

**JUDICIAL COUNCIL OF CALIFORNIA**  
**ADMINISTRATIVE OFFICE OF THE COURTS**  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report Summary**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs  
Melissa Ardaiz, Associate Attorney, 415-865-7567,  
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Probate and Mental Health Advisory Committee  
Hon. Don Edward Green, Chair  
Douglas C. Miller, Attorney, Committee Counsel, 415-865-7535,  
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DATE: November 7, 2006

SUBJECT: Electronic Generation of Court Orders in Juvenile Court Proceedings and Proceedings Under the Probate Code (amend Cal. Rules of Court, rules 1.31 and 5.504 and adopt rule 7.101.5) (Action Required)<sup>1</sup>

Issue Statement

Rule 1.31(a) (current rule 201.1(b)(1)) of the California Rules of Court provides that parties must use mandatory forms adopted by the Judicial Council and that courts must accept them for filing. Rule 1.31(e) (current rule 201.1(b)(5)) prohibits courts from altering Judicial Council forms and requiring use of the altered forms. With the advent of the California Case Management System (CCMS)—a software application

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<sup>1</sup> At its June 30, 2006, meeting, the Judicial Council approved the reorganization and renumbering of the California Rules of Court and Standards of Judicial Administration, effective January 1, 2007. Under the reorganization, rule 201.1(b) has been renumbered as rule 1.31 in reorganized title 1 of the rules of court, Rules Applicable to All Courts. Thus the amendment of rule 201.1(b)(5) is shown throughout this report as an amendment of rule 1.31(e).

Under the reorganization, rule 1402 has been renumbered as rule 5.504 in reorganized title 5, Family and Juvenile Rules. Thus the amendment of rule 1402 is shown throughout this report as an amendment of rule 5.504.

Under the reorganization, rules governing Probate Code proceedings will remain in title 7, Probate Rules, and will retain their current numbering. New rule 7.101.5 will therefore immediately follow existing rule 7.101 and precede existing rule 7.102 in chapter 3 of title 7, Pleadings.

Any rule amendments approved as part of this proposal will be incorporated into the text of the reorganized rules that goes into effect on January 1, 2007.

currently being developed that will allow trial courts to manage all case types in a uniform manner throughout the state—greater flexibility than contemplated by rule 1.31(e) is needed in juvenile and probate proceedings to effectively incorporate mandatory Judicial Council form orders into court case management systems.

### Recommendation

The Family and Juvenile Law and Probate and Mental Health Advisory Committees recommend that the Judicial Council, effective January 1, 2007:

1. Amend rule 1.31 (current rule 201.1(b)) of the California Rules of Court to permit courts to revise mandatory Judicial Council form orders in accordance with the provisions of proposed amended rule 5.504 (current rule 1402) and new rule 7.101.5;
2. Amend rule 5.504 (current rule 1402) of the California Rules of Court to permit juvenile courts to generate modified versions of mandatory Judicial Council form orders in juvenile proceedings in the manner described in the proposed amended rule; and
3. Adopt proposed new rule 7.101.5 to permit courts to modify certain mandatory Judicial Council form orders in probate proceedings and generate them electronically, in the manner described in the proposed rule.

The text of the amended rules and new rule 7.101.5 is attached at pages 14–18.

### Rationale for Recommendation

#### *Juvenile—Proposed rule 5.504(c)*

Effective January 1, 2006, the Judicial Council adopted and revised a large number of juvenile forms, including new mandatory form orders. Courts subsequently contacted staff from the Administrative Office of the Courts (AOC) Center for Families, Children & the Courts (CFCC) with questions on how to adapt their current case management systems to incorporate the mandatory forms given the current varying local practices for court orders, such as the use of computer case management systems, no-carbon-required (NCR) paper, and other paper-based systems, and the pending implementation of the CCMS.

The council's goal in adopting and revising mandatory juvenile forms was to create uniformity among jurisdictions and address long-standing problems with juvenile case transfer protocols that were created by inconsistent local forms. However, the courts have since indicated that greater flexibility in the form and format of these mandatory form orders is needed to assist them during the transition to full implementation of the CCMS. The Family and Juvenile Law Advisory Committee therefore recommends

amending rule 5.504 (current rule 1402) to allow juvenile courts to generate modified versions of these mandatory form orders as described in the amended rule. This proposal is an interim measure until the CCMS is implemented for juvenile court proceedings, which is expected to occur by 2012.

*Probate—Proposed rule 7.101.5*

Probate orders have generally been prepared by the parties' attorneys and submitted to the court. In recent years, however, the number and percentage of unrepresented persons in probate proceedings have significantly increased, particularly in guardianship and conservatorship proceedings. Courts are facing more continuances or other delays because of the failure of many unrepresented parties to timely and properly prepare proposed orders. This means increased court staff time and expense and frustrating delays for parties and others interested in the proceedings. The Probate and Mental Health Advisory Committee would address this problem by authorizing courts implementing the CCMS in their probate departments to create altered versions of most of the mandatory Judicial Council probate form orders in the CCMS application. Those orders are listed in proposed rule 7.105(a).

Alternative Actions Considered

*Juvenile—Proposed rule 5.504(c)*

The committee considered requiring juvenile courts to implement the mandatory form orders in a format identical to the Judicial Council format, but felt that it was important to provide the courts with flexibility given the large number of recently adopted mandatory juvenile forms and the impending launch of the CCMS.

*Probate—Proposed rule 7.101.5*

This proposal was requested by representatives of courts about to implement the CCMS in their probate departments. No alternatives to an accommodation of these courts' requests were considered. However, the proposal was modified after discussions with these courts and a demonstration of the CCMS's Judicial Council order-production capability.

Comments From Interested Parties

This proposal was circulated for comment in a special comment cycle, from September 18 through October 9, 2006, as was authorized by the council's Rules and Projects Committee in August. The proposal was distributed to the AOC's standard list of interested court executives, individuals, and organizations. It was also submitted to the standard mailing list for family and juvenile law proposals, which includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. The proposal was also submitted to probate examiners and attorneys, other court staff interested in probate

matters, judicial officers, representatives of court information system departments, and the staff of the Court Technology Advisory Committee.

Staff received a total of 42 comments. Thirty-one commentators agreed with the entire proposal. Eight commentators agreed with the proposal if modified. Two commentators disagreed with the proposal. One commentator responded separately to the juvenile and probate portions of the proposal, disagreeing with the juvenile section and agreeing with the probate section modified.

The comments are attached beginning at page 19.

### Implementation Requirements and Costs

#### *Juvenile—Proposed rule 5.504(c)*

Form implementation typically results in standard reproduction and computer-reprogramming costs. This proposal is intended to alleviate some of this expense by allowing juvenile courts to incorporate modified versions of mandatory Judicial Council form orders into their current order-generating processes rather than adopting a new system.

#### *Probate—Proposed rule 7.101.5*

There will be increased staff time and expense to produce court orders in participating courts' CCMS systems. It is anticipated that these costs will diminish as courts get used to the new systems. These costs should be offset somewhat by a reduction in both the time spent reviewing orders prepared by others and in the number of continuances and other delays attributable to parties' failures to submit proper orders.

Attachments

**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: Family and Juvenile Law Advisory Committee  
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs  
Melissa Ardaiz, Associate Attorney, 415-865-7567  
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Probate and Mental Health Advisory Committee  
Hon. Don Edward Green, Chair  
Douglas C. Miller, Committee Counsel, 415-865-7535,  
douglas.miller@jud.ca.gov

DATE: November 6, 2006

SUBJECT: Electronic Generation of Court Orders in Juvenile Court Proceedings  
and Proceedings Under the Probate Code (amend Cal. Rules of Court,  
rules 1.31 and 5.504 and adopt rule 7.101.5) (Action Required)<sup>2</sup>

Issue Statement

Rule 1.31(a) (current rule 201.1(b)(1)) of the California Rules of Court provides that parties must use mandatory forms adopted by the Judicial Council and that courts must accept them for filing. Rule 1.31(e) (current rule 201.1(b)(5)) prohibits courts

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<sup>2</sup> At its June 30, 2006, meeting, the Judicial Council approved the reorganization and renumbering of the California Rules of Court and Standards of Judicial Administration, effective January 1, 2007. Under the reorganization, rule 201.1(b) has been renumbered as rule 1.31 in reorganized title 1 of the rules of court, Rules Applicable to All Courts. Thus the proposed amendment of rule 201.1(b)(5) is shown throughout this report as an amendment to rule 1.31(e).

Under the reorganization, rule 1402 has been renumbered as rule 5.504 in reorganized title 5 of the rules of court, Family and Juvenile Rules. Thus the proposed amendment of rule 1402 is shown throughout this report as an amendment to rule 5.504.

Under the reorganization, rules governing proceedings under the Probate Code will remain in title 7 of the rules of court, Probate Rules, and will retain their current numbering. The proposed new rule 7.101.5 would therefore immediately follow existing rule 7.101 and precede existing rule 7.102 in chapter 3 of title 7, Pleadings.

Any amendments to the rules of court approved as part of this proposal will be incorporated into the text of the reorganized rules that goes into effect on January 1, 2007.

from altering Judicial Council forms and requiring use of the altered forms. With the development of the California Case Management System (CCMS)—a statewide software application currently under development that will allow trial courts to manage all case types in a uniform manner throughout the state—greater flexibility than contemplated by rule 1.31(e) is necessary in juvenile and probate proceedings to effectively incorporate mandatory Judicial Council form orders into county case management systems.

Because rule 1.31(e) and the CCMS affect juvenile and probate proceedings differently, the following recommendations are divided by the type of proceeding at issue.

*Juvenile—Proposed rule 5.504(c)*

Effective January 1, 2006, the Judicial Council adopted and revised a large number of juvenile forms, including new mandatory form orders. Several courts thereafter expressed concern about how to incorporate the mandatory form orders given the current varying local practices for court orders and the pending implementation of the CCMS for juvenile proceedings, which is now in the design and development stage and will not likely begin implementation until 2010. This rule amendment would permit juvenile courts to generate modified versions of mandatory Judicial Council form orders in the manner described in proposed amended rule 5.504(c). Flexibility in the form and format of mandatory Judicial Council form orders is necessary to assist juvenile courts in transitioning to the CCMS.

*Probate—Proposed rule 7.101.5*

The CCMS is currently under development and nearing operational status in certain superior courts. The use of the CCMS in probate matters will begin in some courts late this year and in other courts early next year.

Many court orders filed in probate proceedings are mandatory Judicial Council forms. The CCMS application now coming online for probate matters will not produce a Judicial Council form order without altering it, thus violating the terms of rule 1.31(e). Courts implementing the CCMS in probate proceedings will need relief from the rule if they are to maximize the benefits of using the CCMS.

Rationale for Recommendation

*Juvenile—Proposed rule 5.504(c)*

Effective January 1, 2006, the Judicial Council adopted and revised a large number of juvenile forms, including new mandatory form orders. Courts subsequently contacted staff from the Administrative Office of the Courts' (AOC) Center for Families, Children & the Courts (CFCC) with questions on how to adapt their current case management systems to incorporate the mandatory forms given the current varying

local practices for court orders, such as the use of computer case management systems, no-carbon-required (NCR) paper, and other paper-based systems. Some courts expressed particular concern about the need to alter current case management systems while implementation of the CCMS is pending and questioned how incorporating court orders in the mandated format would affect court costs and the workload of staff.

The Judicial Council's goal in adopting and revising mandatory juvenile forms was to create uniformity among jurisdictions and address long-standing problems with juvenile case transfer protocols that were created by inconsistent local forms. However, the courts' concerns have since indicated that greater flexibility in the form and format of mandatory Judicial Council form orders is necessary to assist them during the period of transition leading to full implementation of the CCMS. The Family and Juvenile Law Advisory Committee therefore recommends amending rule 5.504 (current rule 1402) to allow juvenile courts to generate modified versions of mandatory Judicial Council form orders in the manner described in the proposed amended rule. Amended rule 5.504 would incorporate the provisions of rule 1.31 (current rule 201.1(b)) and would specify additional requirements for legal forms used in juvenile court proceedings.

This rule amendment would permit juvenile courts to produce a modified version of a Judicial Council form order if the modified form is "substantively identical" to the mandatory Judicial Council form it is modifying. The rule would require any electronically-generated form to be identical in both language and legally mandated elements, including all notices and advisements, to the mandatory Judicial Council form. Courts electing to change the form or format of the mandatory Judicial Council form would have to send written notice to the Family and Juvenile Law Advisory Committee and submit additional informational reports as requested by the committee.

This proposal would be an interim measure until the CCMS is implemented for juvenile court proceedings, which is expected to occur by 2012. Upon completion of the CCMS, county case management systems would be programmed to generate mandatory Judicial Council form orders in juvenile proceedings. The proposed rule amendments include a clause stating that juvenile courts will not be allowed to produce modified versions of mandatory Judicial Council form orders after January 1, 2012.

*Probate—Proposed rule 7.101.5*

Many court orders filed in probate proceedings are mandatory Judicial Council forms. These forms feature findings and orders and requests for information that are selected by checking accompanying checkboxes. Unselected items remain in the form but are deemed not to be in the order signed by the judicial officer.

The CCMS application will not select desired provisions by checking checkboxes. Instead, the desired provisions must be reduced to input codes, or instructions to include them in the proposed order. An order prepared by a court in the CCMS application would thus contain only the parts of the form order selected for inclusion. Thus a mandatory Judicial Council form order prepared as required by the CCMS would be an altered form within the meaning of rule 1.31(e). If courts are to fully utilize the CCMS application, the rule must be modified to make an exception for court-prepared orders.

Probate orders have generally been prepared by the parties' attorneys and submitted to the court. In recent years, however, the number and percentage of unrepresented persons in probate proceedings have significantly increased, particularly in guardianship and conservatorship proceedings. Courts are facing more continuances or other delays because of the failure of many unrepresented parties to timely and properly prepare proposed orders. This means increased court staff time and expense and frustrating delays for parties and other persons interested in the proceedings. The Probate and Mental Health Advisory Committee would address this problem by authorizing courts implementing the CCMS in their probate departments to create altered versions of most of the mandatory Judicial Council probate form orders in the CCMS application. Those orders are listed in proposed rule 7.105(a).<sup>3</sup>

Rule 7.101.5(b) would define production of the orders by the CCMS application as "electronic generation" of the orders, a term taken from former rule 981.5, repealed by its terms in 2003.<sup>4</sup> Rule 7.101.5(c) would require an electronically-generated order to express the findings and orders of the court in substantially the same language as

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<sup>3</sup> Six of the 15 current mandatory Judicial Council form probate orders would be ineligible for court preparation under the CCMS in this proposal because they are not listed in proposed rule 7.101.5(a). Three of these orders are designed for recording: *Spousal or Domestic Partner Property Order* (form DE-226), *Order Confirming Sale of Real Property* (form DE-265/GC-065), and *Order Determining Succession to Real Property* (form DE-315). These forms have a special first-page layout that includes space for the recorder's use at the top right side of the page. The CCMS cannot at this time produce an order with the space and layout required for recordation.

The remaining three ineligible form orders are routine ex parte orders that are combined with their respective petitions. The three forms are *Ex Parte Petition for Authority to Sell Securities and Order* (form DE-270/GC-070), *Ex Parte Petition for Approval of Sale of Personal Property and Order* (form DE-275/GC-075), and *Ex Parte Petition for Final Discharge and Order* (form DE-295/GC-395). The Probate and Mental Health Advisory Committee plans to consider a proposal to separate these orders from their petitions, but the advisory committee believes that unless and until the orders are separated, courts using the CCMS in probate matters should not be authorized to electronically generate these orders as separate documents while almost all other courts are filing the two-part forms.

<sup>4</sup> Rule 981.5 authorized certain courts participating in pilot projects for electronic filing and forms generation to modify Judicial Council forms, including orders. Rule 2.261 of the reorganized California Rules of Court (current rule 2061) continues the authorization for participating courts to modify Judicial Council forms that had been granted by repealed rule 981.5.

used in the form order, and would require the same general appearance as a form. The rule would also provide for certain information to be contained in the first page header and in the footer at the bottom of each page, including a statement that the order is electronically-generated under authority of the rule.

Proposed rule 7.101.5(d) would require courts electing to generate some or all of the probate orders authorized by the rule to notify the Probate and Mental Health Advisory Committee and the Court Technology Advisory Committee of their election, and to report on the progress of their operations as requested. This provision is also modeled after former rule 981.5, which imposed a similar duty to notify and provide requested information to the Court Technology Advisory Committee.

Rule 7.101.5(e) would provide a sunset date of January 1, 2012, for the new rule unless the rule is amended or reenacted after its effective date to provide otherwise. The five-year window should give the courts and the Judicial Council enough time to assess whether electronically-generated Judicial Council probate orders are appropriate and whether the rule should be extended to other types of orders as the CCMS matures.

#### Alternative Actions Considered

##### *Juvenile—Proposed rule 5.504(c)*

The committee considered requiring juvenile courts to implement mandatory Judicial Council form orders in a format identical to the Judicial Council format, but the committee felt that it was important to provide the courts with flexibility given the large number of juvenile mandatory forms recently adopted by the Judicial Council and the impending launch of the CCMS, which will require substantial changes by the courts.

##### *Probate—Proposed rule 7.101.5*

This proposal was requested by representatives of courts about to implement the CCMS in their probate departments. No alternatives to an accommodation of these courts' requests were considered. However, the proposal was modified after discussions with these courts and a demonstration of the CCMS's Judicial Council order-production capability. After those discussions, rule 7.101.5 was revised to delete the recordable orders from the authorized list of orders, and this advisory committee agreed to consider a proposal to separate the Judicial Council ex parte probate form orders from their petitions so the separate orders could be added to the list of authorized orders under the rule.

### Comments From Interested Parties

This proposal was circulated for comment in a special comment cycle, from September 18 through October 9, 2006, as was authorized by the council's Rules and Projects Committee on September 14, 2006. The proposal was distributed to the AOC's standard list of interested court executives, individuals, and organizations. It was also submitted to the standard mailing list for family and juvenile law proposals, which includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. In addition, the proposal was also submitted to probate examiners and attorneys, other court staff interested in probate matters, judicial officers, representatives of court information system departments, and the staff of the Court Technology Advisory Committee. A chart showing the comments received and the responses of the Family and Juvenile Law and Probate and Mental Health Advisory Committees is attached, beginning at page 19.

Staff received comments from 42 commentators on this proposal.

Thirty-one commentators agreed with the proposal in its entirety. Of those, 5 specifically agreed with the juvenile portion of the proposal, 3 specifically agreed with the probate portion of the proposal, and 23 agreed with the proposal as a whole without signifying whether they were responding to the juvenile or the probate portion of the proposal.

Eight commentators agreed with the proposal if modified. Of those eight, three were commenting on the juvenile portion of the proposal, three were commenting on the probate portion, and two commented on both the juvenile and probate portions.

Two commentators disagreed with the proposal. Of those two, one was responding to the juvenile portion of the proposal and one was responding to the probate portion of the proposal.

One commentator responded separately to the juvenile and probate portions of the proposal, disagreeing with the juvenile section and agreeing with the probate section if the proposal were modified.

These comments are outlined in greater detail below.

#### *Juvenile—Proposed rule 5.504(c)*

Of the 12 commentators who specifically responded to the juvenile portion of the proposal, five agreed, five agreed if the proposal were modified, and two disagreed.

Those who agreed were generally appreciative of the flexibility offered by the proposed rule amendments.

Several commentators from juvenile courts that electronically generate form orders stated that it would require significant staff time and create an unnecessary expenditure of funds to generate a court order identical in numerical organization to the mandatory Judicial Council form it is modifying. The Family and Juvenile Law Advisory Committee considered these comments and acknowledge the technological challenges these courts face in implementing mandatory forms. Therefore, the committee recommends rephrasing rule 5.504(c)(2)(A) to eliminate the requirement that a court order be substantively identical “in language and numerical organization” to the mandatory Judicial Council form it is modifying. Instead, the proposed language states that “a court may produce court orders in any form or format as long as [t]he document is substantively identical to the mandatory Judicial Council form it is modifying.” This language will balance the goals of providing flexibility to the courts and establishing uniformity in language and substance among counties with respect to court orders in juvenile proceedings.

One commentator disagreed with the proposal and stated that rule 5.504(c)(2) should parallel Rule 7.101.5. Specifically, this commentator felt that courts should be allowed to modify any mandatory Judicial Council juvenile form by generating the order electronically in a way that includes in the form only the party appearance and other preliminary information, findings, and the orders actually selected by the court. In response to this comment, the committee proposes adding language in rule 5.504(c)(2)(B) to clarify that any electronically generated juvenile form order must be identical in both language and legally mandated elements, including all notices and advisements, to the mandatory Judicial Council form it is modifying.

Finally, some commentators raised concerns about the mandatory designation of the forms. However, this proposal did not address specific forms, and the issue of their mandatory nature designation is beyond the scope of the proposal. Any consideration of the substance of an individual form would need to be circulated for public comment. Courts may still generate local forms either as attachments or standalone forms to augment mandatory Judicial Council forms.

After the public comment period, the committee decided, on its own initiative, to add language clarifying that the proposed amendments to rule 5.504(c) would sunset effective January 1, 2012, upon the expected full implementation of the CCMS.

*Probate—Proposed rule 7.101.5*

Of the ten commentators who specifically responded to the probate portion of the proposal, three agreed, six agreed if modified, and one disagreed.

The executive officers of the two courts that initially made the proposal, the superior courts of Sacramento and San Diego Counties, approved the proposal if modified to

permit greater flexibility in the required content of captions and footers in the CCMS-produced orders. A managing attorney from the Superior Court of Ventura County joined in the recommendation made by the executive officer from Sacramento. After a demonstration of Sacramento's CCMS system and its production of a probate order, rule 7.101.5 was revised to make changes in these requirements, changes that have been accepted by the Sacramento and San Diego executive officers. Other commentators recommended abolition of all mandatory Judicial Council forms or authority to modify form orders in court management systems other than the CCMS. This advisory committee declines to make recommendations concerning court orders beyond the scope of the initial requests from courts implementing the CCMS.

### Implementation Requirements and Costs

#### *Juvenile—Proposed rule 5.504(c)*

Form implementation typically results in standard reproduction and computer-reprogramming costs. This proposal is intended to alleviate some of this fiscal burden by providing juvenile courts the flexibility to incorporate modified versions of mandatory Judicial Council form orders into their current order generating processes rather than adopting a new system. This should provide courts with fiscal relief during the transition to CCMS.

#### *Probate—Proposed rule 7.101.5*

There will be increased staff time and expense to produce court orders in participating courts' CCMS systems. It is anticipated that these costs should diminish as courts get used to the new systems. These costs should be offset to some extent by a reduction in the time spent reviewing orders prepared by others and by a reduction in the number of continuances and other delays attributable to parties' failures to timely submit proper orders.

### Recommendation

The Family and Juvenile Law and Probate and Mental Health Advisory Committees recommend that the Judicial Council, effective January 1, 2007:

1. Amend rule 1.31 (current rule 201.1(b)) of the California Rules of Court to permit courts to revise mandatory Judicial Council form orders in accordance with the provisions of proposed amended rule 5.504 (current rule 1402) and new rule 7.101.5;
2. Amend rule 5.504 (current rule 1402) of the California Rules of Court to permit juvenile courts to generate modified versions of mandatory Judicial Council form orders in juvenile proceedings in the manner described in the proposed amended rule; and

3. Adopt proposed new rule 7.101.5 to permit courts to modify certain mandatory Judicial Council form orders in probate proceedings and generate them electronically, in the manner described in the proposed rule.

The text of the amended rules and new rule 7.101.5 is attached at pages 14–18.

Attachments

Rules 1.31 and 5.504 of the California Rules of Court are amended and rule 7.101.5 is adopted, effective January 1, 2007, to read:

1 **Rule 1.31.<sup>4</sup> Mandatory forms**

2  
3 **(a) Use of mandatory forms and acceptance for filing**

4  
5 Forms adopted by the Judicial Council for mandatory use are forms  
6 prescribed under Government Code section 68511. Wherever applicable,  
7 they must be used by all parties and must be accepted for filing by all courts.  
8 In some areas, alternative mandatory forms have been adopted.  
9

10 **(b) List of mandatory forms**

11  
12 Each mandatory Judicial Council form is identified as mandatory by an  
13 asterisk (\*) on the list of Judicial Council forms in Appendix A to the  
14 California Rules of Court. The list is available on the California Courts Web  
15 site at *www.courtinfo.ca.gov/forms*.  
16

17 **(c) Identification of mandatory forms**

18  
19 Forms adopted by the Judicial Council for mandatory use bear the words  
20 “Form Adopted for Mandatory Use,” “Mandatory Form,” or “Form Adopted  
21 for Alternative Mandatory Use” in the lower left corner of the first page.  
22

23 **(d) Words on forms**

24  
25 Publishers and courts reprinting a mandatory Judicial Council form in effect  
26 before July 1, 1999, must add the words “Mandatory Form” to the bottom of  
27 the first page.  
28

29 **(e) No alteration of forms**

30  
31 Except as provided in rule 5.504, concerning court orders in juvenile court  
32 proceedings, and rule 7.101.5, concerning court orders in proceedings under  
33 the Probate Code, courts may not alter a mandatory Judicial Council form  
34 and require the altered form’s use in place of the Judicial Council form.

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<sup>4</sup> The recommended amendments to rules 1.31 and 5.504 are to the version of these rules adopted by the Judicial Council on June 30, 2006, and reflect the text that will be in effect on January 1, 2007. Any further amendment of these rules adopted as part of this proposal will be incorporated into the text of the rules that go into effect on January 1, 2007.

1  
2 **(f) No colored forms**

3  
4 Courts may not require that any mandatory Judicial Council form be  
5 submitted on any color of paper other than white.

6  
7 **(g) Orders not on mandatory forms**

8  
9 An otherwise legally sufficient court order for which there is a mandatory  
10 Judicial Council form is not invalid or unenforceable because the order is not  
11 prepared on a Judicial Council form or the correct Judicial Council form.

12  
13 **Rule 5.504. Judicial Council forms**

14  
15 **(a) Explanation of Judicial Council legal forms**

16  
17 Rules 1.30–1.37 and 2.131–2.134 apply to Judicial Council legal forms,  
18 including forms applicable to the juvenile court.

19  
20 **(b) Electronically produced forms**

21  
22 The forms applicable to juvenile court may be produced entirely by  
23 computer, word-processor printer, or similar process, or may be produced by  
24 the California State Department of Social Services Child Welfare Systems  
25 Case Management System.

26  
27 **(c) Implementation of new and revised mandatory forms**

28  
29 To help implement mandatory Judicial Council juvenile forms:

30  
31 (1) New and revised mandatory forms produced by computer, word-  
32 processor printer, or similar process must be implemented within one  
33 year of the effective date of the form. During that one-year period the  
34 court may authorize the use of a legally accurate alternative form,  
35 including any existing local form or the immediate prior version of the  
36 Judicial Council form.

37  
38 (2) Until January 1, 2012, a court may produce court orders in any form or  
39 format as long as:

40  
41 (A) The document is substantively identical to the mandatory Judicial  
42 Council form it is modifying;  
43

- 1           (B) Any electronically generated form is identical in both language  
2           and legally mandated elements, including all notices and  
3           advisements, to the mandatory Judicial Council form it is  
4           modifying;  
5  
6           (C) The order is an otherwise legally sufficient court order, as  
7           provided in rule 1.31(g), concerning orders not on Judicial  
8           Council mandatory forms; and  
9  
10          (D) The court sends written notice of its election to change the form  
11          or format of the mandatory form to the Family and Juvenile Law  
12          Advisory Committee and submits additional informational reports  
13          as requested by the committee.  
14

15  
16        **Rule 7.101.5. Electronic Generation of Mandatory Judicial Council Form**  
17        **Orders**

18  
19        **(a) Applicability**

20  
21        This rule applies to the following mandatory Judicial Council form orders  
22        used in proceedings under the Probate Code:

- 23  
24        (1) Order for Probate (form DE-140);  
25  
26        (2) Order Prescribing Notice (form DE-200/GC-022);  
27  
28        (3) Order Appointing Guardian ad Litem—Probate (form DE-351/GC-  
29        101);  
30  
31        (4) Order Dispensing With Notice (form GC-021);  
32  
33        (5) Order Fixing Residence Outside the State of California (form GC-090);  
34  
35        (6) Order Appointing Temporary Guardian or Conservator (form GC-  
36        140);  
37  
38        (7) Order Appointing Guardian of Minor (form GC-240);  
39  
40        (8) Order Terminating Guardianship (form GC-260);  
41  
42        (9) Order Appointing Court Investigator (form GC-330);  
43

1           (10) *Ex Parte Order Re Completion of Capacity Declaration—HIPAA*  
2           (Form GC-334);

3  
4           (11) *Order Appointing Probate Conservator* (form GC-340); and

5  
6           (12) *Order Authorizing Conservator to Give Consent for Medical Treatment*  
7           (form GC-385).

8  
9           **(b) Definitions**

10  
11           (1) “CCMS” is the California Case Management System, a statewide  
12           integrated software application for managing all case types in the  
13           superior courts of this state.

14  
15           (2) “Electronic generation of a court order” is the electronic generation by  
16           a court of a Judicial Council form order listed in (a).

17  
18           **(c) Modification of electronically generated court orders**

19  
20           (1) Any court using CCMS for case management of proceedings under the  
21           Probate Code may modify any of the Judicial Council mandatory form  
22           orders listed in (a) by generating the order electronically in a way that  
23           includes in the order signed by the judicial officer only the party-  
24           appearance and other preliminary information, findings, and orders  
25           actually selected by the court.

26  
27           (2) An electronically generated court order under this rule must express the  
28           findings and orders selected by the court in substantially the same  
29           language as the equivalent findings and orders in the Judicial Council  
30           form order, and must provide substantially the same party-appearance  
31           and other preliminary information provided in the form order.

32  
33           (3) An electronically generated court order under this rule must have the  
34           same general appearance as the Judicial Council form order, including  
35           case name, case number, and court address captions and a footer,  
36           except that the order may be longer or shorter than the form order. The  
37           order must contain a recitation in the footer that it is an electronically  
38           generated court order in lieu of a mandatory Judicial Council form  
39           order under this rule.

40  
41           (4) The orders listed in (a) are mandatory forms for all purposes under rule  
42           1.31, except as provided in this rule. An order listed in (a) prepared

1                   and submitted to the court by a party or attorney for a party must be  
2                   prepared on the mandatory Judicial Council form.

3  
4                   (5) A court that elects to electronically generate court orders under this rule  
5                   may also use or require the use of the Judicial Council form orders  
6                   listed in (a) in any individual case or proceeding.

7  
8                   **(d) Notification to advisory committees**

9  
10                   Any court electing to electronically generate court orders under this rule  
11                   must send written notice of its election to do so to the Probate and Mental  
12                   Health and the Court Technology Advisory Committees and submit  
13                   additional informational reports as requested by either committee.

14  
15                   **(e) Expiration date**

16  
17                   Unless amended or reenacted by Judicial Council action effective after the  
18                   effective date of this rule, this rule is repealed effective January 1, 2012.

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(amend Cal. Rules of Court, rule 1.31 [formerly rule 201.1(b)] and rule 5.504 [formerly rule 1402] and adopt rule 7.101.5)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Ms. Rose Alfaro Supervisor Legal Clerk II Superior Court of California, County of Stanislaus Modesto	A	N	<i>No specific comment</i>	No response required.
2.	Ms. Sandy Almansa Supervising Legal Clerk II Superior Court of California, County of Stanislaus Modesto	A	N	<i>No specific comment</i>	No response required.
3.	Ms. Diane Altamirano Self-Represented Litigant Facilitator Superior Court of California County of Imperial El Centro	A	N	<i>No specific comment</i>	No response required.
4.	Grace Andres Court Services Program Manager Superior Court of California County of Solano Fairfield	AM	N	Rule 5.504 (c)(2)(A). The requirement that the document be “substantively identical in numerical organization” represents an expenditure of resources to modify existing forms to change the layout of the form. For example, our current minute order forms and related attachments contain the required language, but the order and layout does not compare to Judicial Council forms JV-640, JV-642, JV-644, and JV-645. To be in compliance with the proposed language, our minute orders will require modification to “move” the language around on the form to be substantively identical in numerical organization. Additionally, it would be necessary to add numerical identification to our current	Juvenile—Rule 5.504(c). The proposed language in rule 5.504(c)(2)(A) will be changed to “[t]he document is substantively identical to the mandatory Judicial Council form it is modifying.” The committee agrees that requiring courts to generate forms that are numerically organized in the same manner as the forms they are modifying may result in substantial costs, both in reprogramming and court staff time. This language will balance the goals of providing flexibility to the courts and establishing uniformity among

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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				documents. If the purpose of the suggested change to the Rules of Court is to allow courts to use their current processes and forms pending implementation of the CCMS system and reduce the unnecessary expenditure of funds, please consider these comments and remove the requirement that the court’s forms be identical in numerical organization. Suggested language: “The document is substantively identical in language to the mandatory juvenile Judicial Council form it modified.”	counties in court orders.
5.	Mr. Andrew Baird Deputy District Attorney San Luis Obispo County District Attorney's Office San Luis Obispo	A	N	Giving the juvenile courts of this state the ability to generate modified Judicial Council mandatory form court orders under the proposed guidelines seems well advised. Flexibility and some minor experimentation will hopefully ease the transition process and even provide some new and better ideas.	No response required.
6.	Ms. Robin Bearden Court Operations Manager Superior Court of California County of El Dorado Cameron Park	A	N	We are currently working on a juvenile CMS. Given multiple courthouse locations, multiple departments, and differing terminology, it is not always possible to come up with the same language and same information that is needed for each court location. It is my request that we be allowed to continue to use our internal forms and language, which will help us cut down on costs and will also allow us to continue with our current endeavor instead of starting all over and losing the time and money we’ve invested on the current project.	Juvenile—Rule 5.504(c). This proposal is not intended to permit alteration of the content of any mandatory Judicial Council form orders. While it will allow for flexibility in the form, format, and/or numerical organization of an alternative form generated by a court, the content must be substantively identical to the mandatory Judicial Council form it is modifying. Any consideration of

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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
					the substance of an individual form would need to be circulated for comment.
7.	Hon. Roger Boren Administrative Presiding Justice Court of Appeal Second Appellate District Los Angeles	A	N	<i>No specific comment</i>	No response required.
8.	Mr. Stephen Bouch Court Executive Officer Superior Court of California County of Napa Napa	AM	Y	If amended to allow modifications generated by CCMS, it should allow other local court case management systems to do so for the next 6 years. By limiting to only CCMS, other progressive courts are penalized. I agree with the changes if they are made applicable to all of the AOC-certified case management systems. If a court that is currently using an AOC-certified case management system wants to produce the forms in the way CCMS is being designed to produce them, I believe that it would be appropriate to allow them to do so. They shouldn't have to wait five years to be able to do what the CCMS courts will be allowed to do when the software is completed.	Probate—Rule 7.101.5. This comment goes beyond the original request that led to the probate portion of this proposal. The Probate and Mental Health Advisory Committee does not have sufficient information about all of the existing non-CCMS local case management systems to support a recommendation as broad as this one.
9.	Ms. Susan Cottingham Court Operations Manager Superior Court of California, County of El Dorado Placerville	A	N	I strongly agree with this rule change due to the length of time it will take before my court is slated to implement the new CCMS system.	No response required.
10.	Ms. Jackie Davenport Assistant Court Executive Officer Superior Court of California	A	N	<i>No specific comment</i>	No response required.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	County of El Dorado Placerville				
11.	Hon. Nancy Davis Judge of the Superior Court of California County of San Francisco San Francisco	A	Y	Responding regarding juvenile court proceedings only.	No response required.
12.	Ms. Deborah Decker Administrative Analyst Superior Court of California County of Butte Oroville	A	N	The new rule will still impact court operations but not to the extent of the previous mandate. We can reluctantly live with this.	No response required.
13.	Ms. Janet Garcia Court Manager Planning and Research Unit Superior Court of California County of Los Angeles Los Angeles	A	Y	<i>No specific comment</i>	No response required.
14.	Ms. Toni Hertz Retired 6454 Van Nuys Blvd Van Nuys	A	N	This seems to be well designed and will assist the courts and agencies in information sharing.	No response required.
15.	Ms. Rosa Holdeman, Manager Court Technology Services Ms. Mary Malk, Manager Probate/Mental Health Superior Court of California County of Orange Orange	A	Y	This rule is based on courts using CCMS, defined as the California Case Management System in 7.101.5(b), allowing that courts “may” elect to modify the specified forms and generate them electronically, and no specified deadline as to automation of forms. This will allow the Court to implement appropriately, so no concerns regarding a mandated implementation or deadlines for compliance.	Probate—Rule 7.101.5. This proposal would permit courts to electronically generate Judicial Council orders fully or selectively as required by resources, training or staffing concerns, or limitations in the CCMS technology as applied in each court. Experience gained in the five-year period of proposed rule

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				<p>Court staff currently generates minutes and other forms electronically, which reduces the learning curve should we elect to use this rule. Also, any implementation of V3 will include training in forms generation- both in and out of process forms- even if not these forms specifically, so training issues on these specific forms should be minimal.</p> <p>As to impacts, it would seem to be an impact on court resources should we elect to electronically generate orders in that we currently require parties/attorneys to prepare all orders and would now be generating many of those in house. However, we currently must review an order at least once, and often more than once, before the court is able to sign. In addition, we must ensure that an order does get signed, which involves tracking receipt and processing (including returns for correction) of all orders. When parties/attorneys fail to submit orders, it may require further court action, taking up additional court resources. Under the new rule, we would be using staff time/resource to generate orders as specified, based on technology supporting that additional workload, which should then result in saving time now expended in reviewing (order checkers and court clerks), tracking and processing the paper document. Depending on the level of the technology, ideally we could affix an electronic signature and file stamp, and</p>	<p>7.101.5 will assist the AOC and implementing courts to develop a policy applicable to all court orders created or filed in CCMS courts as the system matures.</p>

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				<p>automatically commit the document to FileNet and data to CCMS. In addition, there are times the same language would be applied to both the M/O and order, so we may actually be able to leverage additional savings there- unless the concept of a single Minute Order/Order form could be explored. This would definitely benefit the self represented population in probate, relieving them of the burden of generating a legal document, and benefit the court in ensuring timely and accurate orders via this method.</p>	
16.	<p>Mr. Dennis Jones Executive Officer Superior Court of California County of Sacramento Sacramento</p>	AM	Y	<p>While the Sacramento Superior Court is deeply appreciative of the Advisory Committee’s efforts to draft a rule which will enable the courts to maximize the functionality of the long awaited automated California Case Management System (CCMS), the court would strongly urge the committee to consider further revision to proposed rule 7.101.5.</p> <p>In depth discussions have been held with attorney Douglas Miller regarding the proposed rule and his interpretation of it. Sample order forms which are proposed to be created using the CCMS system were generated by this court, reviewed with him and discussed in depth. As to the requirements of Rule 7.101.5 (c) (1) and (c) (2) relating to the content of the order, capture of key information relating to appearances and the like and court findings, the sample order is</p>	<p>Probate—Rule 7.101.5. In response to this comment, the requirements for the contents of footers and order title caption boxes of electronically-generated orders have been revised in proposed rule 7.101.5(c)(3). However, in recognition of the inherent limitations of the CCMS system, the three Judicial Council form probate orders designed to be recorded have been deleted from the list of orders eligible for electronic generation under rule 7.101.5(a). These orders are the <i>Spousal or Domestic Partner Property Order</i> (form DE-226), the <i>Order Confirming Sale of Real Property</i> (form DE-265/GC-065), and the <i>Order Determining</i></p>

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				<p>acceptable. The key points of controversy relate to the interpretation of subsection (c) (3) which provides: “An electronically generated court order under this rule must have the same general appearance as the Judicial Council form order, including case name and number, court, and party captions, and footer material, except that the order may contain fewer pages than the form order, and may be designated in the footer as an electronically generated court order rather than a mandatory form.”</p> <p>Given programming constraints in CCMS, the court is proposing that the box at the top of the form include a caption stating “Probate Order.” Immediately below the formal “box,” would appear the exact title of the order. In addition, rather than including current information in the footer, at the conclusion of the order would appear the words, “Note: This form electronically generated in lieu of Judicial Council of California Approved Form XX,” with “XX” to include the exact form number, such as DE-140, etc. A sample order form is attached to this response for further clarification.</p> <p>The Sacramento Superior Court further requests that other Probate orders be permitted to be generated electronically. The proposed rule expressly prohibits the use of system generated</p>	<p><i>Succession to Real Property</i> (form DE-315). We understand from our discussions with Mr. Jones and other Sacramento court officers that the CCMS system cannot generate these orders with the caption boxes for the recorder’s use. The dimensions for the recorder’s space are required under Government Code section 27361.6. The current layout of Judicial Council forms designed for recordation had been worked out with representatives of the County Recorders Association of California.</p> <p>Three Judicial Council form orders are contained in their petitions or applications (<i>Ex Parte Petition for</i></p>

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				forms in instances where the order language is included on an application form. In some instances, particularly in those courts electing to be paperless or paper on demand, it may be more efficient and expedient for the court to allow the system to generate an order than to scan the submitted application, sign the application, create a new manual case entry and then rescan the AOC form order.	<i>Authority to Sell Securities and Order</i> (form DE-270/GC-070), <i>Ex Parte Petition for Approval of Sale of Personal Property and Order</i> (form DE-275/GC-075) and the new (January 1, 2006) <i>Ex Parte Petition for Final Discharge and Order</i> (form DE-295/GC-395)). The advisory committee believes the orders should first be separated from their petitions before becoming eligible for electronic generation under rule 7.101.5, but the committee will consider a proposal to create separate orders for these petitions.
17.	Ms. Christine Kouri Principal Deputy County Counsel Office of the County Counsel County of Los Angeles Los Angeles	A	N	<i>No specific comment</i>	No response required.
18.	Ms. Debra Lamb Court Operations Manager Superior Court of California County of Sonoma Santa Rosa	AM	N	Rule 5.504(a)(2)(A). This provision should read: “The document is substantively identical in language to the mandatory juvenile Judicial Council form it modifies.” Many courts would be required to make significant changes to their current juvenile minute sheets if they had to comply with the provision to make the forms identical to the	Juvenile—Rule 5.504(c). The proposed language in rule 5.504(c)(2)(A) will be changed to “[t]he document is substantively identical to the mandatory Judicial Council form it is modifying.” The Family and Juvenile Law Advisory Committee agrees that requiring

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				numerical organization of the Judicial Council forms.	courts to generate forms that are numerically organized in the same manner as the forms they are modifying may result in substantial costs, both in reprogramming and court staff time. This language will balance the goals of providing flexibility to the courts and establishing uniformity among counties in court orders.
19.	Ms/ Carol Langone Program Manager Jail Mental Health Sheriff’s Department County of Los Angeles Los Angeles	A	N	<i>No specific comment</i>	No response required.
20.	Ms. Joanne Lederman Assistant Executive Officer Superior Court of California County of Alameda Oakland	N	Y	Given the design and content of our current orders in Alameda, we would still have to expend significant time and resources to program our juvenile case management system (JCMS) to generate the modified version. The proposal requires that the modified orders be substantively identical both in numerical organization and language. Our CCMS system is fully automated, including the generation of orders that accurately and completely reflect the findings made by judicial officers. The content of the orders produced by our court captures all findings and orders made in the courtroom through the online minutes and contains more information than the content of the mandatory	Juvenile—Rule 5.504(c). This proposal is not intended to permit alteration of the content of any mandatory Judicial Council form orders. While it will allow for flexibility in the form, format, and/or numerical organization of an alternative form generated by a court, the content must be substantively identical to the mandatory form it is modifying. Any consideration of the substance of an individual form would need to be circulated for comment.

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				<p>Judicial Council forms (JV-640, JV-642, JV-644, JV-665). Because the generation of the court order is integrated with/based on the online minutes feature, to maintain a fully automated system, we will have to re-program the system to (1) automatically generate the modified mandatory forms, and (2) the attachments for the additional information this Court captures in its current orders.</p> <p>The Court appreciates the willingness of the Judicial Council's Family and Juvenile Law Advisory Committee to consider ways to make the implementation of the mandatory forms more flexible. And we appreciate the responsiveness to concerns raised by the courts. However, given the close proximity of the January 1, 2007 deadline to implement the mandatory forms, we have already started to re-program the JCMS system. A lot of work still remains to be done. We hope that the Committee will consider giving courts greater flexibility to incorporate the mandatory Judicial Council form offers into our current case management system, until the statewide case management system for juvenile is implemented.</p>	<p>In addition, courts may still generate local forms either as attachments or standalone forms to augment Judicial Council mandatory forms.</p>
21.	Ms. Sharon Littman Supervising Children's Social Worker Los Angeles County North Hollywood	A	N	It seems that this legislation is designed to streamline an already overburdened judicial system. Hopefully, it will help to speed some of the more routine proceedings. In addition, make	No response required.

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				the reading of judicial orders more standardized as even within the California Dependency Court system—each county has a different minute order form, and those from other counties are frequently hard to read and can lead to court orders not being followed.	
22.	Ms. Wanda Mackey Court Services Supervisor Superior Court of California County of Shasta Redding	A	N	Prior to submitting orders to the judge, our probate clerk currently reviews each order for conformity to the petition and rulings. It would seem that electronically generating the orders would have a minimal impact. The unknown factor is the complexity of the program that will be used to create the orders, and the required amount of data entry needed.	No response required.
23.	Ms. Brenda McCormick Court Managing Attorney Superior Court of California County of Ventura Ventura	AM	Y	Ventura Superior Court joins in the Sacramento Superior Court’s comments to the proposed revisions to Rule 7.101.5 regarding probate orders.	See response to comment of Mr. Dennis Jones, above.
24.	Ms. Julie McCoy President Orange County Bar Association Irvine	A	Y	<i>No specific comment</i>	No response required.
25.	Hon. Linda McFadden Judge of the Superior Court of California County of Stanislaus Modesto	A	Y	<i>No specific comment</i>	No response required.
26.	Hon. James McGuire	A	Y	<i>No specific comment</i>	No response required.

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	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
	Presiding Judge of the Superior Court of California County of San Bernardino San Bernardino				
27.	Ms. Jean Pennypacker Director, Family Resources Division Superior Court of California County of Santa Clara Santa Clara	AM	Y	1. All courts should be able to modify the Judicial Council forms, regardless of whether they are on the state’s CCMS.	1. Juvenile—Rule 5.504(c). Under rule 201.1 (this rule will be rule 1.31 effective January 1, 2007), neither a party nor a court may alter a mandatory form. This proposal allows for flexibility in form, format, and/or numerical organization only. The content of any alternative form generated, however, must be substantively identical to the Judicial Council mandatory form it is modifying. Any consideration of the substance of an individual form would need to be circulated for comment.  Probate—Rule 7.101.5. The Probate and Mental Health Advisory Committee is not prepared at this time to adopt a proposal as broad as the recommendation of this commentator. Proposed rule 7.101.5 is an interim proposal. Experience with the rule during its five-year life as the CCMS comes on line across the state in the next five years should provide guidance

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				<p>2. If the first suggestion is approved (modifying the Rules of Court), it makes it obsolete the requirement to have CEOs sign an agreement not to modify the Judicial Council forms.</p> <p>3. All forms should be on 8 1/2 x 11 size paper.</p>	<p>concerning the extent to which all Judicial Council mandatory forms, not just order forms, should be changed to reflect the new case management system and to prepare for the era of electronic filing.</p> <p>2. CEOs are required to sign an agreement not to modify forms only if the CEO is requesting access to unlocked Microsoft Word versions of the forms. This proposal does not alter that requirement.</p> <p>3. Rule 201 requires a party to submit papers on 8 1/2-by-11-inch size paper; it does not proscribe the paper size for court orders. Mandating that courts produce all court orders on paper of a specified size is beyond the scope of this proposal and would need to circulate for comment.</p>
28.	Ms. Carroll Ragland Attorney/Director Glenn County Department of Child Support Services Willows	A	N	<i>No specific comment</i>	No response required.
29.	Mr. William Reatz Senior Deputy County Counsel	A	N	<i>No specific comment</i>	No response required.

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	Monterey County Counsel Salinas				
30.	Ms. Rosemari Reed Chief Executive Officer Superior Court of California County of Lassen Susanville	AM D	Y	<p>Rule 7.105.5(c)(1) Agree with proposed changes if modified.</p> <p>Each court in the state must be allowed the modifications listed in rule 7.101.5(c)(1) specifically for CCMS courts. All courts must use the mandatory forms, all courts must effectively and efficiently conduct the day-to-day operations of Juvenile Court while waiting to go live with CCMS, and all courts are using a case management system. All court must be allowed to modify any Judicial Council mandatory form court orders listed in rule 7.101.5(a) by generating the order electronically in the way described in the proposed rule.</p> <p>Rule 5.504(c)(2). Do not agree with proposed changes.</p> <p>This rule, which is related to the mandatory juvenile Judicial Council forms, should be treated in the same manner as Rule 7.101.5 related to the Judicial Council mandatory court order forms. Rule 5.504(c)(2) should allow courts to “modify any juvenile Judicial Council mandatory legal forms by generating the order</p>	<p>Probate—Rule 7.101.5. The Probate and Mental Health Advisory Committee is not prepared at this time to adopt a proposal as broad as the recommendation of this commentator. Proposed rule 7.101.5 is an interim proposal. Experience with the rule during its five-year life as the CCMS comes on line across the state in the next five years should provide guidance concerning the extent to which all Judicial Council mandatory forms, not just order forms, should be changed to reflect the new case management system and to prepare for the era of electronic filing.</p> <p>Juvenile—Rule 5.504(c). The Family and Juvenile Law Advisory Committee will further study the issue of including only the relevant orders selected by the court on the forms.</p>

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				electronically in a way that includes in the form only the party appearance and other preliminary information, findings, and orders actually selected by the court.”	
31.	Mr. Michael Roddy Executive Officer Superior Court of California County of San Diego San Diego	AM	Y	<p>Rule 5.504 (c).</p> <p>1. According to the introductory information for Rule 5.504: “This proposal would be an interim measure until CCMS is implemented for juvenile court proceedings. Upon completion of CCMS, county case management systems will be programmed to generate mandatory Judicial Council court orders, and the amendment proposed here would sunset.” In fact, CCMS will eliminate county case management systems. Unless the CCMS is programmed to meet the requirements of the proposed rules, courts will be forced to continue producing paper minute orders. The emphasis must be on incorporating the requirements of these rules into the CCMS and eliminating the need for separate, fill-in-the-blank paper forms, unless they are requested and/or needed on demand.</p> <p>2. Currently, the San Diego Superior Court utilizes two separate systems to produce juvenile court minute orders: Juvenile Case Management System for delinquency and REJIS for dependency. Minute orders from both systems are similar in format, code driven, and allow for electronic, real-time minute orders to</p>	<p>Juvenile—Rule 5.504(c)</p> <p>1. The Family and Juvenile Law Advisory Committee believes that the issue of forms in CCMS needs to be studied to determine the most efficient ways for the courts to do business.</p> <p>2. The proposed language in rule 5.504(c)(2)(A) will be changed to “[t]he document is substantively identical to the mandatory Judicial Council form it is modifying.” The committee agrees that requiring courts to generate forms that are</p>

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				<p>be produced. Neither system’s minute orders have the same general appearance as the Judicial Council minute order forms, but each includes the case name, number, court, party captions, and the hearing type/event. Footers are not a part of the minute order format; however, the type of hearing is contained within the preliminary information section of the order. Our court could include the substantive language from the Judicial Council mandatory forms in the body of the minute orders with some small modifications to each system, but for our court to conform its form orders to the general appearance and numerical organization of the Judicial Council form orders will require significant staff hours to alter each automated system.</p> <p>Rule 7.101.5 (c). The order after hearing currently generated by CCMS-V3 for probate is generic in that the header can populate the case number, case name and participant address and the event for which the order is generated (i.e. Petition for Appointment of Conservator), but it cannot populate fields for the specific name of the order or the participants. Likewise the footer is static and cannot populate the name of the order or the wording “electronically generated order”. However, the body of this template is configurable and allows the user to populate it</p>	<p>numerically organized in the same manner as the forms they are modifying may result in substantial costs, both in reprogramming and court staff time. This language will balance goals of providing flexibility to the courts and establishing uniformity among counties in court orders.</p> <p>Probate—Rule 7.101.5. The Probate and Mental Health Advisory Committee believes the changes in proposed rule 7.101.5, described above in response to the comment of Mr. Dennis Jones, Executive Officer of the Superior Court, County of Sacramento, should address the concerns raised by Mr. Roddy.</p>

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Electronic Generation of Court Orders in Juvenile Court Proceedings and Proceedings Under the Probate Code  
(amend Cal. Rules of Court, rule 1.31 [formerly rule 201.1(b)] and rule 5.504 [formerly rule 1402] and adopt rule 7.101.5)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				with various codes. The information sought by 7.101.5(c) can be put in the body of the order, but not in the header or footer as currently designed.	
32.	Mr. Jeffrey Rolston Court Services Supervisor Superior Court of California County of San Mateo San Mateo	A	N	<i>No specific comment</i>	No response required.
33.	Ms. Sandra Ruelas Juvenile Court Division Manager II Superior Court of California County of Fresno Fresno	A	N	<i>No specific comment</i>	No response required.
34.	Chief William Siffermann Chief Probation Officer San Francisco County Juvenile Probation Dept. San Francisco	A	Y	<i>No specific comment</i>	No response required.
35.	Ms. Renee Smylie Assistant Deputy Director San Diego County HHSA San Diego	A	N	<i>No specific comment</i>	No response required.
36.	Mr. Ben Stough Court Executive Officer Superior Court of California County of Mendocino	A	N	This provision should extend to all case types in CCMS as a number of Judicial Council forms will be generated and therefore slightly modified from the original language.	Rule 5.504 is intended to address interim systems before CCMS implementation.

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37.	Mr. Dennis Tanabe Deputy County Counsel Office of the County Counsel County of Siskiyou Yreka	A	Y	Good solution to the problem; not likely that all counties will <u>ever</u> have the means to conform to a single format.	No response required.
38.	Mr. John C. Taylor Attorney Law Offices of John C. Taylor New Castle	A	N	The clarification of rule 7.101.5(c)(4) regarding form preparation by an attorney for a party is appreciated and appropriate.	No response required.
39.	Ms. Shelly Troop Child Custody Mediator Superior Court of California, County of San Joaquin Stockton	A	N	<i>No specific comment</i>	No response required.
40.	Ms. Rosalie Tucker Court Operations Manager Superior Court of California County of El Dorado Placerville	A	N	<i>No specific comment</i>	No response required.
41.	Ms. Virginia Wilson Manager II Stanislaus County Community Services Agency Modesto	AM	Y	The Stanislaus County Community Services Agency agrees in general with regard to automating court orders. We do have a concern that the orders may not be complete enough—we need to ensure from a Title IV-E perspective that all relevant orders regarding removal and permanency are on the new judicial forms. These forms are critical when we undergo federal and state audits as all court orders are	Courts are not precluded from adopting and attaching local attachments to Judicial Council mandatory form orders.

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				reviewed. If these forms/new processes do not allow for this information/flexibility, counties could be fiscally responsible on a local level for services and/or placement costs for those children. Having undergone the transition to an automated system here at the Community Services Agency, we understand how critical this planning and input stage is to the process. The courts will need to have the ability to add critical or missing orders/information to the forms once the system goes live as there is always something that is missing or just does not work. With this in mind, we are basically in agreement with the concept to move the courts into the world of automation. We do not need to be sure that all of these orders do contain the essential and required orders to support initial/ongoing federal and state funding for placement and services for children requiring out of home care or court supervision in the home of their parents.	
42.	Ms. Katie Zoglin Deputy County Counsel Office of the County Counsel County of Santa Clara San Jose	N	N	I am commenting on proposed rules 1.31(a) and (e), and 7.101.5(c)(4). While I completely support efforts to make the courts more accessible to unrepresented persons, I do not believe that these rules, as proposed, will achieve that result. I also believe that they will have a negative effect for practitioners. I strongly disagree with a mandate that specific forms be used, as set forth in proposed Rule 1.31(a). Instead, I suggest that the use of forms	Probate—Rules 1.31 and 7.101.5. Rule 1.31(a) and (e) reflect the current policy concerning Judicial Council mandatory forms based on the authority granted to the council in Government Code section 68511, modified by this proposal merely to permit the exceptions described in proposed rules 5.504 (juvenile court) and 7.101.5 (probate

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				<p>be recommended or encouraged. The language should be changed so that Rules provide that the forms "may" be used by parties. A party should not be penalized and its papers rejected if the party submits a legally sufficient pleading. Legally sufficient pleadings should always be accepted by the clerk's office, even if a form exists. This proposed mandate would have the consequence of creating yet another "trap for the unwary." In addition, forms are not always sufficient for every potential circumstance. If proposed Rule 1.31(a) is changed as I suggest, then proposed Rules 1.31(g) and 7.101.5(c)(4) should be deleted.</p>	<p>matters).                      This comment is a request to abolish all mandatory forms. This advisory committee did not consider such a broad proposal. Such a proposal may be inconsistent with Government Code section 68511 and, if not inconsistent with that provision, would have to be considered by all affected Judicial Council advisory committees before being proposed for action by the Judicial Council.</p>