot program

The following types of actions are exempt from the mediation pilot programs under Code of Civil Procedure section 1730 et seq.:

- (1) Class actions,
- (2) Small claims actions,

~~(3) Unlawful detainer actions, and~~

~~(4) Actions subject to arbitration pursuant to subsection (d) of Code of Civil Procedure section 1141.11.~~

Rule 1640.1 adopted effective January 1, 2000.

Rule 1640.2. Cases exempt from mandatory referrals to mediation

~~The following cases are exempt from mandatory referral to mediation under Code of Civil Procedure section 1730 et seq. and these rules:~~

~~(1) Any case that has previously been ordered to mediation pursuant to Code of Civil Procedure section 1730 et seq.~~

~~(2) Any case in which the parties file a joint statement certifying that all parties have previously participated in a voluntary mediation.~~

~~(3) Any case in which a stipulation by all parties to participate in a mediation is filed at or before the early status conference.~~

Rule 1640.2 adopted effective January 1, 2000.

Rule 1640.3. Panel of mediators

~~(a) Each pilot program court shall maintain a panel of mediators.~~

~~(b) Each court, in consultation with local ADR providers and bar associations, shall establish the minimum qualifications required for a mediator to be included on the court's panel, including training and experience requirements. In developing these minimum requirements, the court shall take into consideration section 33 of the Standards of Judicial Administration and section 3622 of title 16, California Code of Regulations, relating to the Dispute Resolution Programs Act. The required qualifications shall not include membership in the State Bar or a local bar association.~~

~~(c) Each court shall adopt ethical standards applicable to the mediators on the court's panel. These ethical standards shall include, but not be limited to, provisions addressing mediator disclosure, impartiality and avoidance of bias or the appearance of bias, both during and after the mediation.~~

~~(d) In courts authorized to make voluntary referrals to mediation, as a condition for inclusion on the court's panel, each court shall require that mediators agree~~

~~to serve on a pro bono or reduced fee basis in at least one case per year, if requested by the court.~~

Rule 1640.3 adopted effective January 1, 2000.

Rule 1640.4. Early mediation status conference

- ~~(a) A pilot program court may hold an early mediation status conference, as provided in Code of Civil Procedure section 1734.~~
- ~~(b) A pilot program court may provide by local rule for the cancellation or continuation of the early mediation status conference if the parties file a stipulation to participate in mediation or another ADR process.~~

Rule 1640.4 adopted effective January 1, 2000.

Rule 1640.5. Status conference statement

- ~~(a) In the two pilot program courts selected to make mandatory referrals to mediation, the court shall require, by local rule, that, prior to the status conference, the parties serve and file an early mediation status conference statement. This statement shall include:
 - ~~(1) A discussion of the appropriateness of the case for referral to mediation; and~~
 - ~~(2) A list of three nominees to serve as mediator.~~~~
- ~~(b) In the other pilot program courts, the court may provide for a status conference statement by local rule.~~

Rule 1640.5 adopted effective January 1, 2000.

Rule 1640.6. Selection of mediator

- ~~(a) Within 15 days of filing a stipulation to participate in mediation or of being ordered to mediation by the court, the parties shall select a mediator and provide the court with written notice of the name, address, and telephone number of the mediator selected. The mediator selected by the parties need not be from the panel of mediators maintained by the court under rule 1640.3.~~
- ~~(b) In the two pilot program courts selected to make mandatory referrals to mediation, if the parties do not select a mediator within the time period specified in subdivision (a) above, then no later than 20 days after the~~

~~stipulation to mediation is filed or the case is ordered to mediation by the court, the court shall select a mediator from the panel of mediators provided for in rule 1640.3.~~

- ~~(e) In the pilot program courts that are not authorized to make mandatory referrals to mediation, the court shall provide by local rule for the mediator selection procedure to be followed if the parties do not select a mediator within the time period specified in subdivision (a) above.~~

Rule 1640.6 adopted effective January 1, 2000.

Rule 1640.7. Compensation of mediators

- ~~(a) In the two pilot program courts selected to make mandatory referrals to mediation:~~

~~(1) The court shall provide for the compensation of mediators on its panel of mediators who provide mediation services in the pilot program. Parties ordered to mediation pursuant to Code of Civil Procedure section 1730 et seq. shall not be required to pay a fee for the services of a mediator on the court's panel of mediators.~~

~~(2) Unless the court specifically approves court compensation for a mediator who is not on the court's panel of mediators, the parties shall be responsible for any fees for such mediator's services. The court shall, by local rule, establish a procedure for parties to submit requests for court compensation of mediators who are not on the court's panel but who were selected by the parties to provide mediation services in cases ordered to mediation under Code of Civil Procedure section 1730 et seq. The rate of compensation paid to mediators who are not on the court's panel shall not be higher than the rate paid to mediators on the court's panel. The court may provide by local rule for a maximum amount of fees that it will pay to mediators who are not on the court's panel.~~

- ~~(b) In the other pilot program courts, unless otherwise provided by local rule, the parties shall be responsible for paying any fees for the mediator's services.~~

Rule 1640.7 adopted effective January 1, 2000.

Rule 1640.8. Filing of statement by mediator

~~Within 10 days of the conclusion of the mediation, the mediator shall file a statement on Judicial Council Form ADR 100, advising the court whether the mediation ended in full agreement, partial agreement, or nonagreement.~~

Rule 1640.8 adopted effective January 1, 2000.

Rule 6.43 of the California Rules of Court is amended, effective July 1, 2005, to read:

1 **Rule 6.43. Family and Juvenile Law Advisory Committee**
2

3 (a) **[Area of focus]** The Family and Juvenile Law Advisory Committee shall make
4 recommendations to the council for improving the administration of justice in
5 all cases involving marriage, family, or children.
6

7 (b) **[Membership]** The committee shall include at least one member from each of
8 the following categories:
9

10 (1) Appellate court justice;

11
12 (2) Trial court judicial officer;

13
14 (3) Judicial administrator;

15
16 (4) Child custody mediator;

17
18 (5) Lawyer whose primary practice area is family law;

19
20 (6) Lawyer from a public or private defender's office whose primary practice
21 area is juvenile law;

22
23 (7) Chief probation officer;

24
25 (8) Child welfare director;

26
27 (9) Court-Appointed Special Advocate (CASA) director;

28
29 (10) County counsel assigned to juvenile dependency cases;

30
31 (11) Domestic violence prevention advocate;

32
33 (12) District attorney assigned to juvenile delinquency cases;

34
35 (13) ~~District attorney assigned to child support cases;~~ Lawyer from the
36 California Department of Child Support Services or a local child support
37 agency; and

38
39 (14) Public-interest children's rights lawyer.
40

Rule 7.903 of the California Rules of Court is amended, effective July 1, 2005, to read:

1 **Rule 7.903. Trusts funded by court order**
2

3 (a)–(b) ***
4

5 (c) **[Required provisions in trust instruments]** Except as provided in (d), unless
6 the court otherwise orders for good cause shown, trust instruments for trusts
7 funded by court order must:
8

9 (1) Not contain “no-contest” provisions;
10

11 (2) Prohibit modification or revocation without court approval;
12

13 (3) Clearly identify the trustee and any other person with authority to direct
14 the trustee to make disbursements;
15

16 (4) Prohibit investments by the trustee other than those permitted under
17 Probate Code section 2574;
18

19 (5) Require persons identified in (3) to post bond in the amount required
20 under Probate Code section 2320 et seq.;
21

22 (6) Require the trustee to file accounts and reports for court approval in the
23 manner and frequency required by Probate Code sections 1060 et seq. and
24 ~~2320~~ 2620 et seq.;
25

26 (7) Require court approval of changes in trustees and a court order appointing
27 any successor trustee;
28

29 (8) Require compensation of the trustee, the members of any advisory
30 committee, or the attorney for the trustee, to be in just and reasonable
31 amounts that must be fixed and allowed by the court. The instrument
32 may provide for periodic payments of compensation on account, subject
33 to the requirements of Probate Code section 2643 and rule 7.755.
34

35 (d) ***
36

Section 20.6 of the California Standards of Judicial Administration is amended, effective July 1, 2005, to read:

1 **Sec. 20.6. Guidelines for determining payment for costs of appointed counsel for**
2 **children in family court**

3
4 **(a)–(d) *****

5
6 **(e) [Payment of attorney]** If the court finds the parties are unable to pay all or a
7 portion of the cost of appointed counsel, ~~pursuant to~~ under Family Code
8 section 3153 it ~~shall order the county to~~ must pay the portion the parties are
9 unable to pay. The order may provide for progress or installment payments.

DIVISION V. in the appendix of the California Rules of Court is amended effective July 1, 2005 to read:

DIVISION V. Guidelines for the operation of family law information centers and family law facilitator offices

Division V adopted effective January 1, 2002. Former Division V, Age Increase Factor Table, repealed effective January 1, 1999.

- (1) (*Independence and integrity*) An attorney and other staff working in a family law information center or family law facilitator office should, at all times, uphold the independence and integrity of the center or office in conjunction with its role within the court and the legal system.
- (2) (*Role as representative of the court*) An attorney and other staff working in a family law information center or family law facilitator office should recognize that they are representatives of the court and, as such, should avoid all acts of impropriety and the appearance of impropriety at all times.
- (3) (*Impartiality and diligence*) An attorney working in a family law information center or family law facilitator office should perform his or her duties impartially and diligently. Impartiality means delivering services to all eligible litigants in a neutral manner. Diligence requires that the attorney provide the litigants with pertinent information to allow them to bring their matter before the court. This may include appropriate referrals to other resources as well as direct information and assistance at the center or office. The attorney should require similar conduct of all personnel.
- (4) (*Respect and patience*) An attorney working in a family law information center or family law facilitator office should be aware of the social and economic differences that exist among litigants and maintain patience with and respect for the litigants who seek the services of the center or office. The attorney should require similar conduct of all personnel. However, if a litigant becomes unruly or disruptive, the attorney may ask the litigant to leave the center or office.
- (5) (*Bias and prejudice*) An attorney working in a family law information center or family law facilitator office should assist the litigants who seek assistance without exhibiting bias or prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or other similar factors, and should require similar conduct of all personnel.

- 1 (6) (*Competent legal information*) An attorney working in a family law
2 information center or family law facilitator office and his or her staff should
3 provide the litigants who seek assistance with procedural and legal information
4 and education so that the litigants will have increased access to the court.
5 Family law information centers and family law facilitator offices are not
6 intended to replace private counsel.
7
- 8 (7) (*Full notification of limits of service*) An attorney working in a family law
9 information center or family law facilitator office should ensure that
10 conspicuous notice is given, as set forth in Family Code section ~~15010(g)~~ or
11 ~~Family Code section 10013~~, respectively, that no attorney-client relationship
12 exists between the center or office, or its staff, and the family law litigant. The
13 notice should include the advice that the absence of an attorney-client
14 relationship means that communications between the party and the family law
15 information center or family law facilitator office are not privileged and that
16 the services may be provided to the other party. Additionally, the family law
17 information center must use Judicial Council form ~~FL-9451294.5~~, *Family Law*
18 *Information Center Disclosure*, or provide similar notice of the warnings set
19 ~~forth in Family Code section 15010(i)~~. The family law facilitator office must
20 use Judicial Council form ~~FL-9401294~~, *Office of the Family Law Facilitator*
21 *Disclosure*, or provide similar notice of the warnings set forth in Family Code
22 section 10015.
23
- 24 (8) (*Public comment*) An attorney working in a family law information center or
25 family law facilitator office and his or her staff must at all times comply with
26 ~~Family Code section 15010(h)~~ or Family Code section 10014, respectively,
27 and must not make any public comment about the litigants or about any
28 pending or impending matter in the court.
29
- 30 (9) (*Gifts or payments*) An attorney working in a family law information center or
31 family law facilitator office and his or her staff should not accept any gifts,
32 favors, bequests, or loans from the litigants whom they assist, since this may
33 give the appearance of impropriety or partiality—except for nominal gifts such
34 as baked goods, as allowed by local rules.
35
- 36 (10) (*Communications with bench officers*) An attorney working in a family law
37 information center or family law facilitator office and his or her staff should
38 avoid all ex parte communications with a bench officer, except as provided in
39 accordance with Family Code section 10005. In addition, an attorney should
40 avoid all communications with a bench officer in which he or she offers an
41 opinion on how the bench officer should rule on a pending case.
42 Communications about purely procedural matters or the functioning of the
43 court are allowed and encouraged.

1
2 (11) (*Communications with represented litigants*) An attorney working in a family
3 law information center or family law facilitator office and his or her staff
4 should not assist a litigant who is represented by an attorney unless the
5 litigant’s attorney consents or the court has referred the litigant for assistance.
6

7 **Advisory Committee Comments**

8
9 Discussion

10
11 These guidelines are promulgated as directed by former Family Code section 15010(f). They are
12 intended to guide the attorneys providing assistance in family law information centers ~~created by Family~~
13 ~~Code sections 15000–15012~~ and family law facilitator offices created by Family Code sections 10000–
14 10015.
15

16 These guidelines are not intended to be exclusive. Attorneys who work in the family law
17 information centers and family law facilitator offices are also bound by the State Bar Act, the Rules of
18 Professional Conduct, local and state court employee rules, and relevant opinions of the California courts
19 to the extent that they apply.
20

21 The authorities that govern attorney conduct in California apply to all California attorneys
22 regardless of the capacity in which they are acting in a particular matter. (*Libarian v. State Bar* 25 Cal.2d.
23 314 (1944).) “Permission” not to comply with these authorities may not be given by the State Bar.
24 (*Sheffield v. State Bar* 22 Cal.2d. 627 (1943).)
25

26 Thus, California attorneys, regardless of the capacity in which they are performing in a particular
27 matter, must conform their conduct to the governing California authorities. However, because the
28 disciplinary authorities are activity-specific, not all authorities apply in all instances. For example, a
29 transactional attorney who never appears in court is not likely to be at risk of violating the rules that
30 govern court appearances. The transactional attorney is not immune from those rules; the nature of his or
31 her practice simply minimizes the impact of those rules upon the services he or she performs. Thus,
32 although center and facilitator attorneys will not be immune from the governing authorities, certain rules
33 and requirements will apply more directly to the nature of the services being provided than will others.
34

35 Just as the Rules of Professional Conduct are activity-specific in general professional practice, so
36 are center and facilitator office attorneys. Although the Rules of Professional Conduct and related
37 authorities will apply generally, and will apply directly when the attorney is representing clients in an
38 attorney-client relationship, they will not directly be invoked when a center or facilitator attorney
39 provides assistance to a nonclient in a court-based program that does not, by definition, represent
40 “clients.”
41

42 To the extent that the above-mentioned Family Code sections establish by law that there is no
43 attorney-client relationship or privilege for services provided by a family law information center or family
44 law facilitator office, the Rules of Professional Conduct that specifically address the attorney-client
45 relationship and the conduct of that relationship would not be invoked if the attorney were providing
46 services within the scope of those sections. However, the Rules of Professional Conduct would govern
47 attorneys employed by centers or facilitator offices who also continued to maintain a law practice and
48 worked with actual clients in an attorney-client relationship.
49

1 Although center and facilitator office attorneys are not exempt from the Rules of Professional
2 Conduct, the employing court may promulgate guidelines for the services provided by a center or
3 facilitator office that are more applicable to the center or office than are some of the Rules of Professional
4 Conduct, however, any such restrictions must still be fully consistent with the Rules of Professional
5 Conduct. The principles set forth in the California Code of Judicial Ethics are often more applicable to the
6 centers and facilitator offices and are consistent with the Rules of Professional Conduct. Those principles
7 form the basis for the guidelines contained in these standards. The court may enforce these guidelines
8 through its employee disciplinary process for court employees. Following are the areas of the Rules of
9 Professional Conduct where these guidelines provide standards that are more applicable to the role of the
10 family law information center or family law facilitator office as an entity of the court.

11
12 Rule 2-100 (Communication With a Represented Party)—see proposed guideline 11
13 (Communication with represented litigants).

14
15 Rule 2-400 (Prohibited Discriminatory Conduct in a Law Practice)—see proposed guideline 5
16 (Bias and prejudice);

17
18 Rule 3-110 (Failing to Act Competently)—see proposed guidelines 3 (Impartiality and diligence)
19 and 6 (Competent legal information);

20
21 Rule 3-120 (Sexual Relations With Client)—see proposed guideline 2 (Role as representative of
22 the court);

23
24 Rule 3-200 (Prohibited Objectives of Employment)—see proposed guideline 2 (Role as
25 representative of the court);

26
27 Rule 3-210 (Advising the Violation of Law)—see proposed guideline 2 (Role as representative of
28 the court);

29
30 Rule 3-320 (Relationship With Other Party’s Lawyer)—see proposed guideline 2 (Role as
31 representative of the court);

32
33 Rule 4-300 (Purchasing Property at a Foreclosure or a Sale Subject to Judicial Review)—see
34 proposed guideline 2 (Role as representative of the court);

35
36 Rule 4-400 (Gifts From Client)—see proposed guideline 9 (Gifts or payments);

37
38 Rule 5-120 (Trial Publicity)—see proposed guideline 8 (Public comment);

39
40 Rule 5-220 (Suppression of Evidence)—see proposed guideline 2 (Role as representative of the
41 court);

42
43 Rule 5-300 (Contact With Officials)—see proposed guideline 10 (Communications with bench
44 officers);

45
46 Rule 5-310 (Prohibited Contact With Witnesses)—see proposed guideline 2 (Role as
47 representative of the court); and

48
49 Rule 5-320 (Contact With Jurors)—see proposed guideline 2 (Role as representative of the court).

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY DRAFT 1 02/09/05
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS	CASE NUMBER:

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (*name, address, and telephone number of deponent, if known*):

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (<i>name of deposition officer</i>):	
On (<i>date</i>):	At (<i>time</i>):
Location (<i>address</i>):	
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- a. by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. *The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.*
3. **The records to be produced are described as follows:**

Continued on Attachment 3.

4. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PERSON ISSUING SUBPOENA)

(Proof of service on reverse)

(TITLE)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. (1) Witness fees were paid.
 Amount: \$ _____

(2) Copying fees were paid.
 Amount: \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

- a. Not a registered California process server.
- b. California sheriff or marshal.
- c. Registered California process server.
- d. Employee or independent contractor of a registered California process server.
- e. Exempt from registration under Business and Professions Code section 22350(b).
- f. Registered professional copier.
- g. Exempt from registration under Business and Professions Code section 22451.
- h. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date:

 (SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

 (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 1</h1> <h2 style="margin: 0;">02/08/05</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/ PETITIONER: DEFENDANT/ RESPONDENT:	
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE	CASE NUMBER:

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date:	Time:	Address:
-------	-------	----------

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 2. (Code Civ. Proc., § 2025.220(a)(6).)
 - b. This deposition will be recorded stenographically through the instant visual display of testimony, and by audiotape videotape.
 - c. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are as follows:

3. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF PERSON ISSUING SUBPOENA)
-------------------------------	--	---

(Proof of service on reverse)

(TITLE)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

1. I served this *Deposition Subpoena for Personal Appearance* by personally delivering a copy to the person served as follows:

- a. Person served (*name*):

- b. Address where served:

- c. Date of delivery:

- d. Time of delivery:

- e. Witness fees and mileage both ways (*check one*):
 - (1) were paid. Amount: \$ _____
 - (2) were not paid.
 - (3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (*specify*): \$ _____

- f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

- a. Not a registered California process server.
- b. California sheriff or marshal.
- c. Registered California process server.
- d. Employee or independent contractor of a registered California process server.
- e. Exempt from registration under Business and Professions Code section 22350(b).
- f. Registered professional photocopier.
- g. Exempt from registration under Business and Professions Code section 22451.
- h. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date:

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
 (SIGNATURE)

▶ _____
 (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 1 02/08/05
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
PETITIONER: RESPONDENT:	
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date:	Time:	Address:
-------	-------	----------

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.220(a)(6)).
- b. You are ordered to produce the documents and things described in item 3.
- c. This deposition will be recorded stenographically through the instant visual display of testimony, and by audiotape videotape
- d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:
- Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:
- Continued on Attachment 4.
5. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
6. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF PERSON ISSUING SUBPOENA)
-------------------------------	--	---

(Proof of service on reverse)

(TITLE)

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE
AND PRODUCTION OF DOCUMENTS AND THINGS**

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:

- a. Person served (*name*):

- b. Address where served:

- c. Date of delivery:

- d. Time of delivery:

- e. Witness fees and mileage both ways (*check one*):
 - (1) were paid. Amount: \$ _____
 - (2) were not paid.
 - (3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (*specify*): \$ _____

- f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:
- a. Not a registered California process server.
 - b. California sheriff or marshal.
 - c. Registered California process server.
 - d. Employee or independent contractor of a registered California process server.
 - e. Exempt from registration under Business and Professions Code section 22350(b).
 - f. Registered professional photocopier.
 - g. Exempt from registration under Business and Professions Code section 22451.
 - h. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date:

▶ _____

(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____

(SIGNATURE)

INFORMATION ON APPEAL PROCEDURES FOR UNLIMITED CIVIL CASES

The following is general information about the procedures for appeals of unlimited civil cases ("unlimited civil case" generally means a civil case in which the amount in controversy is more than \$25,000; see Code of Civil Procedure sections 85 and 88). This information is not intended to be comprehensive, but to provide an overview to help guide you through the appeal process. **You should thoroughly read rules 1 through 27 of the California Rules of Court. If you have questions about the appellate process, you should consult an attorney of your own choosing.**

1. NATURE OF AN APPEAL

An appeal is a review of a court's decision by another court. A party may appeal an unfavorable judgment and certain orders in an unlimited civil case made in the superior court to the Court of Appeal for the district in which the superior court is located. Generally, the appeal must be based on an argument that a **legal error** was made by the superior court. An appeal is not a retrial. You will not be permitted to introduce new evidence, and the appellate court will not reassess conflicting evidence. You may not appeal on behalf of a friend, a spouse, a child, or other relative (unless you are a legally appointed guardian).

2. PARTIES

The party filing the appeal is called the APPELLANT. The party against whom the appeal is brought is called the RESPONDENT.

STEPS IN THE APPEAL PROCESS AT THE SUPERIOR COURT

3. NOTICE OF APPEAL

To appeal from a superior court decision in an unlimited civil case, the appellant must file a notice of appeal **in the superior court** (Cal. Rules of Court, rule 1). A notice of appeal tells the other party or parties in the case and the superior court that you are appealing the decision of the superior court. You may use Judicial Council form APP-002, *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)*, to file a notice of appeal in an unlimited civil case.

The notice of appeal must be served on the other party or parties in the case and filed with the clerk of the superior court. Generally, this service and filing must be completed within **60 calendar days** after the clerk mails or a party serves either a notice of entry of judgment or a file-stamped copy of the judgment. If neither of these documents is sent, the notice of appeal must be filed within **180 calendar days** after entry of judgment (generally the date the judgment is file-stamped). **If your notice of appeal is filed late, your appeal will be dismissed** (Cal. Rules of Court, rules 2 and 3).

If a notice of appeal has been filed in a case, any other party to the case may file its own appeal from the same judgment or order. This is called a cross-appeal. To cross-appeal, a party must file a notice of appeal within either the regular time for filing a notice of appeal or within 20 days after the clerk of the superior court mails notice of the first appeal, whichever is later (Cal. Rules of Court, rule 3(e)). You may use Judicial Council form APP-002, *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)*, to file this notice in an unlimited civil case.

4. FEE ON APPEAL

The notice of appeal must be accompanied by a \$655 filing fee (Gov. Code, §§ 68926 and 68926.1) made payable to "Clerk, Court of Appeal" and a \$100 deposit (Gov. Code, § 68926.1) made payable to "Clerk of the Superior Court." If you do not have the money for the fees, you may submit an application for waiver of court fees and costs on appeal under rule 985 of the California Rules of Court (Cal. Rules of Court, rule 1(b)).

5. DESIGNATION OF RECORD

See rules 4 through 12.5 of the California Rules of Court, which govern the preparation of the record on appeal.

Since the appellate court was not present at the trial or other proceedings in the superior court, there must be an official record of the proceedings from the superior court for the appellate court to review in assessing the appeal. Within 10 days of filing the notice of appeal, the appellant must tell the superior court in writing ("designate") what documents and oral proceedings, if any, to include in the record that will be sent to the Court of Appeal. **You will need to designate all the parts of the record that the Court of Appeal will need to decide the issues you raise in the appeal.** You can use Judicial Council form APP-003, *Notice Designating Record on Appeal (Unlimited Civil Case)* to designate the record in an unlimited civil case.

Reporter's Transcript

A court reporter's transcript is a written record (often called the "verbatim" record) of the oral proceedings in the superior court. A reporter's transcript is not required but is usually necessary.

Within 10 days of filing the notice of appeal, the appellant must serve and file with the superior court clerk either a notice designating a reporter's transcript or a notice of intent to proceed without a reporter's transcript (Cal. Rules of Court, rule 4(a)(1)). You can use Judicial Council form APP-003, *Notice Designating Record on Appeal (Unlimited Civil Case)* to file this notice in an unlimited civil case.

If the appellant chooses to designate a reporter's transcript, the notice designating this transcript must specify the date of each proceeding to be included in the transcript and must be served on each known court reporter (Cal. Rules of Court, rules 4(a)(4) and (6)). The names of the court reporters who reported the proceedings are found in the superior court clerk's minute orders, which are prepared for each day of the proceedings and then placed in the superior court file.

With the notice designating the reporter's transcript, the appellant must deposit the approximate cost of transcribing the proceedings designated (Cal. Rules of Court, rule 4(b)). The cost may be obtained from the reporter's written estimate or calculated at \$650 per day (more than three hours of court time) or \$325 per fraction of a day (less than three hours of court time) (Cal. Rules of Court, rule 4(b)(1)).

Within 10 days after service of the appellant's designation of the reporter's transcript, the respondent may serve and file a notice designating additional proceedings to be included in the reporter's transcript (Cal. Rules of Court, rule 4(a)(2)). Respondent must pay for the cost of transcribing any additional proceedings designated.

If the appellant chooses to proceed without a reporter's transcript, the respondent may not designate a reporter's transcript without first obtaining an order from the reviewing court (Cal. Rules of Court, rule 4(a)(3)).

Clerk's Transcript or Appendix

The clerk's transcript is a compilation of the documents filed in the superior court. Within 10 days of filing the notice of appeal, the appellant must serve and file with the superior court clerk a notice either designating the documents from the court file that the appellant wants the superior court to include in the clerk's transcript (Cal. Rules of Court, rule 5(a)(1)) or a notice of intent to prepare his or her own compilation of these documents, called an appendix (Cal. Rules of Court, rule 5.1). You can use Judicial Council form APP-003, *Notice Designating Record on Appeal (Unlimited Civil Case)* to file this notice in an unlimited civil case.

If the appellant chooses to designate a clerk's transcript, each document designated for inclusion in the clerk's transcript must be identified by its title and filing date. If the filing date is not known, the date the document was signed may be used instead (Cal. Rules of Court, rule 5(a)(4)).

Within 10 days after service of a notice designating the documents to be included in the clerk's transcript, respondent may serve and file a notice designating additional documents to be included in the clerk's transcript (Cal. Rules of Court, rule 5(a)(3)).

The superior court clerk will send the appellant a bill for the cost of preparing an original and one copy of the transcript (Cal. Rules of Court, rule 5(c)). This must be paid within 10 days or the appeal may be dismissed by the Court of Appeal.

If the appellant chooses to prepare an appendix of the documents filed in the superior court, rather than designating a clerk's transcript, that appendix must include all of the documents and be prepared in the form required by California Rules of Court, rule 5.1(b) and (c). The parties may prepare separate appendixes but are encouraged to stipulate (agree) to a joint appendix. If separate appendixes are prepared, each party must pay for its own appendix. If a joint appendix is prepared, the parties can agree on how the cost of preparing the appendix will be paid or the cost will be paid by the appellant(s) (Cal. Rules of Court, rule 5.1(e)).

6. FILING OF CLERK'S AND REPORTER'S TRANSCRIPTS (IF ANY)

If the appellant chooses to designate a clerk's transcript, after all the fees have been paid, the superior court clerk will compile the requested documents into a transcript format and forward the original clerk's transcript, together with the original reporter's transcript, if any, to the Court of Appeal for filing. A copy of the transcript(s) will be sent to the appellant. If the respondent has purchased a copy, the clerk's transcript will also be mailed to the respondent (Cal. Rules of Court, rules 4(f), 5(d) and 11).

7. ABANDONMENT OF APPEAL

If the appellant decides not to proceed with the appeal and the record has not yet been filed in the Court of Appeal, the appellant must file an abandonment of appeal in the superior court (Cal. Rules of Court, rule 20(b)). You can use Judicial Council form APP-005, *Abandonment of Appeal (Unlimited Civil Case)*, for this purpose.

STEPS IN THE APPEAL PROCESS AT THE COURT OF APPEAL

8. CIVIL CASE INFORMATION STATEMENT

When the Court of Appeal is notified that a notice of appeal has been filed in an unlimited civil case, the clerk of the Court of Appeal will mail the appellant a copy of Judicial Council form APP-004, the *Civil Case Information Statement*, along with a notice that this form must be filed within 10 days. Within 10 days after the clerk mails this notice, the appellant must serve and file in the Court of Appeal a completed *Civil Case Information Statement*, attaching a copy of the judgment or appealed order that shows the date it was entered (Cal. Rules of Court, rules 1(f) and 2(c)).

9. SERVING AND FILING APPENDIX IN LIEU OF CLERK'S TRANSCRIPT

If a party chooses to prepare an appendix of the documents filed in the superior court under rule 5.1 rather than designating a clerk's transcript, the party preparing the appendix must serve the appendix on each other party (unless the parties have agreed or the Court of Appeal has ordered otherwise) and file the appendix in the Court of Appeal. A joint appendix or an appellant's appendix must be served and filed with the appellant's opening brief. A respondent's appendix, if any, must be served and filed with the respondent's brief. An appellant's reply appendix, if any, must be served and filed with the appellant's reply brief (Cal. Rules of Court, rule 5.1(d)).

10. BRIEFS

A brief is a party's written description of the facts in the case, the relevant law, and the party's argument. The preparation and filing of briefs is governed by rules 13 through 18 of the California Rules of Court. Parties are encouraged to read these rules thoroughly and comply accordingly.

Contents and Format of Briefs

See rule 14 of the California Rules of Court.

The brief must clearly explain, using references to the clerk's and reporter's transcripts, the claimed legal errors in the superior court proceedings. Each brief must be no longer than 14,000 words if produced on a computer (you can rely on the word count provided by your computer in meeting this requirement) or up to 50 pages if produced on a typewriter. The brief must contain a table of contents and a table of authorities.

Service and Filing of Briefs

See rule 15 of the California Rules of Court.

The appellant's opening brief must be served and filed within 30 days after the record is filed in the Court of Appeal or 70 days from the date the appellant elects to proceed under rule 5.1 with no reporter's transcript. The cover of the appellant's opening brief must be green (Cal. Rules of Court, rules 15(a) and rule 44(c).)

The respondent's brief must be served and filed within 30 days after the appellant's opening brief is filed. The cover of the respondent's brief must be yellow.

The appellant's reply brief, if any, must be served and filed within 20 days after the respondent's brief is filed. The cover of the appellant's reply brief must be tan.

An original and four copies of each brief, along with proof of service, must be filed with the Court of Appeal. A copy of each brief must be served on all counsel and self-represented parties and on the superior court clerk for delivery to the trial judge. Four copies must also be served on the California Supreme Court (Cal. Rules of Court, rule 15(c).) The addresses of the California Supreme Court, Courts of Appeal, and superior courts can be found on the Internet at www.courtinfo.ca.gov/courts.

In some instances a copy of each brief must be served on the Attorney General or the local district attorney. See rule 44.5 of the California Rules of Court and the *Civil Case Information Statement* (Judicial Council form APP-004).

Cover:	Appellant's opening brief—green Respondent's brief—yellow Appellant's reply brief—tan
File:	Original plus 4 copies along with proof of service in the Court of Appeal
Serve:	California Supreme Court—4 copies Superior court—1 copy All counsel All self-represented parties

Extension of Time to File Brief

The parties may extend the time to file a brief for up to 60 days by filing a stipulation (agreement) in the Court of Appeal (Cal. Rules of Court, rule 15 (b)).

An application for extension of time must be filed with the Court of Appeal before the brief is due when:

The parties cannot agree to a stipulation; or

The parties have stipulated to the maximum automatic extension permitted under rule 15 of the California Rules of Court, and the applicant seeks a further extension.

Judicial Council form APP-006, *Application for Extension of Time to File Brief (Civil Case)*, can be used to apply to the Court of Appeal for an extension of time to file a brief.

11. DISMISSAL OF APPEAL

If the appellant decides not to proceed with the appeal after the record has been filed in the Court of Appeal, the appellant must file a request for dismissal in the Court of Appeal (Cal. Rules of Court, rule 20(c).) You can use Judicial Council form APP-007, *Request for Dismissal of Appeal (Civil Case)* for this purpose (Cal. Rules of Court, rule 20).

TO BE FILED IN THE COURT OF APPEAL

COURT OF APPEAL, _____ APPELLATE DISTRICT, DIVISION _____	Court of Appeal Case Number:
	Superior Court Case Number:
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 1 02/10/05
APPELLANT:	
RESPONDENT:	
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CIVIL CASE)	

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form.

- I (name): request that the time to file appellant's opening brief (AOB) respondent's brief (RB) appellant's reply brief (ARB), now due on (date): _____ be extended to (date): _____
- I have have not received a rule 17 notice.
- I have received:
 - no previous extensions to file this brief.
 - the following previous extensions:

(number of extensions): _____	extensions by stipulation totaling (total number of days): _____
(number of extensions): _____	extensions from the court totaling (total number of days): _____
- I am unable to file a stipulation to an extension because
 - the other party is unwilling to stipulate to an extension.
 - other reason (please specify): _____
- The reason I need an extension to file this brief is (please specify; see Cal. Rules of Court, rule 45.5, for factors used in determining whether to grant extensions): _____
- The last brief filed by any party was: AOB RB filed on (date): _____
- The record in this case is:

	<u>Volumes (#)</u>	<u>Pages (#)</u>	<u>Date filed</u>
Appendix/Clerks Transcript: _____	_____	_____	_____
Reporters Transcript: _____	_____	_____	_____
Augmentation/other: _____	_____	_____	_____
- For attorneys filing application on behalf of client:
 - I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule 45(g)).

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

Date: _____

(TYPE OR PRINT NAME) ▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

EXTENSION OF TIME IS:
 Granted to _____
 Denied
 Date: _____

ORDER

(SIGNATURE OF PRESIDING JUSTICE)

APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CIVIL CASE)

CASE NAME:	CASE NUMBER:
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NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

Mail Personal Service

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My residence or business address is (*specify*):
3. I mailed or personally delivered a copy of the *Application for Extension of Time to File Brief (Civil Case)* as follows (*complete either a or b*):
 - a. **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope **and**
 - (a) **deposited** the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (b) **placed** the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:
 - (c) Date of mailing:
 - (d) Place of mailing (*city and state*):
 - b. **Personal delivery.** I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:
 - (3) Date delivered:
 - (4) Time delivered:

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

Date:

_____  _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i> TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 1</h1> <h2 style="margin: 0;">02/04/05</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
PEOPLE OF THE STATE OF CALIFORNIA	
vs.	
DEFENDANT:	
Date of birth: _____ California Dept. of Corrections No. (if applicable): _____	
NOTICE OF APPEAL-FELONY (DEFENDANT) (Pen. Code, §§ 1237,1538.5(m); Cal. Rules of Court, rule 30(b))	
CASE NUMBER(S): _____	

NOTICE

- If your appeal challenges the validity of the plea you must complete the *Request for Certificate of Probable Cause* on the other side of this form. (Pen. Code, § 1237.5.)
- You must file this form in the superior court within 60 days after entry of judgment.

1. Defendant (*name*): _____
 appeals from the order or judgment entered on (*specify date of order, judgment, or sentence*): _____

2. This appeal follows:
- a. A jury or court trial. (Pen. Code, § 1237(a).)
 - b. A contested violation of probation. (Pen. Code, § 1237(b).)
 - c. A guilty (or no-contest) plea or an admitted probation violation (*check all boxes that apply*):
 - (1) This appeal is based on the sentence or other matters occurring after the plea. (Cal. Rules of Court, rule 30(b)(4)(B) (d).)
 - (2) This appeal is based on the denial of a motion to suppress evidence under Penal Code section 1538.5.
 - (3) This appeal challenges the validity of the plea or admission. (*You must complete the Request for Certificate of Probable Cause on the other side of this form.*)
 - d. Other (*specify*): _____

3. I request that the court appoint an attorney on appeal. Defendant was was not represented by an appointed attorney in the superior court.

4. Defendant's address: same as in attorney box above.
 as follows: _____

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF DEFENDANT OR ATTORNEY)

PEOPLE OF THE STATE OF CALIFORNIA vs.

CASE NUMBER(S):

DEFENDANT:

REQUEST FOR CERTIFICATE OF PROBABLE CAUSE

I request a certificate of probable cause. The reasonable constitutional, jurisdictional or other grounds going to the legality of the guilty plea, no contest plea or probation violation admission proceeding are (*specify*):

Multiple horizontal lines for providing details of the request.

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

COURT ORDER

This *Request for Certificate of Probable Cause* is (*check one*): granted denied.

Date:

JUDGE

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
--	--------------

CHILD CUSTODY AND VISITATION APPLICATION ATTACHMENT

TO **Petition, Response, Application for Order or Responsive Declaration** **Other (specify):**
 To be ordered now and effective until the hearing

1. **Custody.** Custody of the minor children of the parties is requested as follows:

Child's Name	Date of Birth	Legal Custody to <i>(person who makes decisions about health, education, etc.)</i>	Physical Custody to <i>(person with whom the child lives)</i>
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2. **Visitation.**

a. Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)

b. See the attached _____-page document dated *(specify date)*:

c. The parties will go to mediation at *(specify location)*:

d. No visitation

e. Visitation for the petitioner respondent will be as follows:

(1) **Weekends starting (date):**

(The first weekend of the month is the first weekend with a Saturday.)

1st 2nd 3rd 4th 5th weekend of the month

from _____ at _____ a.m. p.m.
(day of week) (time)

to _____ at _____ a.m. p.m.
(day of week) (time)

(a) The parents will alternate the fifth weekends, with the petitioner respondent having the initial fifth weekend, which starts *(date)*:

(b) The petitioner will have fifth weekends in odd even months.

(2) **Alternate weekends starting (date):**

The petitioner respondent will have the children with him or her during the period

from _____ at _____ a.m. p.m.
(day of week) (time)

to _____ at _____ a.m. p.m.
(day of week) (time)

(3) **Weekdays starting (date):**

The petitioner respondent will have the children with him or her during the period

from _____ at _____ a.m. p.m.
(day of week) (time)

to _____ at _____ a.m. p.m.
(day of week) (time)

(4) **Other (specify days and times as well as any additional restrictions):**

See Attachment 2e(4).

PETITIONER: RESPONDENT:	CASE NUMBER:
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3. **Supervised visitation.**
 I request that (name): _____ have supervised visitation with the minor children according to the schedule set out on page 1 and that the visits be supervised by (name): _____ who is a professional nonprofessional supervisor. The supervisor's phone number is (specify): _____

I request that the costs of supervision be paid as follows: petitioner: _____ percent; respondent: _____ percent.

If item 3 is checked, you must attach a declaration that shows why unsupervised visitation would be bad for your children. The judge is required to consider supervised visitation if one parent is alleging domestic violence and is protected by a restraining order.

4. **Transportation for visitation and place of exchange.**

- a. Transportation **to** the visits will be provided by (name): _____
- b. Transportation **from** the visits will be provided by (name): _____
- c. Drop-off of the children will be at (address): _____
- d. Pick-up of the children will be at (address): _____
- e. The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- f. During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
- g. Other (specify): _____

5. **Travel with children.** The petitioner respondent other (name): _____ **must** have written permission from the other parent or a court order to take the children out of

- a. the state of California.
- b. the following counties (specify): _____
- c. other places (specify): _____

6. **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other parent's permission. I request the orders set out on attached form FL-312.

7. **Children's holiday schedule.** I request the holiday and visitation schedule set out on the attached form FL-341(C) other (specify): _____

8. **Additional custody provisions.** I request the additional orders regarding custody set out on the attached form FL-341(D) other (specify): _____

9. **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out on the attached form FL-341(E) other (specify): _____

10. **Other.** I request the following additional orders (specify): _____

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO. : FAX NO.: <i>(Optional)</i> E-MAIL ADDRESS <i>(Optional)</i> : ATTORNEY FOR <i>(Name)</i> :	FOR COURT USE ONLY <h2 style="margin:0;">DRAFT 3</h2> <h2 style="margin:0;">02/09/05 mc</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	<input type="checkbox"/> Attachments
APPLICATION AND ORDER FOR AUTHORIZATION TO ADMINISTER PSYCHOTROPIC MEDICATION—JUVENILE <input type="checkbox"/> Original <input type="checkbox"/> Request to Extend	CASE NUMBER:

QUESTIONS 1–4 TO BE COMPLETED BY APPLICANT

1. The child is a dependent (Welf. & Inst. Code, § 300) or ward of the court (Welf. & Inst. Code, §§ 601, 602) and has been removed from the parent's physical custody.

2. Child's date of birth: _____ Child's weight: _____ Child's height: _____

3. The child is currently placed in relative's home foster home group home juvenile hall camp home of nonrelative extended family member acute care hospital *(name):* _____ other:

4. Applicant is child's treating physician social worker on behalf of physician probation officer on behalf of physician other *(specify):* _____

and requests the court to:

a. authorize the administration of the psychotropic medications described in item 8 to the child

OR

b. authorize continuation of the administration of the psychotropic medications described in item 8 to the child

OR

c. authorize *(name):* _____

(address): _____

who is the child's parent statutorily presumed parent other parent legal guardian as established by the probate or juvenile court to consent to the administration of psychotropic medications. The child's parent or legal guardian poses no danger to the child and has the capacity to authorize the administration of the medications *(describe basis for this statement):* _____

Date: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF APPLICANT)

Continued on Attachment 4.

CHILD'S NAME: _____	CASE NUMBER: _____
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QUESTIONS 5–13 TO BE COMPLETED BY, OR WITH INFORMATION PROVIDED BY, PRESCRIBING PHYSICIAN

(No psychotropic medications for dependents and wards can be authorized in the absence of court authorization except in an emergency situation as defined by Welf. & Inst. Code, § 369(d).)

5. a. Name of prescribing physician:
 b. Address of prescribing physician:
 Telephone: _____ Fax: _____
 c. Medical specialty of prescribing physician:
 Child/adolescent psychiatry General psychiatry
 Other: _____ Family practice/GP Pediatrics
 d. Date of most recent face-to-face clinical visit:
 Face-to-face clinical visit conducted by (name): _____
 e. Anticipated frequency of follow-up visits with the prescribing physician:
 f. If this application is made during an emergency situation, describe emergency circumstances that allowed for temporary administration pending judicial order:

6. The child has been diagnosed with the following disorders:

- | | |
|--|--|
| a. <input type="checkbox"/> Adjustment Disorder | g. <input type="checkbox"/> Intermittent Explosive Disorder |
| b. <input type="checkbox"/> Attention Deficit/Hyperactivity Disorder | h. <input type="checkbox"/> Oppositional Defiant Disorder/Conduct Disorder |
| c. <input type="checkbox"/> Autism/Other Pervasive Developmental Disorder | i. <input type="checkbox"/> Posttraumatic Stress Disorder |
| d. <input type="checkbox"/> Bipolar Disorder | j. <input type="checkbox"/> Schizophrenia/Other Psychotic Disorder |
| e. <input type="checkbox"/> Depressive Disorder With Psychotic Features | k. <input type="checkbox"/> Other: |
| f. <input type="checkbox"/> Dysthymic/Depressive Disorder Without Psychotic Features | |

Continued on Attachment 6.

7. Relevant medical history (*describe, specifying all current nonpsychotropic medications*):

Continued on Attachment 7.

CHILD'S NAME: _____	CASE NUMBER:
------------------------	--------------

8. List all psychotropic medications:

a. Medications to Rx: <i>NAME</i> (<i>GENERIC OR BRANDS</i>)	<i>MIN.</i> <i>DAILY DOSE</i>	<i>MAX.</i> <i>DAILY DOSE</i>	<i>TARGET SYMPTOMS</i> <i>TO BE ADDRESSED</i>	<i>ANTICIPATED</i> <i>TREATMENT</i> <i>DURATION</i>
b. Medications to continue: <i>NAME</i> (<i>GENERIC OR BRANDS</i>)	<i>MIN.</i> <i>DAILY DOSE</i>	<i>MAX.</i> <i>DAILY DOSE</i>	<i>TARGET SYMPTOMS</i> <i>TO BE ADDRESSED</i>	<i>ANTICIPATED</i> <i>TREATMENT</i> <i>DURATION</i>

CHILD'S NAME: _____	CASE NUMBER: _____
----------------------------	---------------------------

8. (Continued)

c. Past Psychotropic medications <i>NAME (GENERIC OR BRANDS)</i>	<i>MIN. DAILY DOSE</i>	<i>MAX. DAILY DOSE</i>

Continued on Attachment 8.

9. For 8b. and 8c., answer the following:

- a. Are there viable alternatives to administering psychotropic medications? Yes No
- b. If yes, what are those alternatives?

- c. Have they been tried? Yes No
- d. If yes, what was the response to the alternative treatments?

- e. If the alternative treatments were not tried, explain why:

Continued on Attachment 9.

10. Significant adverse reactions, warnings/contraindications, drug interactions (including those with continuing medications listed in item 8), and withdrawal symptoms for each recommended medication are included

- a. in a narrative (*Attachment 9a*).
- b. in a document provided by manufacturer or health-care provider or county mental health entity (*Attachment 10b*).

11. Other treatment plans for the child relevant to the medication regimen include group therapy milieu therapy individual therapy other (*explain*):

Continued on Attachment 11.

12. a. The child has been informed of this request, the recommended medications, their anticipated benefits, and their possible adverse reactions. The child's response was agreeable resistant.
(*Child's own written statement may be attached.*)

Continued on Attachment 12a.

b. The child has not been informed of this request because the child is too young and/or lacks the capacity to provide a response.

13. The child's present caregiver has been informed of this request, the recommended medications, their anticipated benefits, and their possible adverse reactions. The caregiver's response was agreeable resistant.

Date: _____ Continued on Attachment 13.

(TYPE OR PRINT NAME) ▶ _____
(SIGNATURE OF PRESCRIBING PHYSICIAN)

CHILD'S NAME: _____	CASE NUMBER: _____
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QUESTIONS 14–17 TO BE COMPLETED BY CONSULTANT PHYSICIAN — APPLICATION REVIEW

14. A physician consulting to the court has has not reviewed this application.
15. Consulting physician review is not required in this county.
16. a. The consulting physician recommends court authorization of requested medications.
 b. The consulting physician does not agree and requests further information.

Date: _____

_____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF CONSULTING PHYSICIAN)

17. Comments of consulting physician (if any):

QUESTIONS 18–21 TO BE COMPLETED BY SOCIAL WORKER OR JUVENILE PROBATION OFFICER

18. a. The following people have been informed of this request, the medications that are recommended, their anticipated benefits, and possible adverse reactions and provided with form JV-220A, *Opposition to Application for Order for Authorization to Administer Psychotropic Medication—Juvenile*.

- (1) Parent (name):
 (2) Statutorily presumed parent (name):
 (3) Other parent (name):
 (4) Legal guardian (name):

b. The responses were as follows:

	Does not oppose	Opposes/ requests hearing	Requests more information	No response
(1) <input type="checkbox"/> Parent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <input type="checkbox"/> Statutorily presumed parent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <input type="checkbox"/> Other parent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) <input type="checkbox"/> Legal guardian:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continued on Attachment 18b.

- c. No notice to the parents or legal guardians is required because parental rights have been terminated.
- d. Parent/guardian (name): _____ has not been informed because whereabouts are unknown.
- e. Parent/guardian (name): _____ has not been informed because (state reasons): _____

19. All attorneys of record have been informed of this request (date/time informed):
 and have been given two court days to respond.

	Does not oppose	Opposes/ Requests hearing	Requests more information	No response
a. <input type="checkbox"/> Attorney for child:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Attorney for parent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Attorney for statutorily presumed parent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Attorney for other parent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Attorney for legal guardian:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CHILD'S NAME: _____	CASE NUMBER: _____
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20. Other professionals who were informed and consulted (*state names and professional relationship to the case*):

21. Other information or comments:

Continued on Attachment 21.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE OF SOCIAL WORKER OR JUVENILE PROBATION OFFICER)

Telephone No.:

Fax No.:

E-mail:

ORDER

22. The matter is set for hearing within five court days on (*date*): _____ at (*time*): _____
in department: _____

23. The application for authorization to administer psychotropic medications is

- a. granted as requested.
- b. denied (*specify reason for denial*): _____

c. granted, with the following modifications or conditions (*specify*): _____

24. The court finds that the parent poses no danger to the child and has the capacity to authorize the administration of psychotropic medications, and that the request for such authority is granted

- a. as requested.
- b. with the following modifications: _____

25. The notice requirements have been met.

26. The notice requirements have NOT been met. Proper notice was not given to: _____

27. This order for authorization is effective until terminated or modified by court order or until 180 days from this order, whichever is earlier. If the prescribing physician named above is no longer treating the child, the authorization may extend to physicians who subsequently treat the child. Except in an emergency situation, an increase in the dosage beyond the approved maximum daily dosage or a change in or the addition of other medications requires the treating physician to submit a new application. A change in the child's placement does not require a new order for psychotropic medication, and a child's course of court-ordered psychotropic medication must remain in effect until the order expires or is terminated or modified by further order of the court.

28. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER OF THE JUVENILE COURT

PETITIONER OR ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i>: _____</p> <p>E-MAIL ADDRESS <i>(Optional)</i>: _____</p> <p>ATTORNEY FOR <i>(Name)</i>: _____</p>	FOR COURT USE ONLY DRAFT 1 01/27/05 mc
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
CITATION FOR PUBLICATION UNDER WELFARE AND INSTITUTIONS CODE SECTION 366.23	CASE NUMBER:

1. To *(names of persons to be notified, if known, including names on birth certificate)*:

and anyone claiming to be a parent of *(child's name)*:

born on *(date)*:

at *(name of hospital or other place, of birth and city and state)*:

2. You are hereby notified that a hearing under Welfare and Institutions Code section 366.26 will be held on

a. Date:	Time:	Dept.:	Room:
----------	-------	--------	-------

b. Address of court: same as noted above other *(specify)*:

- 3. At the hearing the court will consider the recommendations of the social worker.
- 4. The social worker will recommend that your child be freed from your legal custody so that the child maybe adopted. If the court follows the recommendation, all your parental rights to the child will be terminated.

<p>5. You are required to be present at the hearing, and you have the right to be represented by an attorney. If you do not have an attorney and cannot afford to hire one, the court will appoint an attorney for you.</p> <p>6. If the court terminates your parental rights, the order may be final.</p> <p>7. The court will proceed with this hearing whether or not you are present.</p>

Date: _____ Clerk, by _____, Deputy

PETITIONER OR ATTORNEY (Name, State Bar number, and address): <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 2 01/28/05 mc
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
PROOF OF SERVICE—JUVENILE HEARING UNDER SECTION 366.26 OF THE WELFARE AND INSTITUTION CODE	CASE NUMBER:

1. I served a copy of the attached Notice of Hearing under section 366.26 on (identify name and relationship below):
 - a. Name of person served:
 - b. Mother Legal/Presumed father Alleged father Guardian Child 10 or over
 Present custodian(s) Counsel of record
2. Manner of service (check proper box)
 - a. **Personal service.** By personally delivering a copy to the person served.
 (1) Date of service: _____ (2) Time of service: _____
 - b. **Substituted service.** By delivering copies to a competent adult at the usual place of residence or business of the person served, and thereafter mailing a copy by first-class mail to the person at the place where the copy was delivered.
 (1) Name of person with whom left:
 (2) Date and time of leaving:
 (3) Date of mailing:
 (4) Place of mailing (city and state):
 - c. **Certified mail to residence or business.** (Attach evidence of mailing.)
 - d. **Certified mail to counsel of record.** (Attach evidence of mailing.)
 - e. **First-class mail.** By placing copies in a sealed envelope and depositing the envelope directly in the United States mail with postage paid OR at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar.
 (1) To residence (address):

 (2) To business (address):

 (3) Date of deposit:
 (4) Place of deposit (city and state):
 - f. **First-class mail to grandparent.**
 (1) Addressed as follows (name and address):

 (2) Date of deposit:
 (3) Place of deposit (city and state):
 - g. **Publication.** (Attach evidence of publication.)
 - h. **Other:**
3. At the time of service I was at least 18 years of age and not a party to this matter. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (specify):

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

Date:

.....
 (TYPE OR PRINT NAME)



 (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY <p style="text-align: center; font-size: 24pt;">DRAFT 1</p> <p style="text-align: center; font-size: 24pt;">02/08/05</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: PETITIONER/RESPONDENT:	
DECLARATION	CASE NUMBER:

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

Date:

_____ (TYPE OR PRINT NAME)

_____ (SIGNATURE OF DECLARANT)

- Attorney for Plaintiff Petitioner Defendant
- Respondent Other *(Specify):*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
--	--------------

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

DRAFT 1
02/08/05

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

- Attorney for Plaintiff Petitioner Defendant
- Respondent Other (*Specify*):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 1</h1> <h2 style="margin: 0;">02/08/05</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
SUBSTITUTION OF ATTORNEY - CIVIL (Without Court Order)	CASE NUMBER:

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): _____ makes the following substitution:

1. **Former legal representative** Party represented self Attorney (name):
2. **New legal representative** Party is representing self* Attorney
 - a. Name: _____
 - b. State Bar No. (if applicable): _____
 - c. Address (number, street, city, ZIP, and law firm name, if applicable): _____
 - d. Telephone No. (include area code): _____
3. The party making this substitution is a plaintiff defendant petitioner respondent other (specify): _____

***NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES**

<ul style="list-style-type: none"> • Guardian • Conservator • Trustee 	<ul style="list-style-type: none"> • Personal Representative • Probate fiduciary • Corporation 	<ul style="list-style-type: none"> • Guardian ad litem • Unincorporated association
--	---	---

If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING REPRESENT YOURSELF.

NOTICE TO PARTIES WITHOUT ATTORNEYS

A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.
 Date: _____

(TYPE OR PRINT NAME)
▶
(SIGNATURE OF PARTY)
5. I consent to this substitution.
 Date: _____

(TYPE OR PRINT NAME)
▶
(SIGNATURE OF FORMER ATTORNEY)
6. I consent to this substitution.
 Date: _____

(TYPE OR PRINT NAME)
▶
(SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)

CASE NAME: _____	CASE NUMBER:
---------------------	--------------

**PROOF OF SERVICE BY MAIL
Substitution of Attorney-Civil**

Instructions: After having all parties served by mail with the Substitution of Attorney-Civil, have the person who mailed the document complete this Proof of Service by Mail. An unsigned copy of the Proof of Service by Mail should be completed and served with the document. Give the Substitution of Attorney-Civil and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

1. I am over the age of 18 and **not a party to this cause**. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (*specify*):

2. I served the Substitution of Attorney-Civil by enclosing a true copy in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid.

(1) Date of mailing:

(2) Place of mailing (*city and state*):

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

4. a. Name of person served:

b. Address (*number, street, city, and ZIP*):

c. Name of person served:

d. Address (*number, street, city, and ZIP*):

e. Name of person served:

f. Address (*number, street, city, and ZIP*):

g. Name of person served:

h. Address (*number, street, city, and ZIP*):

i. Name of person served:

j. Address (*number, street, city, and ZIP*):

List of names and addresses continued in attachment.

Name _____

Address _____

CDC or ID Number _____

(Court)

DRAFT 1
02/10/05

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner	vs.
Respondent	

No. _____

(To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- **If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.**
- **If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.**

- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- A conviction
- Parole
- A sentence
- Credits
- Jail or prison conditions
- Prison discipline
- Other (specify): _____

1. Your name: _____
2. Where are you incarcerated? _____
3. Why are you in custody? Criminal Conviction Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

b. Penal or other code sections: _____

c. Name and location of sentencing or committing court: _____

d. Case number: _____

e. Date convicted or committed: _____

f. Date sentenced: _____

g. Length of sentence: _____

h. When do you expect to be released? _____

i. Were you represented by counsel in the trial court? Yes. No. If yes, state the attorney's name and address:

4. What was the LAST plea you entered? (check one)

Not guilty Guilty Nolo Contendere Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

Jury Judge without a jury Submitted on transcript Awaiting trial

8. Did you appeal from the conviction, sentence, or commitment? Yes. No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

b. Result _____ c. Date of decision: _____

d. Case number or citation of opinion, if known: _____

e. Issues raised: (1) _____

(2) _____

(3) _____

f. Were you represented by counsel on appeal? Yes. No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? Yes No. If yes, give the following information:

a. Result _____ b. Date of decision: _____

c. Case number or citation of opinion, if known: _____

d. Issues raised: (1) _____

(2) _____

(3) _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

b. Did you seek the highest level of administrative review available? Yes. No.

Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or **issue** in any court? Yes. If yes, continue with number 13. No. If no, skip to number 15.

13. a. (1) Name of court: _____

(2) Nature of proceeding (for example, "habeas corpus petition"): _____

(3) Issues raised: (a) _____

(b) _____

(4) Result (*Attach order or explain why unavailable*): _____

(5) Date of decision: _____

b. (1) Name of court: _____

(2) Nature of proceeding: _____

(3) Issues raised: (a) _____

(b) _____

(4) Result (*Attach order or explain why unavailable*): _____

(5) Date of decision: _____

c. *For additional prior petitions, applications, or motions, provide the same information on a separate page.*

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

16. Are you presently represented by counsel? Yes. No. If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court? Yes. No. If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: _____



(SIGNATURE OF PETITIONER)

PLAINTIFF (Name): _____ DEFENDANT (Name): _____	CASE NUMBER: _____
--	-----------------------

6. c. The defendants not named in item 6a are
- (1) subtenants.
- (2) assignees.
- (3) other (specify): _____
- d. The agreement was later changed as follows (specify): _____
- e. A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)
- f. (For residential property) A copy of the written agreement is **not** attached because (specify reason):
- (1) the written agreement is not in the possession of the landlord or the landlord's employees or agents.
- (2) this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).

7. a. Defendant (name each):

was served the following notice on the same date and in the same manner:

- | | |
|---|--|
| (1) <input type="checkbox"/> 3-day notice to pay rent or quit | (4) <input type="checkbox"/> 3-day notice to perform covenants or quit |
| (2) <input type="checkbox"/> 30-day notice to quit | (5) <input type="checkbox"/> 3-day notice to quit |
| (3) <input type="checkbox"/> 60-day notice to quit | (6) <input type="checkbox"/> Other (specify): _____ |

- b. (1) On (date): _____ the period stated in the notice expired at the end of the day.
- (2) Defendants failed to comply with the requirements of the notice by that date.

c. All facts stated in the notice are true.

d. The notice included an election of forfeiture.

e. A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166.)

f. One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check item 8c and attach a statement providing the information required by items 7a–e and 8 for each defendant.)

8. a. The notice in item 7a was served on the defendant named in item 7a as follows:

(1) by personally handing a copy to defendant on (date): _____

(2) by leaving a copy with (name or description): _____

a person of suitable age and discretion, on (date): _____ at defendant's

residence business AND mailing a copy to defendant at defendant's place of residence on (date): _____ because defendant cannot be found at defendant's residence or usual place of business.

(3) by posting a copy on the premises on (date): _____ AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises on (date): _____

(a) because defendant's residence and usual place of business cannot be ascertained OR

(b) because no person of suitable age or discretion can be found there.

(4) (Not for 3-day notice; see Civil Code, § 1946 before using) by sending a copy by certified or registered mail addressed to defendant on (date): _____

(5) (Not for residential tenancies; see Civil Code, § 1953 before using) in the manner specified in a written commercial lease between the parties.

b. (Name): _____

was served on behalf of all defendants who signed a joint written rental agreement.

c. Information about service of notice on the defendants alleged in item 7f is stated in Attachment 8c.

d. Proof of service of the notice in item 7a is attached and labeled Exhibit 3.

PLAINTIFF (Name): _____ DEFENDANT (Name): _____	CASE NUMBER: _____
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9. Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
10. At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ _____
11. The fair rental value of the premises is \$ _____ per day.
12. Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). *(State specific facts supporting a claim up to \$600 in Attachment 12.)*
13. A written agreement between the parties provides for attorney fees.
14. Defendant's tenancy is subject to the local rent control or eviction control ordinance of *(city or county, title of ordinance, and date of passage)*: _____

Plaintiff has met all applicable requirements of the ordinances.

15. Other allegations are stated in Attachment 15.
16. Plaintiff accepts the jurisdictional limit, if any, of the court.

17. PLAINTIFF REQUESTS

- | | |
|---|--|
| <ol style="list-style-type: none"> a. possession of the premises. b. costs incurred in this proceeding: c. <input type="checkbox"/> past-due rent of \$ _____ d. <input type="checkbox"/> reasonable attorney fees. e. <input type="checkbox"/> forfeiture of the agreement. | <ol style="list-style-type: none"> f. <input type="checkbox"/> damages at the rate stated in item 11 from <i>(date)</i>: _____ for each day that defendants remain in possession through entry of judgment. g. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12. h. <input type="checkbox"/> other <i>(specify)</i>: _____ |
|---|--|

18. Number of pages attached *(specify)*: _____

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

19. *(Complete in all cases.)* An unlawful detainer assistant did **not** did for compensation give advice or assistance with this form. *(If plaintiff has received **any** help or advice for pay from an unlawful detainer assistant, state:)*

- | | |
|--|---|
| <ol style="list-style-type: none"> a. Assistant's name: b. Street address, city, and zip code: | <ol style="list-style-type: none"> c. Telephone No.: d. County of registration: e. Registration No.: f. Expires on <i>(date)</i>: _____ |
|--|---|

Date:

(TYPE OR PRINT NAME)		(SIGNATURE OF PLAINTIFF OR ATTORNEY)
----------------------	--	--------------------------------------

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)		(SIGNATURE OF PLAINTIFF)
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**SUMMONS
(CITACION JUDICIAL)**

**UNLAWFUL DETAINER— EVICTION
(PROCESO DE DESAHUCIO—EVICCIÓN)**

Pilot Project— C.C.P. § 1167.2: Riverside Consolidated/Coordinated Courts and the Downey, El Cajon, and North Santa Barbara County Municipal Courts

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**DRAFT 1
02/10/05**

NOTICE TO DEFENDANT: (Aviso a acusado)

**YOU ARE BEING SUED BY PLAINTIFF:
(A Ud. le está demandando)**

THIS IS A COURT PROCEEDING IN WHICH THE PLAINTIFF SEEKS YOUR EVICTION FROM YOUR RESIDENCE.

ESTE ES UN PROCESO JUDICIAL EN EL QUE EL DEMANDANTE PODRÁ DESALOJARLO DE SU RESIDENCIA.

The plaintiff has requested that the court require you to post with the court a pretrial prospective rent deposit in the amount set below before the court permits you to have a trial of this case. Before the court orders you to post the amount, the court will hold a pretrial hearing. You will be informed by mail within the next few days when that hearing will be held.

El demandante solicita que el tribunal le exija pago previo al juicio del depósito de la futura renta, en el monto fijado más abajo. Antes de que se le permita ir a juicio, el tribunal llevará a cabo una audiencia previa al juicio. Dentro de los próximos días, se le notificará por correo la fecha de dicha audiencia.

A letter or phone call will not protect you. You have 5 calendar days after this summons is served on you to file at this court a written answer, motion, demurrer, and/or reply form. If you do not respond within 5 days, you still have a right to appear at the pretrial hearing and present oral argument and explain your side of the case. (To calculate the 5 days, count Saturday and Sunday, but do not count other court holidays.)

Ud. podrá ampararse bajo una carta o un llamado telefónico. Tiene Ud. cinco días calendario después de recibir esta citación, para presentar ante el tribunal una contestación por escrito, petición, excepción preventiva y/o formulario de respuesta. Si Ud. no respondiera dentro de los cinco días, tendrá derecho a comparecer a una audiencia previa al juicio y presentar alegato oral para explicar su versión del caso. (Para calcular los cinco días, cuente sábados y domingos, pero no cuente otros días de asueto judicial.)

If you do not appear at the pretrial hearing or otherwise respond on time, you may lose case, you may be evicted, and you may lose any pretrial rent deposit that you have deposited with the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call attorney referral service or Legal Aid.

Si no comparece a la audiencia previa al juicio o no responde a tiempo, Ud. puede perder el caso, puede ser desalojado y puede perder el depósito de la renta previa al juicio que Ud. haya depositado con el tribunal.

Hay otros requisitos legales. Puede Ud. descartar llamar a un abogado inmediatamente. Si Ud. tiene un abogado puede ponerse en contacto con un servicio de referencia a abogados o con asistencia legal (Legal Aid).

The name, and address of the court is: (El nombre y dirección de la corte es)

CASE NUMBER: (Número del caso)

PRETRIAL RENT DEPOSIT DEMAND \$ _____

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

DATE:
(Fecha)

Clerk, by _____, Deputy
(Anotario) _____ (Delegado)

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):
- 3. on behalf of (specify):

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (individual)
- other:

- 4. by personal delivery on (date):
(See reverse for Proof of Service)

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
--	--------------

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the (specify documents):

2. a. Party served (specify name of party as shown on the documents served):

b. Person served: party in item 2a other (specify name and title or relationship to the party named in item 2a):

c. Address:

R

3. I served the party named in item 2

a. by personally delivering the copies on (date): _____ at (time): _____

b. by leaving the copies with or in the presence of (name and title or relationship to person indicated in items 2b):

- (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
- (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him or her of the general nature of the papers.
- (3) on (date): _____ at (time): _____
- (4) A declaration of diligence is attached. (Substituted service on natural person, minor, conservatee, or candidate.)

c. by mailing the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,

- (1) on (date): _____ from (city): _____
- (2) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed form)
- (3) to an address outside California with return receipt requested. (Attach completed form.)

d. by causing copies to be mailed. A declaration of mailing is attached.

e. other (specify other manner of service and authorizing code section):

K

4. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. on behalf of (specify):
 under: CCP 416.10 (corporation) CCP 416.60 (minor) other:
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (individual)

5. Person serving (name, address, and telephone no.):

- a. Fee for service: \$
- b. Not a registered California process server.
- c. Exempt from registration under B&P § 22350(b).
- d. Registered California process server.
 (1) Employee or independent contractor.
 (2) Registration no.:
 (3) County:

P

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

7. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

Date:



(SIGNATURE)