



## Judicial Council of California . Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 29, 2010

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Title	Agenda Item Type
Rules and Forms: Miscellaneous Technical Changes	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 2.550, 3.860, 3.893, 3.1103, 3.1114, 5.727, 8.46, 8.328, 8.486, 8.842, 8.883, and 8.891; revise forms ADOPT-210, ADOPT-215, JV-320, MC-012, MC-350, SC-100, SC-104B, SC-120, SC-133, TR-300, and TR-310; and revoke GC-005 and GC-006	January 1, 2011
	Date of Report
	October 19, 2010
	Contact
	Susan R. McMullan, 415-865-7990 <a href="mailto:susan.mcmullan@jud.ca.gov">susan.mcmullan@jud.ca.gov</a>

Recommended by  
Administrative Office of the Courts  
Deborah Brown, Managing Attorney  
Susan R. McMullan, Senior Attorney

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### Executive Summary

Various Judicial Council advisory committee members, court personnel, members of the public, and Administrative Office of the Courts (AOC) staff have identified errors in rules and forms resulting from inadvertent omissions, typographical errors, language inconsistencies, or changes in the rule and forms name and numbering systems. It is therefore necessary to make technical changes to the rules and forms noted below.

### Recommendation

The AOC recommends that the Judicial Council make the following changes to the California Rules of Court and Judicial Council forms, effective January 1, 2011:

1. Amend the advisory committee comment for rule 2.550 to correct a rule reference from “985(h)” to “3.54 and 8.26”;
2. Amend rule 3.860(b) to correct a typographical error from “compliant” to “complaint”;
3. Amend rule 3.893 to correct a rule reference from “3.872” to “3.892”;
4. Amend rules 3.1103(a)(1) and 3.1114 to reflect the enactment of Code of Civil Procedure 527.85 (school violence prevention);
5. Amend rule 5.727(d)(3) to correct a rule reference from “5.664” to “5.481”;
6. Renumber title 8, division 1, chapter 5, article “3” as article “4”;
7. Amend the advisory committee comment to rule 8.46 to correct rule references from “8.160” to “8.46” and from “3.60” to “8.26”;
8. Amend rules 8.328(a) and 8.486(d) to correct a rule reference from “8.160” to “8.46”;
9. Amend rule 8.842(b)(2) to correct a rule reference from “8.60(d)” to “8.812”;
10. Amend rule 8.883(c)(10)(A) to correct “presiding justice’s” to “presiding judge’s”;
11. Amend rule 8.891(c)(1) to correct a rule reference from “3.1702(a)(1)” to “3.1700(a)(1)”;
12. Revise form ADOPT-210, item 7, to correct a signature line from “adopting” parent to “legal” parent.
13. Revise form ADOPT-215, item 5, to correctly reference item “5” rather than item “6”, and item 9, to correctly reference item “13” rather than “14”;
14. Revoke forms GC-005 and GC-006. These forms implemented requirements of the Probate Code that were repealed by the Omnibus Conservatorship and Guardianship Reform Act of 2006, effective July 1, 2007. The rules of court cited in the forms, rules 7.1010 and 7.1060, were repealed by their own provisions effective July 1, 2008;
15. Revise form JV-320, item 8(b), by adding reference to item 13 as follows: “If item 8a or 8b is checked, go to item 9 unless item 10, 11, 12, or 13 is applicable,” and to correctly reference “item 15 or 16” rather than “item 14 or 15”;
16. Revise form MC-012, item 1f to correct a Code of Civil Procedure reference from “708.010” to “708.110” and to make minor formatting changes;
17. Revise form MC-350, item 19b(8) to correct a reference from “18b(8)” to “19b(8)”;

18. Revise forms SC-100, SC-104B, SC-120, and SC-133 to update reference to forms that were repealed and adopted effective July 1, 2010, and to make minor formatting corrections;
19. Revise form TR-300, Item 5, to reduce the initial installment payment for a traffic infraction from 25 percent of the total due to 10 percent of the total due. The change is needed to comport with urgency budget provisions in Senate Bill 857 that amend Vehicle Code section 40510.5 to lower the required minimum for installment payments in traffic infraction cases, when the request is processed by a court clerk; and
20. Revise form TR-310, Item 4, to reduce the initial installment payment of the fee to attend traffic violator school from 25 percent of the total due to 10 percent of the total due. The change is needed to comport with urgency budget provisions in Senate Bill 857 that amend Vehicle Code section 42007 to lower the required minimum for installment payments of the fee to attend traffic violator school, when the request is processed by a court clerk.

The text of the amended rules is attached at pages 4–8. The revised forms are attached at pages 9–47.

### **Previous Council Action**

Although the Judicial Council has acted on these rules and forms previously, this proposal recommends only minor corrections not related to any prior action.

### **Rationale for Recommendation**

The changes to these rules and forms are technical in nature and necessary to correct inadvertent omissions, typographical errors, and language inconsistencies and to implement legislation and changes in the rule name and numbering system.

### **Comments, Alternatives Considered, and Policy Implications**

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

### **Implementation Requirements, Costs, and Operational Impacts**

The proposed revisions will result in standard reproduction costs.

### **Attachments**

1. Cal. Rules of Court, rules 2.550, 3.860, 3.893, 3.1103, 3.1114, 5.727, 8.46, 8.328, 8.486, 8.842, 8.883, and 8.891 at pages 4–8
2. Forms ADOPT-210, ADOPT-215, GC-005, GC-006, JV-320, MC-012, MC-350, SC-100, SC-104B, SC-120, SC-133, TR-300, and TR-310 at pages 9–51



Rules 2.550, 3.860, 3.893, 3.1103, 3.1114, 5.727, 8.46, 8.328, 8.486, 8.842, 8.883, and 8.891 of the California Rules of Court, are amended effective January 1, 2011, to read:

1 **Rule 2.550. Sealed records**

2  
3 \* \* \*

4  
5 **Advisory Committee Comment**

6  
7 This rule and rule 2.551 provide a standard and procedures for courts to use when a request is  
8 made to seal a record. The standard is based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior*  
9 *Court* (1999) 20 Cal.4th 1178. These rules apply to civil and criminal cases. They recognize the  
10 First Amendment right of access to documents used at trial or as a basis of adjudication. The rules  
11 do not apply to records that courts must keep confidential by law. Examples of confidential  
12 records to which public access is restricted by law are records of the family conciliation court  
13 (Family Code, § 1818(b)), in forma pauperis applications (Cal. Rules of Court, rules ~~985(h)~~ 3.54  
14 and 8.26), and search warrant affidavits sealed under *People v. Hobbs* (1994) 7 Cal.4th 948. The  
15 sealed records rules also do not apply to discovery proceedings, motions, and materials that are  
16 not used at trial or submitted to the court as a basis for adjudication. (See *NBC Subsidiary, supra*,  
17 20 Cal.4th at pp. 1208–1209, fn. 25.)

18  
19 \* \* \*

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22 **Rule 3.860. Attendance sheet and agreement to disclosure**

23  
24 (a) \* \* \*

25  
26 (b) **Agreement to disclosure**

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28 The mediator must agree, in each mediation to which these rules apply under rule  
29 3.851(a), that if an inquiry or a ~~compliant~~ complaint is made about the conduct of  
30 the mediator, mediation communications may be disclosed solely for purposes of a  
31 complaint procedure conducted pursuant to rule 3.865 to address that complaint or  
32 inquiry.

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35 **Rule 3.893. Selection of mediators**

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37 The parties may stipulate to any mediator, whether or not the person selected is among  
38 those identified under rule ~~3.872~~ 3.892, within 15 days of the date an action is submitted  
39 to mediation. If the parties do not stipulate to a mediator, the court must promptly assign  
40 a mediator to the action from those identified under rule ~~3.872~~ 3.892.

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43 **Rule 3.1103. Definitions and construction**

1 **(a) Law and motion defined**

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3 “Law and motion” includes any proceedings:

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5 (1) On application before trial for an order, except for causes arising under the  
6 Welfare and Institutions Code, the Probate Code, the Family Code, or Code  
7 of Civil Procedure sections 527.6, 527.7, ~~and 527.8,~~ and 527.85; or

8  
9 (2) \* \* \*

10  
11 **(b)–(c) \* \* \***

12  
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14 **Rule 3.1114. Applications, motions, and petitions not requiring a memorandum**

15  
16 **(a) Memorandum not required**

17  
18 Civil motions, applications, and petitions filed on Judicial Council forms that do  
19 not require a memorandum include the following:

20  
21 (1)–(8) \* \* \*

22 (9) Petition for order to prevent postsecondary school violence;

23  
24 ~~(9)~~(10) Petition of employer for injunction prohibiting workplace violence;

25  
26 ~~(10)~~(11) Petition for order prohibiting abuse (transitional housing);

27  
28 ~~(11)~~(12) Petition to approve compromise of claim of a minor or a person with a  
29 disability; and

30  
31 ~~(12)~~(13) Petition for withdrawal of funds from blocked account.

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33 **(b) \* \* \***

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36 **Rule 5.727. Proposed removal (§ 366.26(n))**

37  
38 **(a)–(c) \* \* \***

39  
40 **(d) Service of notice**

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42 DSS or the agency must serve notice of its intent to remove a child as follows:

43  
44 (1)–(2) \* \* \*

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(3) Notice to the child’s identified Indian tribe and Indian custodian must be given under rule ~~5.664~~ 5.481.

(4) \* \* \*

(e)–(i) \* \* \*

**Title 8. Appellate Rules**

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

**Chapter 5. Juvenile Appeals and Writs**

**Article ~~34~~. Hearing and Decision**

**Rule 8.46. Sealed records**

\* \* \*

Advisory Committee Comment

This rule and rules 2.550–2.551 for the trial courts provide a standard and procedures for courts to use when a request is made to seal a record. The standard is based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The sealed records rules apply to civil and criminal cases. They recognize the First Amendment right of access to documents used at trial or as a basis of adjudication. The rules do not apply to records that courts must keep confidential by law. Examples of confidential records to which public access is restricted by law are records of the family conciliation court (Fam. Code, § 1818, subd. (b)) and in forma pauperis applications (Cal. Rules of Court, rule ~~3.60~~ 8.26). Except as otherwise expressly provided in rule ~~8.160~~ 8.46, motions in a reviewing court relating to the sealing or unsealing of a record must follow rule 8.54.

**Rule 8.328. Confidential records**

**(a) Application**

This rule applies to records required to be kept confidential by law but does not apply to records sealed under rules 2.550–2.551 or records proposed to be sealed under rule ~~8.160~~ 8.46.

(b)–(d) \* \* \*

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**Rule 8.486. Petitions**

(a)–(c) \* \* \*

**(d) Sealed records**

Rule ~~8.160~~ 8.46 applies if a party seeks to lodge or file a sealed record or to unseal a record.

(e) \* \* \*

**Rule 8.842. Failure to procure the record**

(a) \* \* \*

**(b) Sanctions**

If the party fails to take the action specified in a notice given under (a), the trial court clerk must promptly notify the appellate division of the default, and the appellate division may impose one of the following sanctions:

(1) \* \* \*

(2) If the defaulting party is the respondent, the reviewing court may order the appeal to proceed on the record designated by the appellant, but the respondent may obtain relief from default under rule ~~8.60(d)~~ 8.812.

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

(a)–(b) \* \* \*

**(c) Form**

(1)–(9) \* \* \*

(10) If the brief is produced on a typewriter:

(A) A typewritten original and carbon copies may be filed only with the presiding justice’s judge’s permission, which will ordinarily be given only to unrepresented parties proceeding in forma pauperis. All other typewritten briefs must be filed as photocopies.

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(B)–(C) \* \* \*

(d) \* \* \*

**Rule 8.891. Costs and sanctions in civil appeals**

(a)–(b) \* \* \*

**(c) Procedure for claiming or opposing costs**

(1) Within 30 days after the clerk sends notice of issuance of the remittitur, a party claiming costs awarded by the appellate division must serve and file in the trial court a verified memorandum of costs under rule 3.170~~20~~(a)(1).

(2)–(3) \* \* \*

(d)–(e) \* \* \*



# ADOPT-210 Adoption Agreement

Clerk stamps date here when form is filed.  
  
**Not approved by  
Judicial Council**  
  
DRAFT 1 07/29/10 XYZ

① Your name (adopting parent):  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
Relationship to child: \_\_\_\_\_  
Address (skip this if you have a lawyer):  
Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone number: (\_\_\_\_) \_\_\_\_\_  
Lawyer (if any): (Name, address, telephone number, and State Bar number): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:  
**Superior Court of California, County of**

Fill in case number if known:  
**Case Number:**

② Child's name before adoption: \_\_\_\_\_  
Child's name after adoption: \_\_\_\_\_  
Date of birth: \_\_\_\_\_ Age: \_\_\_\_\_

③ I am the child listed in ② and I agree to the adoption. (Sign at the hearing in front of the judge. Not required in the case of a tribal customary adoption under Welf. & Inst. Code, § 366.24.)

Date: \_\_\_\_\_  
Type or print your name  
Signature of child (child must sign at hearing if 12 or older; optional if child is under 12)

④ If there is only **one** adopting parent, read and sign below. Sign at the hearing in front of the judge.

a. I am the adopting parent listed in ①, and I agree that the child will:  
(1) Be adopted and treated as my legal child (Fam. Code § 8612(b)) and  
(2) Have the same rights as a natural child born to me, including the right to inherit my estate.

Date: \_\_\_\_\_  
Type or print your name  
Signature of adopting parent (sign at hearing)

b. I am married to, or the registered domestic partner of, the adopting parent listed in ①, and I agree to his or her adoption of the child.

Date: \_\_\_\_\_  
Type or print your name  
Signature of spouse or registered domestic partner (may be signed before hearing)

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

5 If there are **two** adopting parents, read and sign below. Sign at the hearing in front of the judge.  
We are the adopting parents listed in ①, and we agree that the child will:  
(a) Be adopted and treated as our legal child (*Fam. Code. § 8612(b)*) and  
(b) Have the same rights as a natural child born to us, including the right to inherit our estate.

I agree to the other parent's adoption of the child.

Date: \_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Signature of adopting parent (sign at hearing)

I agree to the other parent's adoption of the child.

Date: \_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Signature of adopting parent (sign at hearing)

6 If this is a tribal customary adoption, read and sign below. Sign at the hearing in front of the judge.  
I/we are the adopting parents listed in ①, and I/we agree that the child will:  
a. Be adopted and treated as my/our legal child (*Fam. Code. § 8612(b)*) and  
b. Have the same rights and duties stated in the tribal customary adoption order dated \_\_\_\_\_ (copy attached).

If two adopting parents, we agree to the other parent's adoption of the child.

Date: \_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Signature of adopting parent (sign at hearing)

Date: \_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Signature of adopting parent (sign at hearing)

7 For stepparent adoptions only:  
If you are the legal parent of the child listed in ②, read and sign below. Sign at the hearing in front of the judge.  
I am the legal parent of the child and am the spouse or registered domestic partner of the adopting parent listed in ①, and I agree to his or her adoption of my child.

Date: \_\_\_\_\_  
Type or print your name

▶ \_\_\_\_\_  
Signature of legal parent (sign at hearing)

8 Executed:

Date: \_\_\_\_\_

▶ \_\_\_\_\_  
Judge (or Judicial Officer)

**ADOPT-215** Adoption Order

Clerk stamps date here when form is filed.

**Not approved by  
Judicial Council**

**DRAFT 1 07/29/10 XYZ**

1 Your name (adopting parent):  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
Relationship to child: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Daytime telephone number: (\_\_\_\_) \_\_\_\_\_  
Lawyer (if any): (Name, address, telephone number, and State Bar number): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:  
**Superior Court of California, County of**  
\_\_\_\_\_  
\_\_\_\_\_

2 Child's name after adoption:  
First Name: \_\_\_\_\_  
Middle Name: \_\_\_\_\_  
Last Name: \_\_\_\_\_  
Date of birth: \_\_\_\_\_ Age: \_\_\_\_\_  
Place of birth: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_

Fill in case number if known:  
**Case Number:**  
\_\_\_\_\_

3 Name of adoption agency (if any): \_\_\_\_\_

4 Hearing date: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Div.: \_\_\_\_\_ Rm.: \_\_\_\_\_ Judicial Officer: \_\_\_\_\_  
Clerk's office telephone number: (\_\_\_\_) \_\_\_\_\_

5 People present at the hearing:  
 Adopting parents  Lawyer for adopting parents  
 Child  Child's lawyer  
 Parent keeping parental rights: \_\_\_\_\_  
 Other people present (list each name and relationship to child):  
a. \_\_\_\_\_  
b. \_\_\_\_\_

*If there are more names, attach a sheet of paper, write "ADOPT-215, Item 5" at the top, and list the additional names and each person's relationship to child.*

**Judge will fill out section below.**

6 The judge finds that the child (check all that apply):  
a.  Is 12 or older and agrees to the adoption  
b.  Is under 12  
c.  This is a tribal customary adoption and the child's consent is not required.

Your name: \_\_\_\_\_

- 7 The judge has reviewed the report and other documents and evidence and finds that each adopting parent:
  - a. Is at least 10 years older than the child
  - b. Will treat the child as his or her own
  - c. Will support and care for the child
  - d. Has a suitable home for the child *and*
  - e. Agrees to adopt the child

- 8  This case is a relative adoption petitioned under Family Code section 8714.5.
  - The adopting relative  The child, who is 12 or older, has requested that the child's name before adoption be listed on this order. (*Fam. Code, § 8714.5(g).*)
 The child's name before adoption was:  
 First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

- 9  The child is an Indian child. The judge finds that this adoption meets the placement requirements of the Indian Child Welfare Act and that there is good cause to give preference to these adopting parents. The clerk will fill out 13 below.

- 10  The judge approves the *Contact After Adoption Agreement* (ADOPT-310)
  - As submitted  As amended on ADOPT-310

- 11 This is a tribal customary adoption, The tribal customary adoption order of the \_\_\_\_\_ tribe dated \_\_\_\_\_ containing \_\_\_\_\_ pages and attached hereto is fully incorporated into this order of adoption.

- 12 The judge believes the adoption is in the child's best interest and orders this adoption. The child's name after adoption will be:  
 First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

The adopting parent or parents and the child are now parent and child under the law, with all the rights and duties of the parent-child relationship or, in the case of a tribal customary adoption, all the rights and duties set out in the tribal customary adoption order and Welfare and Institutions Code section 366.24.

Date: \_\_\_\_\_

▶ \_\_\_\_\_  
*Judge (or Judicial Officer)*

**Clerk will fill out section below.**

**13 Clerk's Certificate of Mailing**

For the adoption of an Indian child, the Clerk certifies:

I am not a party to this adoption. I placed a filed copy of:

- ADOPT-200, *Adoption Request*       ADOPT-220, *Adoption of Indian Child*
- ADOPT-215, *Adoption Order*       ADOPT-310, *Contact After Adoption Agreement*

in a sealed envelope, marked "Confidential" and addressed to:

Chief, Division of Social Services  
Bureau of Indian Affairs  
1849 C Street, NW  
Mail Stop 310-SIB  
Washington, DC 20240

The envelope was mailed by U.S. mail, with full postage, from:

Place: \_\_\_\_\_ on (date): \_\_\_\_\_

Date: \_\_\_\_\_ Clerk, by: \_\_\_\_\_, Deputy

<p align="center"><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> <p>STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:</p>	<p><i>FOR COURT USE ONLY</i></p>
<p>NAME OF PROFESSIONAL GUARDIAN OR CONSERVATOR (<i>specify</i>):</p>	<p>FILE NUMBER:</p>

**DECLARATION OF PRIVATE PROFESSIONAL  CONSERVATOR  GUARDIAN  
CONCERNING QUALIFICATIONS FOR APPOINTMENT**

**NOTICE TO COURT-APPOINTED PRIVATE PROFESSIONAL CONSERVATORS OR GUARDIANS:**

If you are a private professional conservator or guardian under Probate Code section 2341 and have been appointed by a court, you must annually file an information statement with each court that appointed you. Beginning with the first statement due after January 1, 2006, your information statement must show your qualifications to serve or continue to serve as a guardian or conservator under rules 7.1060(b) (conservators) or 7.1010(b) (guardians) of the California Rules of Court. You must make that showing by completing and signing this form and filing it as part of your information statement with each appointing court. One declaration is sufficient if you are both a private professional conservator and a private professional guardian. **You may be required by the court to furnish additional information in your annual statement. If so, check item 8 of this form and provide the additional information in the manner required by the court or, if no specific manner is required, in Attachment 8 to this form.**

Beginning with the first annual statement due after December 31, 2007, your information statement must also show compliance with the continuing education requirements of rules 7.1060(e) or 7.1010(e) for the previous calendar year. You must complete and file a *Declaration of Private Professional Conservator or Guardian—Continuing Education* (form GC-006) with your information statement for that purpose.

Declarant (*name*): \_\_\_\_\_ states as follows:

**1. Contact information** (*complete in all cases*):

- a. Name: \_\_\_\_\_  
Business or firm name: \_\_\_\_\_
- b. Business Address: \_\_\_\_\_  
  
City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ +
- c. Mailing Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ +
- d. E-mail: \_\_\_\_\_
- e. Telephones: Day: \_\_\_\_\_ Night: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell (*optional*): \_\_\_\_\_

**2. Personal or professional conduct** (*complete in all cases*):

- I have not (*specify all that apply*):
- a.  Been convicted of a misdemeanor involving abuse or neglect of a child or an elderly or dependent adult or of any felony.
  - b.  Been determined to be liable in a civil action or proceeding for conversion, embezzlement, fraud, misappropriation, misrepresentation, or theft.
  - c.  Been removed as a fiduciary by a court for actions involving breach of fiduciary duty, conversion, fraud, misappropriation, misrepresentation, or theft.

**3.  Previous qualifications declaration filed** (*If you submitted this form with an annual statement previously filed with this court, you may check and complete this item and disregard all following items (except item 8) that request information unchanged from your prior declaration. In all cases, complete the signature information and sign at the bottom of page 4 of this form.*) On (*date*): \_\_\_\_\_ I filed with this court a completed *Declaration of Private Professional*

*Conservator or Guardian—Qualifications* (form GC-005). Except as otherwise stated in this declaration, each of the statements made in that declaration are still true and correct as of the date of this declaration. All information requested of me in this declaration was provided by me in that previously filed declaration.





CONFIDENTIAL—FOR COURT USE ONLY

GC-005

DECLARATION OF PRIVATE PROFESSIONAL <input type="checkbox"/> CONSERVATOR <input type="checkbox"/> GUARDIAN (Name):	CONCERNING QUALIFICATIONS FOR APPOINTMENT	FILE NUMBER:
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6.  **Certificate in professional fiduciary management** (Unless item 3 applies, you must complete this item if you qualify for appointment under item 5a, 5b, 5d, or 5e of this form, but not under item 5c (prior experience as an appointed conservator or guardian in California in 10 matters within five years before January 1, 2006).)
- a.  I have completed an educational program in professional fiduciary management for guardians or conservators approved by the California Administrative Office of the Courts and have received a certificate or its equivalent.
- (1) Educational institution:
- (2) Certificate received:
- (3) Date completed:
- b.  **(2006 and 2007 only)** I will complete an educational program in professional fiduciary management for guardians or conservators approved by the California Administrative Office of the Courts during 2006 or the first six months of 2007, and will supplement this declaration with proof of completion before July 1, 2007.
7.  **Pre-2006 appointments as private professional conservator or guardian** (unless item 3 applies, you must complete this item if: (1) you were appointed and qualified as a conservator, or as a guardian of the estate or the person and estate, in one or more matters in this court before January 1, 2006 in your capacity as a private professional conservator or guardian; and (2) you do not qualify as a private professional conservator or guardian under any of the alternatives described in items 5a–5e of this form.)
- a. I was appointed and qualified before January 1, 2006 as a private professional fiduciary and am currently acting in the following matters in this court, as a  conservator  guardian of the estate or the person and estate.
- |     | <u>Case Name</u> | <u>Case Number</u> | <u>Dates Appointed and Qualified</u> |
|-----|------------------|--------------------|--------------------------------------|
| (1) |                  |                    |                                      |
| (2) |                  |                    |                                      |
| (3) |                  |                    |                                      |
| (4) |                  |                    |                                      |
| (5) |                  |                    |                                      |
- Continued on Attachment 7a.
- b.  I would be willing to continue as conservator or guardian of the estate or the person and estate, on conditions approved by the court, in  all of the matters listed in item 7a  the following matters:
- |     | <u>Case Name</u> | <u>Case Number</u> |
|-----|------------------|--------------------|
| (1) |                  |                    |
| (2) |                  |                    |
| (3) |                  |                    |
- Continued on Attachment 7b.
- c. I understand that I cannot be appointed as a private professional conservator or guardian on any new matters in this court until I qualify under one of the alternatives described in items 5a–5e of this form, and that I must ask the court for permission to resign in any pending matter in which I do not desire to remain as conservator or guardian.
8.  **Additional information required by court** Additional information required by this court is  filed with this form  contained in Attachment 8.

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements made in all attachments, is true and correct.

Dated:

\_\_\_\_\_

▶

\_\_\_\_\_

(TYPE OR PRINT NAME )

(SIGNATURE)

<p align="center"><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> <p>STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:</p>	<p><i>FOR COURT USE ONLY</i></p>
<p>NAME OF PROFESSIONAL GUARDIAN OR CONSERVATOR (<i>specify</i>):</p>	<p>FILE NUMBER:</p>

**DECLARATION OF PRIVATE PROFESSIONAL  CONSERVATOR  GUARDIAN  
CONCERNING CONTINUING EDUCATION FOR THE \_\_\_\_\_ CALENDAR YEAR**

**NOTICE:** In 2007, each private professional conservator or guardian, as defined in Probate Code section 2341 and rules 7.1060(a)(6) (conservators) and 7.1010(a)(5) (guardians) of the California Rules of Court, must complete a minimum of 15 hours of continuing education from authorized providers listed or described in rules 7.1060(f)(2) and 7.1010(f)(2). (See rules 7.1060(e) and 7.1010(e).) A minimum of 5 hours must be in subjects appropriate for a conservator or guardian of the person, a minimum of 5 hours each year must be in subjects appropriate for a conservator or guardian of the estate, and a minimum of 1 hour per year must be in fiduciary ethics. If you are both a private professional conservator and a private professional guardian, a minimum total of 15 hours of continuing education will satisfy both rules, but you still must satisfy the 5-hour appropriate-subject minimum requirements for both conservators and guardians. You must also satisfy the 5-hour appropriate-subject minimum requirements for conservator or guardian of the person even if you are appointed only as a conservator or guardian of the estate.

With the first statement due after December 31, 2007, including statements that are due after July 1, 2008, each private professional conservator or guardian must state under penalty of perjury in each annual information statement filed with an appointing court that he or she has complied with the continuing education requirements of rule 7.1060(e) or 7.1010(e) for 2007. Use this form for that purpose. Complete and sign this form and file it with the court as part of your annual information statement. One declaration is sufficient if you are both a private professional conservator and a private professional guardian.

You must retain certificates of attendance or other proof of participation in continuing education required by rule 7.1060(e) or 7.1010(e) for a period of three years after the end of 2007. This court may at any time during that three-year period require you to produce proof of compliance with the continuing education requirements of these rules for that year, in a manner satisfactory to the court.

Declarant (*name*): \_\_\_\_\_ states as follows:

1. During calendar year \_\_\_\_\_ I completed a total of (*specify*): \_\_\_\_\_ hours of continuing education from authorized providers, as follows:

a. Subjects appropriate for a  conservator of the person  guardian of the person:

<u>Provider</u>	<u>Subject</u>	<u>Hours</u>
		_____
		_____
		_____
		_____
		_____

Continued on Attachment 1a.

Subtotal hours: \_\_\_\_\_



ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>  <b>Not approved by Judicial Council</b>  <b>DRAFT 1 07/29/10 XYZ</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>ORDERS UNDER WELFARE AND INSTITUTIONS CODE SECTIONS 366.24, 366.26, 727.3, 727.31</b>	CASE NUMBER:

Child's name: Date of birth: _____ Age: _____ Parent's name <i>(if known)</i> : _____ <input type="checkbox"/> Mother <input type="checkbox"/> Father Parent's name <i>(if known)</i> : _____ <input type="checkbox"/> Mother <input type="checkbox"/> Father
--

1. a. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
 b. Judicial officer:  
 c. Parties and attorneys present:

2.  The court has read and considered the assessment prepared under Welfare and Institutions Code section 361.5(g), 366.21(i), 366.22(c), or 366.25(b) and the report and recommendation of the  
 social worker  probation officer  and other evidence.
3.  The court has considered the wishes of the child, consistent with the child's age, and all findings and orders of the court are made in the best interest of the child.

**THE COURT FINDS AND ORDERS**

4. a.  Notice has been given as required by law.  
 b.  This case involves an Indian child, and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the Bureau of Indian Affairs (BIA) in accordance with Welfare and Institutions Code section 224.2; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.
5.  **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing and was given an opportunity to be present.
6.  The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
7.  The court previously made a finding denying or terminating reunification services under Welfare and Institutions Code section 361.5, 366.21, 366.22, 366.25, 727.2, or 727.3, for  
 parent *(name)*: \_\_\_\_\_  Mother  Father  
 parent *(name)*: \_\_\_\_\_  Mother  Father

CHILD'S NAME:  _____	CASE NUMBER:  _____
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8. a.  There is clear and convincing evidence that it is likely the child will be adopted.
- b.  This case involves an Indian child, and the court finds by evidence beyond a reasonable doubt, including the testimony of one or more qualified expert witnesses, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. *(If item 8a or 8b is checked, go to item 9 unless item 10, 11, 12, or 13 is applicable. If item 8a or 8b is not checked, go to item 15 or 16.)* **The fact that the child is not placed in a preadoptive home or with a person or family prepared to adopt the child is not a basis for concluding that the child is unlikely to be adopted.**

9.  The parental rights of
- a.  parent (name):  Mother  Father
- b.  parent (name):  Mother  Father
- c.  alleged fathers (names):
- d.  unknown mother  all unknown fathers  
are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.
- e. **The adoption is likely to be finalized by (date):**  
*(If item 9 is checked, go to item 17.)*

10.  This case involves an Indian child. The parental rights of
- a.  parent (name):
- b.  parent (name):
- c.  Indian custodians (names):
- d.  alleged fathers (names):
- e.  unknown mother  all unknown fathers  
are modified in accordance with the tribal customary adoption order of the (specify): \_\_\_\_\_ tribe,  
dated \_\_\_\_\_ and comprising \_\_\_\_\_ pages, which is accorded full faith and credit and fully incorporated herein.  
The child is referred to the California Department of Social Services or a local licensed adoption agency for tribal customary adoptive placement in accordance with the tribal customary adoption order.  
*(If item 10 is checked, go to item 17.)*

11.  The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment through legal guardianship. Removal of the child from the custody of his or her relative would be detrimental to the emotional well-being of the child. *(If item 11 is checked, go to item 15 or 16.)*

12.  Termination of parental rights would be detrimental to the child for the following reasons *(If item 12 is checked, check reasons below and go to item 15 or 16):*
- a.  The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
- b.  The child is 12 years or older and objects to termination of parental rights.
- c.  The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- d.  The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child. This clause does not apply to any child who is either
- (1) under the age of 6; or
- (2) a member of a sibling group with at least one child under the age of 6 and the siblings are or should be placed together.

CHILD'S NAME:  	CASE NUMBER:  
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12. e.  There would be substantial interference with the child's sibling relationship.
- f.  The child is an Indian child, and there are compelling reasons for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to:
- (1) Termination of parental rights would substantially interfere with the child's connection to his or her tribal community or the child's tribal membership rights.
  - (2) The child's tribe has identified guardianship or another permanent plan for the child.

13.  Termination of parental rights would not be detrimental to the child, but no adoptive parent has been identified or is available, and the child is difficult to place because the child (*if item 13 is checked, check reasons below and go to item 14*):
- a.  is a member of a sibling group that should stay together.
  - b.  has a diagnosed medical, physical, or mental disability.
  - c.  is 7 years or older.

14. a.  Termination of parental rights is not ordered at this time. Adoption is the permanent placement goal, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by (*date, not to exceed 180 days from the date of this order*):  
(*Do not check in the case of a tribal customary adoption. If item 14a is checked, provide for visitation in items 14b and 14c as appropriate, and go to item 17.*)

- b.  Visitation between the child and
- |  |                                 |                                 |
|--|---------------------------------|---------------------------------|
| <input type="checkbox"/> parent ( <i>name</i> ):         | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> parent ( <i>name</i> ):         | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> legal guardian ( <i>name</i> ): |                                 |                                 |
| <input type="checkbox"/> other ( <i>name</i> ):          |                                 |                                 |
- is scheduled as follows (*specify*):

- c.  Visitation between the child and (*names*):  
is detrimental to the child's physical or emotional well-being and is terminated.

15.  The child's permanent plan is legal guardianship with a specific goal of (*specify*):
- Adoption
  - Dismissal of dependency
  - Other (*specify*):

(*Name*):  
is appointed legal guardian of the child, and *Letters of Guardianship* will issue. (*Do not check in case of a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b as appropriate, and go to item 15c or 15d.*)

- a.  Visitation between the child and
- |  |                                 |                                 |
|--|---------------------------------|---------------------------------|
| <input type="checkbox"/> parent ( <i>name</i> ):         | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> parent ( <i>name</i> ):         | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> legal guardian ( <i>name</i> ): |                                 |                                 |
| <input type="checkbox"/> other ( <i>name</i> ):          |                                 |                                 |
- is scheduled as follows (*specify*):

- b.  Visitation between the child and (*names*):  
is detrimental to the child's physical or emotional well-being and is terminated.

- c.  Dependency  Wardship is terminated.

- d.  Dependency  Wardship is not terminated. The likely date for termination of the dependency or wardship is (*date*):  
(*If this item is checked, go to items 17.*)

CHILD'S NAME:  _____	CASE NUMBER:  _____
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The juvenile court retains jurisdiction of the guardianship under Welfare and Institutions Code section 366.4.

16. a.  The child's permanent plan is an identified placement with *(name of placement)*:  
with a specific goal of *(specify)*:
- |  |   |
|--|---|
| (1) <input type="checkbox"/> Returning home            | (5) <input type="checkbox"/> Permanent placement with a fit and willing relative  |
| (2) <input type="checkbox"/> Adoption                  | (6) <input type="checkbox"/> A less restrictive foster care setting   |
| (3) <input type="checkbox"/> Tribal customary adoption | (7) <input type="checkbox"/> Independent living with identification of a caring adult to serve as a lifelong connection |
| (4) <input type="checkbox"/> Legal guardianship        |   |

**The child's specific goal is likely to be achieved by *(date)*:**  
*(If item 16a is checked, provide for visitation in items 16b and 16c as appropriate, and go to item 17.)*

- b.  Visitation between the child and
- |   |                                 |                                 |
|---|---------------------------------|---------------------------------|
| <input type="checkbox"/> parent <i>(name)</i> :         | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> parent <i>(name)</i> :         | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> legal guardian <i>(name)</i> : |                                 |                                 |
| <input type="checkbox"/> other <i>(name)</i> :          |                                 |                                 |
- is scheduled as follows *(specify)*:

- c.  Visitation between child and *(names)*:  
is detrimental to the child's physical or emotional well-being and is terminated.

17.  The child's placement is necessary.
18.  The child's placement is appropriate.
19.  The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan. If this case involves an Indian child, the court finds that the agency has made active efforts to provide remedial and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proven unsuccessful.
20.  The services set forth in the case plan include those needed to assist the child age 16 or older in making the transition from foster care to independent living. *(This finding is required only for a child 16 years or older.)*
21.  The child remains a  dependent  ward of the court. *(If this box is checked, go to items 22 and 23 if applicable, and items 24 and 25.)*
22.  All prior orders not in conflict with this order will remain in full force and effect.
23.  Other *(specify)*:





ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):          TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF:  DEFENDANT:	
<b>MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST</b>	CASE NUMBER: _____

1. I claim the following costs after judgment incurred within the last two years (*indicate if there are multiple items in any category*):

		Dates Incurred	Amount
a	Preparing and issuing abstract of judgment		\$
b	Recording and indexing abstract of judgment		\$
c	Filing notice of judgment lien on personal property		\$
d	Issuing writ of execution, to extent not satisfied by Code Civ. Proc., § 685.050 ( <i>specify county</i> ):		\$
e	Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment		\$
f	Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq.		\$
g	Attorney fees, if allowed by Code Civ. Proc., § 685.040		\$
h	Other: _____ ( <i>Statute authorizing cost</i> ):		\$
i	Total of claimed costs for current memorandum of costs ( <i>add items a-h</i> )		\$

2. All previously allowed postjudgment costs: . . . . . \$ \_\_\_\_\_

3. **Total** of all postjudgment costs (add items 1 and 2): . . . . . **TOTAL** \$ \_\_\_\_\_

4. **Acknowledgment of Credit.** I acknowledge total credit to date (including returns on levy process and direct payments) in the amount of: \$ \_\_\_\_\_

5. **Declaration of Accrued Interest.** Interest on the judgment accruing at the legal rate from the date of entry on balances due after partial satisfactions and other credits in the amount of: \$ \_\_\_\_\_

6. I am the  judgment creditor  agent for the judgment creditor  attorney for the judgment creditor.  
 I have knowledge of the facts concerning the costs claimed above. To the best of my knowledge and belief, the costs claimed are correct, reasonable, and necessary, and have not been satisfied.

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)

**NOTICE TO THE JUDGMENT DEBTOR**

If this memorandum of costs is filed at the same time as an application for a writ of execution, any statutory costs, *not exceeding \$100 in aggregate* and not already allowed by the court, may be included in the writ of execution. *The fees sought under this memorandum may be disallowed by the court upon a motion to tax filed by the debtor, notwithstanding the fees having been included in the writ of execution.* (Code Civ. Proc., § 685.070(e).) A motion to tax costs claimed in this memorandum must be filed within 10 days after service of the memorandum. (Code Civ. Proc., § 685.070(c).)

(Proof of service on reverse)

SHORT TITLE:	CASE NUMBER:
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**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 *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* 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)







CASE NAME:  	CASE NUMBER:  
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12.  **Settlement payments to others**

- a.  No defendant named in item 11b has offered to pay money to any person or persons other than the claimant to settle claims arising out of the same incident or accident that resulted in the claimant's injury.
- b.  By way of settlement, one or more defendants named in item 11b have also offered to pay money to a person or persons other than claimant to settle claims arising out of the same incident or accident that resulted in the claimant's injury.

- (1) The total amount offered by all defendants to others (*specify*): \$
- (2) Petitioner  is not  is a claimant against the recovery of the claimant (other than for reimbursement for expenses paid by petitioner and listed under item 15).  
*(If you answered "is," explain in Attachment 12 the circumstances and the effect your claim has on the proposed compromise of the claim described in this petition.)*
- (3) Petitioner  is not  is a plaintiff in the same action with the claimant.  
*(If you answered "is," explain in Attachment 12 the circumstances and the effect your claim and its disposition has on the proposed compromise of the claim or action described in this petition.)*
- (4)  Petitioner would receive money under the proposed settlement.
- (5) The settlement payments are to be apportioned and distributed as follows:

<u>Other plaintiffs or claimants (names)</u>	<u>Amounts</u>
	\$
	\$
	\$
	\$

Additional plaintiffs or claimants and amounts are listed on Attachment 12.

**(6) Reasons for the apportionment of the settlement payments between the claimant and each other plaintiff or claimant named above are specified on Attachment 12.**

13. **The claimant's medical expenses, including medical expenses paid by petitioner and insurers, to be reimbursed from proceeds of settlement or judgment**

**a. Totals**

- (1) Total medical expenses: \$ \_\_\_\_\_
- (2) Total outstanding medical expenses to be paid from the proceeds: \$
- (3) Total out-of-pocket, co-payments, or deductible payments to be reimbursed from proceeds: \$

**b. Medical expenses were paid and are to be reimbursed from proceeds as follows:**

- (1)  Paid by petitioner in the amount of: \$
  - (2)  Paid by private health insurance or a self-funded plan under:
    - (a)  An Employee Retirement Income Security Act (ERISA) insured plan.
    - (b)  An ERISA self-funded plan.
    - (c)  A Non-ERISA insured plan.
    - (d)  A Non-ERISA self-funded plan.
    - (e) Amount paid by plan: \$ \_\_\_\_\_
    - (f) Amount of reimbursement to the plan from proceeds of settlement or judgment:
      - (i)  No reimbursement is requested by the plan.
      - (ii)  Reimbursement is to be made to the plan and:
        - (A)  There is a contractual reduction of \$ ( \_\_\_\_\_ )
        - (B)  There is a negotiated reduction of \$ ( \_\_\_\_\_ )
        - (C)  No reduction has been agreed to,
- for a total reimbursement to the plan in the amount of: \$

CASE NAME:  _____	CASE NUMBER:  _____
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**13. The claimant's medical expenses, including medical expenses paid by petitioner and insurers, to be reimbursed from proceeds of settlement or judgment**

b. Medical expenses were paid and are to be reimbursed from proceeds as follows:

(3)  Paid by Medicare in the amount of: \$ \_\_\_\_\_  
 less the statutory reduction in the amount of: \$ ( \_\_\_\_\_ )  
 for a total reimbursement to Medicare in the amount of: \$ \_\_\_\_\_  
*(Attach a copy of the final Medicare demand letter or letter agreement as Attachment 13b(3).)*

(4)  Paid by Medi-Cal in the amount of \$ \_\_\_\_\_

(a)  Notice of this claim or action has been given to the State Director of Health Care Services under Welfare and Institutions Code section 14124.73. A copy of the notice and proof of its delivery  is attached.  was filed in this matter on *(date)*: \_\_\_\_\_

(b)  Notice of this claim or action has **not** been given to the State Director of Health Care Services. *(Explain why notice has not been given in Attachment 13b(4).)*

(c)  In full satisfaction of its lien rights, Medi-Cal has agreed to accept reimbursement in the amount of: \$ \_\_\_\_\_  
*(Attach a copy of the final Medi-Cal demand letter or letter agreement as Attachment 13b(4).)*

(d)  Petitioner is entitled to a reduction of the Medi-Cal lien under Welfare and Institutions Code section 14124.76 and:  
 (i)  Is filing a motion seeking a reduction of the lien concurrently with this petition.  
 (ii)  Requests that the court reserve jurisdiction over this issue.  
 The amount of the lien in dispute is: \$ \_\_\_\_\_

(5)  (a) There are one or more statutory or contractual liens of medical service providers for payment of medical expenses. The total amount claimed under these liens is: \$ \_\_\_\_\_ . In full satisfaction of their lien claims, the lienholders have agreed to accept the total sum of: \$ \_\_\_\_\_  
*(Provide requested information on each lienholder and certain other medical service providers below.)*

(b) The name of each medical service provider that furnished care and treatment to claimant and (1) has a lien for all or any part of the charges or (2) was paid (or will be paid from the proceeds) by petitioner for which petitioner requests reimbursement; the amounts charged and paid; the amount of negotiated reduction of charges, if any; and the amount to be paid from the proceeds of the settlement or judgment to each provider are as follows:

(i) (A) Provider *(name)*: \_\_\_\_\_  
 (B) Address: \_\_\_\_\_

(C) Amount charged: \$ \_\_\_\_\_  
 (D) Amount paid (whether or not by insurance): \$ ( \_\_\_\_\_ )  
 (E) Negotiated reduction, if any: \$ ( \_\_\_\_\_ )  
 (F) Amount to be paid from proceeds of settlement or judgment: \$ \_\_\_\_\_

(ii) (A) Provider *(name)*: \_\_\_\_\_  
 (B) Address: \_\_\_\_\_

(C) Amount charged: \$ \_\_\_\_\_  
 (D) Amount paid (whether or not by insurance): \$ ( \_\_\_\_\_ )  
 (E) Negotiated reduction, if any: \$ ( \_\_\_\_\_ )  
 (F) Amount to be paid from proceeds of settlement or judgment: \$ \_\_\_\_\_

Continued on Attachment 13b(5). *(Provide information about additional providers in the above format, including providers paid or to be paid by petitioner for which reimbursement is requested in item 13b(1) above. You may use form MC-350(A-13b(5)) for this purpose.)*



CASE NAME:	CASE NUMBER:
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**18. Information about attorney representing or assisting petitioner**

- a. (1)  Petitioner has not been represented or assisted by an attorney in preparing this petition or in any other way with respect to the claim asserted. *(Go to item 19.)*
- (2)  Petitioner has been represented or assisted by an attorney in preparing this petition or with respect to the claim asserted. Petitioner and the attorney  do not  do have an agreement for services provided in connection with the claim giving rise to this petition. *(If you answered "do," attach a copy of the agreement as Attachment 18a, and complete items 18b.–18f.)*
- b. The attorney who has represented or assisted petitioner is *(name)*:
  - (1) State Bar number:
  - (2) Law firm:
  - (3) Address:
  
  - (4) Telephone number:
- c. The attorney  has not  has received attorney's fees or other compensation in addition to that requested in this petition for services provided in connection with the claim giving rise to this petition. *(If you answered "has," identify the person who paid the fees or other compensation, the amounts paid, and the dates of payment):*

<u>From whom (names)</u>	<u>Amounts</u>	<u>Dates</u>
	\$	
	\$	
	\$	
	\$	
	\$	

Continued on Attachment 18c.

- d. The attorney  did not  did become concerned with this matter, directly or indirectly, at the instance of a party against whom the claim is asserted or a party's insurance carrier. *(If you answered "did," explain the circumstances in Attachment 18d.)*
- e. The attorney  is not  is representing or employed by any other party or any insurance carrier involved in the matter. *(If you answered "is," identify the party or carrier and explain the relationship in Attachment 18e.)*
- f. The attorney  does not  does expect to receive attorney's fees or other compensation in addition to that requested in this petition for services provided in connection with the claim giving rise to this petition. *(If you answered "does," identify the person who will pay the fees or other compensation, the amounts to be paid, and the expected dates of payment):*

<u>From whom (names)</u>	<u>Amounts</u>	<u>Expected dates</u>
	\$	
	\$	
	\$	
	\$	
	\$	

Continued on Attachment 18f.

CASE NAME:  	CASE NUMBER:  
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**19. Disposition of balance of proceeds of settlement or judgment**

Petitioner requests that the balance of the proceeds of the settlement or judgment be disbursed as follows:

- a.  There is a guardianship of the estate of the minor or a conservatorship of the estate of the adult person with a disability filed in *(name of court)*:

Case no.:

- (1)  \$ \_\_\_\_\_ of the proceeds in money or other property will be paid or delivered to the guardian of the estate of the minor or the conservator of the estate of the conservatee. The money or other property is specified in Attachment 19a(1).
- (2)  Petitioner is the guardian or conservator of the estate of the minor or the adult person with a disability. Petitioner requests authority to deposit or invest \$ \_\_\_\_\_ of the money or other property to be paid or delivered under 19a(1) with one or more financial institutions in this state or with a trust company, subject to withdrawal only as authorized by the court. The money or other property and the name, branch, and address of each financial institution or trust company are specified in Attachment 19a(2).
- (3)  Petitioner proposes that all or a portion of the proceeds **not** become part of the guardianship or conservatorship estate. Petitioner requests authority to deposit or transfer these proceeds as follows *(check all that apply)*:
  - (a)  \$ \_\_\_\_\_ will be deposited in insured accounts in one or more financial institutions in this state from which no withdrawals can be made without a court order. The name, branch, and address of each depository are specified in Attachment 19a(3).
  - (b)  \$ \_\_\_\_\_ will be invested in a single-premium deferred annuity subject to withdrawal only on order of the court. The terms and conditions of the annuity are specified in Attachment 19a(3).
  - (c)  \$ \_\_\_\_\_ will be transferred to a custodian for the benefit of the minor under the California Uniform Transfers to Minors Act. The name and address of the proposed custodian and the property to be transferred are specified in Attachment 19a(3).
  - (d)  \$ \_\_\_\_\_ will be transferred to the trustee of a trust that is either created by or approved of in the order approving the settlement or the judgment given or to be given for the minor. This trust is revocable when the minor attains the age of 18 years and contains all other terms and conditions determined to be necessary by the court to protect the minor's interests. The terms of the proposed trust and the property to be transferred are specified in Attachment 19a(3).  A copy of the (proposed) judgment is attached as Attachment 4c.
  - (e)  \$ \_\_\_\_\_ will be transferred to the trustee of a special needs trust under Probate Code sections 3602(d) and 3604 for the benefit of the minor or the adult person with a disability. The terms of the proposed special needs trust and the property to be transferred are specified in Attachment 19a(3).

CASE NAME:  	CASE NUMBER:  
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**19. Disposition of balance of proceeds of settlement or judgment (cont.)**

Petitioner requests that the balance of the proceeds of the settlement or judgment be disbursed as follows:

b.  There is no guardianship of the estate of the minor or conservatorship of the estate of the adult person with a disability. Petitioner requests that the balance of the proceeds of the settlement or judgment be disbursed as follows

*(check all that apply):*

- (1)  A guardian of the estate of the minor or a conservator of the estate of the adult person with a disability will be appointed. \$ \_\_\_\_\_ of money and other property will be paid or delivered to the person so appointed. The money or other property are specified in Attachment 19b(1).
  - (2)  \$ \_\_\_\_\_ of money will be deposited in insured accounts in one or more financial institutions in this state, subject to withdrawal only upon the authorization of the court. The name, branch, and address of each depository are specified in Attachment 19b(2).
  - (3)  \$ \_\_\_\_\_ of money will be invested in a single-premium deferred annuity, subject to withdrawal only upon the authorization of the court. The terms and conditions of the annuity are specified in Attachment 19b(3).
  - (4)  \$ \_\_\_\_\_ will be paid or transferred to the trustee of a special needs trust under Probate Code sections 3604 and 3611(c) for the benefit of the minor or the adult person with a disability. The terms of the proposed special needs trust and the money or other property to be paid or transferred are specified in Attachment 19b(4).
  - (5)  \$ \_\_\_\_\_ will be paid or delivered to a parent of the minor, upon the terms and under the conditions specified in Probate Code sections 3401–3402, without bond. The name and address of the parent and the money or other property to be delivered are specified in Attachment 19b(5). *(Value of minor's entire estate, including the money or property to be delivered, must not exceed \$5,000.)*
  - (6)  \$ \_\_\_\_\_ will be transferred to a custodian for the benefit of the minor under the California Uniform Transfers to Minors Act. The name and address of the proposed custodian and the money or other property to be transferred are specified in Attachment 19b(6).
  - (7)  \$ \_\_\_\_\_ will be transferred to the trustee of a trust that is either created by or approved of in the order approving the settlement or the judgment given or to be given for the minor. This trust is revocable when the minor attains the age of 18 years and contains all other terms and conditions determined to be necessary by the court to protect the minor's interests. The terms of the proposed trust and the money or other property to be transferred are specified in Attachment 19b(7).  
 A copy of the (proposed) judgment is attached as Attachment 4c.
  - (8)  \$ \_\_\_\_\_ of money will be held on such conditions as the court in its discretion determines is in the best interest of the minor or the adult person with a disability. The proposed conditions are specified on Attachment 19b(8). *(Value must not exceed \$20,000.)*
  - (9)  \$ \_\_\_\_\_ of property other than money will be held on such conditions as the court in its discretion determines is in the best interest of the minor or the adult person with a disability. The proposed conditions and the property are specified in Attachment 19b(9).
  - (10)  \$ \_\_\_\_\_ will be deposited with the county treasurer of the County of *(name)*:  
The deposit is authorized under and subject to the conditions specified in Probate Code section 3611(h).
  - (11)  \$ \_\_\_\_\_ will be paid or transferred to the adult person with a disability. The money or other property is specified in Attachment 19b(11).
- Continued on Attachment 19.



Clerk stamps date here when form is filed.

**Notice to the person being sued:**

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff, listed in ① on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

**Aviso al Demandado:**

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

**Superior Court of California, County of**

Clerk fills in case number and case name:

**Case Number:**  
**Case Name:**

**Order to Go to Court**

**The people in ① and ② must go to court:** (Clerk fills out section below.)

<b>Trial Date</b>	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**Instructions for the person suing:**

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form **SC-100-INFO**, *Information for the Plaintiff*, to know your rights. Get **SC-100-INFO** at any courthouse or county law library, or go to: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.

Plaintiff (list names): \_\_\_\_\_

**1 The Plaintiff (the person, business, or public entity that is suing) is:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one Plaintiff, list next Plaintiff here:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Check here if more than 2 Plaintiffs and attach Form SC-100A.

Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

**2 The Defendant (the person, business, or public entity being sued) is:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one Defendant, list next Defendant here:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Check here if more than 2 Defendants and attach Form SC-100A.

Check here if any Defendant is on active military duty, and write his or her name here: \_\_\_\_\_

**3 The Plaintiff claims the Defendant owes \$ \_\_\_\_\_ . (Explain below):**

a. Why does the Defendant owe the Plaintiff money? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. When did this happen? (Date): \_\_\_\_\_  
If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) \_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.



Plaintiff (list names): \_\_\_\_\_

4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this?  Yes  No

If no, explain why not: \_\_\_\_\_

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a.  (1) Where the Defendant lives or does business.      (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.
- (2) Where the Plaintiff's property was damaged.
- (3) Where the Plaintiff was injured.
- b.  Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c.  Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10.)
- d.  Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4.)
- e.  Other (specify): \_\_\_\_\_

6 List the zip code of the place checked in 5 above (if you know): \_\_\_\_\_

7 Is your claim about an attorney-client fee dispute?  Yes  No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

8 Are you suing a public entity?  Yes  No

If yes, you must file a written claim with the entity first.  A claim was filed on (date): \_\_\_\_\_

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California?

Yes  No If yes, the filing fee for this case will be higher.

10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_ Plaintiff types or prints name here      Plaintiff signs here

Date: \_\_\_\_\_ Second Plaintiff types or prints name here      Second Plaintiff signs here



**Requests for Accommodations**

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civil Code, § 54.8.)





“**Small claims court**” is a special court where claims for \$5,000 or less are decided. A “natural person” (not a business or public entity) may claim up to \$7,500, including a sole proprietor. The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who is suing you is the Plaintiff.

**Do I need a lawyer?**

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

**How do I get ready for court?**

You don’t have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read “Get Ready for Court” at: [www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm](http://www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm)

**What if I need an accommodation?**

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

**What if I don’t speak English well?**

Bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Application for Waiver of Court Fees and Costs* (form FW-001).

**Where can I get the court forms I need?**

Go to any courthouse or your county law library, or print forms at: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

**What happens at the trial?**

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

**What if I lose the case?**

If you lose, you can appeal. You’ll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge’s decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see: [www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm](http://www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm)

**Do I have options?**

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant’s Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff’s claim and pay the money.** Or, if you can’t pay the money now, go to your trial and say you want to make payments.
- **Let the case “default.”** If you don’t settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

**What if I need more time?**

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial) *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county) *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form **SC-150** (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



**Need help?**

Your county’s Small Claims Advisor can help for free.

Or go to “County-Specific Court Information” at: [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)



La “**Corte de reclamos menores**” es una corte especial donde se deciden casos por \$5,000 ó menos. Una “persona natural” (que no sea un negocio ni una entidad pública) puede reclamar hasta \$7,500. El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

#### ¿Necesito un abogado?

Puede hablar con un abogado antes o después del caso. Pero *no puede* tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

#### ¿Cómo me preparo para ir a la corte?

No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos, y cualquier pruebas que apoyan su caso. Y lea “Prepárese para la corte” en: [www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/prepararse.htm](http://www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/prepararse.htm)

#### ¿Qué hago si necesito una adaptación?

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accomodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

#### ¿Qué pasa si no hablo inglés bien?

Traiga a un adulto que no sea testigo para que le sirva de intérprete. O pida al secretario de la corte que le asigne uno. Si quiere que la corte le asigne un intérprete, lo tiene que pedir como mínimo menos cinco días antes de la fecha en que tenga que ir a la corte. Es posible que no haya disponible un intérprete proporcionado por la corte o que tenga que pagar una cuota por emplear un intérprete de la corte, a menos que tenga una exención de cuotas. Puede pedir a la corte una lista de intérpretes y la Solicitud de exención de cuotas y costos de la corte (formulario FW-001).

#### ¿Dónde puedo obtener los formularios de la corte que necesito?

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado o imprima los formularios en:

[www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

#### ¿Qué pasa en el juicio?

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

#### ¿Qué pasa si pierdo el caso?

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si *no* estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea: [www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm](http://www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm)

#### ¿Tengo otras opciones?

Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107, y el secretario emitirá una orden de comparecencia ordenándoles que se presenten.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

#### ¿Qué hago si necesito más tiempo?

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio) o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado) o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario **SC-150** (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



**¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O vea “Información por condado” en:

[www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores](http://www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores)

### What is “service”?

“Service” or “serving” is when someone—*not you or anyone else listed in this case*—gives a copy of your court papers to the person, business, or public entity you are suing. Service lets the other party know:

- What you are asking for
- When and where the trial will be *and*
- What the party can choose to do

There are strict rules for serving court papers. This form explains how to serve these forms:

- Form SC-100, *Plaintiff’s Claim*
- Form SC-120, *Defendant’s Claim*

### How is service done?

This form tells you how to serve by *personal* service or *substituted* service.

*Personal* service means someone gives the papers directly to the person being sued or to the agent authorized to accept service (business or public entity).

*Substituted* service means someone gives the papers to an adult where the person lives, works, or receives mail (including a private post office box, but not a U.S. Postal Service P.O. Box).

### What if the court papers do **not get served**?

The judge cannot hear your case unless the court papers were served correctly.

### Can the court serve the papers for me?

Yes. You can pay the court to mail your claim to the person you are suing. But if the person you are suing or the person’s agent for service doesn’t sign the U.S. Postal Service mail receipt with his or her complete name, or if someone else signs the receipt, you will have to serve again using personal or substituted service.

### Who can serve?

You can ask a friend, a process server, or the Sheriff. The server must be at least 18 and not listed in the case.

A “process server” is someone you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.” The Sheriff (or Marshal if your county has one) can also deliver court forms. Ask the court clerk how to contact the Sheriff. Or look in the county section of your phone book under “Sheriff.” You must pay the server, unless you qualify for a fee waiver.

### How is *personal* service done?

Ask someone who is at least 18 and not listed in this case to personally “serve” (give) a copy of your court papers to the person or the agent authorized to accept court papers for the person, business, or public entity listed on Form SC-104.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. And tell the server to:

- Walk up to the person to be served.
- Say, “These are court papers.”
- Give the person copies of all papers checked on Form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person. It doesn’t matter if the person tears them up.
- Fill out and sign page 2 of Form SC-104, *Proof of Service*.

### How is *substituted* service done?

If you don’t want to use personal service or can’t find the person to be served, ask someone who is at least 18 and not listed in this case to serve the court papers.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. Tell the server to give the papers to:

- A competent adult (at least 18) at the home of and living with the person to be served *or*
- An adult who seems to be in charge where the person to be served usually works *or*
- An adult who seems to be in charge where the person receives mail (including a private mailbox, but **not** a U.S. Postal Service P.O. Box). *Note:* This is only for cases where the physical address of the person to be served is not known.

Then do the following:

- Write down that person’s name and say, “Please give these court papers to [*name of person to be served*].” If the person does not want to give his or her name, describe the person you served.
- Give that person copies of all papers checked on Form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person.
- Mail another copy of the papers (by first-class mail) to the person being sued at the same address where you left the papers.
- Fill out and sign page 2 of Form SC-104, *Proof of Service*.

**What does the server do with the original Proof of Service form?**

If a process server or Sheriff served the papers, he or she can file Form SC-104, *Proof of Service*, with the clerk. If the server used a different *Proof of Service* form, ask him or her to list each paper served on the form. Also make sure that the registered server will file the original directly with the court and will mail you a copy of the filed form. Take it with you when you go to court.

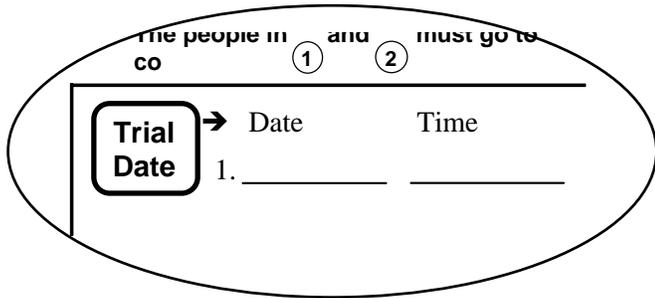
If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

You need to file the original completed *Proof of Service* form **5 days before** your trial.

**When do the court forms have to be served?**

- **If you are serving Form SC-100, Plaintiff’s Claim,** look at the trial date on page 1. Then, look at a calendar.

For *personal* service, subtract 15 days from the trial date (or 20 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.



For *substituted* service, subtract 25 days from the date the server mailed a copy of the court papers served (or 30 days if the person, business, or public entity is located outside the county). That’s the deadline for serving your small claims forms. But you can serve the forms before the deadline.

If the person, business, or public entity to be served is outside California or if you are serving a different form, ask the Small Claims Advisor for more information.

- **If you are serving Form SC-120, Defendant’s Claim,** look at the trial date on page 1. Then look at a calendar.

For *personal* or *substituted* service, subtract 5 days from the trial date. That’s the deadline for serving your small claims forms if you were served at least 11 days before the trial. If you were served 10 days or less before the trial date, you must serve at least 1 day before the trial. But you can serve the forms before the deadline.

**What if I can’t get the court papers served before the trial?**

If you were not able to serve your claim (Form SC-100 or SC-120) before the deadline for service, talk to your Small Claims Clerk. Each county has its own rules.

If you already served your claim on some parties but not everyone you are suing, you may need to fill out and file Form **SC-150, Request to Postpone Trial**, at least 10 days before the trial date (or explain why you couldn’t meet the 10-day deadline). Then give or mail a copy of this form to all other Plaintiffs and Defendants listed on your court papers.

The court may postpone your trial for 15 days or more.

**Who do I have to serve?**

If you are suing a person (or people)—not a business or public entity—serve each person you are suing. For example, if you were in a car accident and you are suing the owner and the driver of the car, you must list the names of the owner *and* the driver on your claim and serve both people.

Examples:

If the owner and driver are the same person:  
*Lee Smith, owner and driver*

If the owner and driver are not the same person:  
*Lee Smith, owner and driver*  
*Bob Smith, owner*

If you are suing a business, an association, or a public entity, read Form SC-104C, *How to Serve a Business*.



**Need help?**

Your county’s Small Claims Advisor can help for free.



Or go to “County-Specific Court Information” at: [www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

Clerk stamps date here when form is filed.

**Notice to the person being sued:**

- You are being sued by the person you are suing.
- You must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached, to understand the claim against you and to protect your rights.

**Aviso al demandado:**

- La persona que ha demandado lo está demandando a usted.
- Tiene que presentarse a la corte en la fecha de su juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte puede ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas, para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number and case name:

**Case Number:**

**Case Name:**

**Order to Go to Court**

**The people in ① and ② must go to court:** (Clerk fills out section below.)

<b>Trial Date</b>	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**Instructions for the person suing:**

- Before you fill out this form, read Form **SC-100-INFO**, *Information for the Plaintiff*, to know your rights. Get **SC-100-INFO** at any courthouse or county law library, or go to: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Plaintiff a court-stamped copy of all 3 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Case Number:

Defendant (list names): \_\_\_\_\_

**1 The Plaintiff (the person, business, or public entity that sued first) is:**

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Street address: \_\_\_\_\_

Street City State Zip

Mailing address (if different): \_\_\_\_\_

Street City State Zip

**If more than one Plaintiff, list next Plaintiff here:**

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Street address: \_\_\_\_\_

Street City State Zip

Mailing address (if different): \_\_\_\_\_

Street City State Zip

Check here if more than 2 Plaintiffs and attach Form SC-120A.

Check here if any Plaintiff is on active military duty and write his or her name here: \_\_\_\_\_

**2 The Defendant (the person, business, or public entity suing now) is:**

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Street address: \_\_\_\_\_

Street City State Zip

Mailing address (if different): \_\_\_\_\_

Street City State Zip

**If more than one Defendant, list next Defendant here:**

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Street address: \_\_\_\_\_

Street City State Zip

Mailing address (if different): \_\_\_\_\_

Street City State Zip

Check here if more than 2 Defendants and attach Form SC-120A.

Check here if either Defendant listed above is doing business under a fictitious name. If so, attach Form SC-103.

**3 The Defendant claims the Plaintiff owes \$ \_\_\_\_\_ . (Explain below):**

a. Why does the Plaintiff owe the Defendant money? \_\_\_\_\_

b. When did this happen? (Date): \_\_\_\_\_

If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) \_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-120, Item 3" at the top.



Case Number: \_\_\_\_\_

Defendant (list names): \_\_\_\_\_

4 You may ask the Plaintiff (in person, in writing, or by phone) to pay you before you sue. Have you done this?  Yes  No

5 Is your claim about an attorney-client fee dispute?  Yes  No  
If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

6 Are you suing a public entity?  Yes  No  
If yes, you must file a written claim with the public entity first.  A claim was filed on (date): \_\_\_\_\_  
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

7 Have you filed more than 12 other small claims within the last 12 months in California?  
 Yes  No If yes, the filing fee for this case will be higher.

8 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

9 If I do not have enough money to pay for filing fees or service, I can ask the court to waive those fees.

10 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: \_\_\_\_\_ Defendant types or prints name here Defendant signs here

Date: \_\_\_\_\_ Second Defendant types or prints name here Second Defendant signs here



**Requests for Accommodations**

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk’s office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



**Need help?**

Your county’s Small Claims Advisor can help for free.

\_\_\_\_\_  
\_\_\_\_\_

Or go to “County-Specific Court Information” at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)



JUDGMENT CREDITOR (the person or business who won the case) (name):

JUDGMENT DEBTOR (the person or business who lost the case and owes money) (name):

SMALL CLAIMS CASE NO.:

<p><b>NOTICE TO JUDGMENT DEBTOR: You must (1) pay the judgment or (2) appeal or (3) file a motion to vacate.</b> If you fail to pay or take one of the other two actions, you must complete and mail this form to the judgment creditor. If you do not, you may have to go to court to answer questions and may have penalties imposed on you by the court.</p>	<p><b>AVISO AL DEUDOR POR FALLO JUDICIAL: Usted debe (1) pagar el monto del fallo judicial, o (2) presentar un recurso de apelación o (3) presentar un recurso de nulidad.</b> Si usted no paga el fallo o presenta uno de estos dos recursos, deberá llenar y enviar por correo este formulario a su acreedor por fallo judicial. Si no lo hace, es posible que deba presentarse ante la corte para contestar preguntas y pagar las multas que la corte le pueda imponer.</p>
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**INSTRUCTIONS**

The small claims court has ruled that you owe money to the judgment creditor.

- You may appeal a judgment against you only on the other party's claim. You may *not* appeal a judgment against you on *your* claim.
  - If you appeared at the trial and you want to appeal, you must file a *Notice of Appeal* (form SC-140) within 30 days after the date the *Notice of Entry of Judgment* (form SC-130 or SC-200) was mailed or handed to you by the clerk.
  - If you did not appear at the trial, before you can appeal, you must first file a *Notice of Motion to Vacate Judgment and Declaration* (form SC-135) and pay the required fee within 30 days after the date the *Notice of Entry of Judgment* was mailed or handed to you. The judgment cannot be collected until the motion is decided. If your motion is denied, you then have 10 days after the date the notice of denial was mailed to file your appeal.
- Unless you **pay the judgment or appeal the judgment or file a motion to vacate**, you must fill out this form and mail it to **the person who won the case** within **30 days** after the *Notice of Entry of Judgment* was mailed or handed to you by the clerk. Mailing this completed form does not stay enforcement of the judgment.
- If you lose your appeal or motion to vacate, you must pay the judgment, including postjudgment costs and interest. As soon as the small claims court denies your motion to vacate and the denial is not appealed, or receives the dismissal of your appeal or judgment from the superior court after appeal, the judgment is no longer suspended and may be immediately enforced against you by the judgment creditor.
- Unless you have paid the judgment, complete and mail this form to the judgment creditor within **30 days** after the date the clerk mails or delivers to you (a) the denial of your motion to vacate, or (b) the dismissal of your appeal, or (c) the judgment against you on your appeal.

If you were sued as an individual, skip this box and begin with item 1 below. Otherwise, check the applicable box, attach the documents indicated, and complete item 15 on the reverse.

- (*Corporation or partnership*) Attached to this form is a statement describing the nature, value, and exact location of all assets of the corporation or the partners, and a statement showing that the person signing this form is authorized to submit this form on behalf of the corporation or partnership.
- (*Governmental agency*) Attached to this form is the statement of an authorized representative of the agency stating when the agency will pay the judgment and any reasons for its failure to do so.

**JUDGMENT DEBTOR'S STATEMENT OF ASSETS**

**EMPLOYMENT**

- What are your sources of income and occupation? (*Provide job title and name of division or office in which you work.*)
- Name and address of your business or employer (*include address of your payroll or human resources department, if different*):
  - If not employed, names and addresses of all sources of income (*specify*):
- How often are you paid?
 

<input type="checkbox"/> daily	<input type="checkbox"/> every two weeks	<input type="checkbox"/> monthly
<input type="checkbox"/> weekly	<input type="checkbox"/> twice a month	<input type="checkbox"/> other ( <i>explain</i> ):
- What is your gross pay each pay period? \$
- What is your take-home pay each pay period? \$
- If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title, and division or office (*specify*):

**CASH, BANK DEPOSITS**

7. How much money do you have in cash? . . . . . \$
8. How much other money do you have in banks, savings and loans, credit unions, and other financial institutions either in your own name or jointly (*list*):

Name and address of financial institution	Account number	Individual or joint?	Balance
a.			\$
b.			\$
c.			\$

**PROPERTY**

9. List all automobiles, other vehicles, and boats owned in your name or jointly:

Make and year	License and vehicle identification (VIN) numbers	Value	Legal owner if different from registered owner	Amount owed
a.		\$		\$
b.		\$		\$
c.		\$		\$
d.		\$		\$

10. List all real estate owned in your name or jointly:

Address of real estate	Fair market value	Amount owed
a.	\$	\$
b.	\$	\$

**OTHER PERSONAL PROPERTY (Do not list household furniture and furnishings, appliances, or clothing.)**

11. List anything of value not listed above owned in your name or jointly (*continue on attached sheet if necessary*):

Description	Value	Address where property is located
a.	\$	
b.	\$	
c.	\$	

12. Is anyone holding assets for you?  Yes.  No. If yes, describe the assets and give the name and address of the person or entity holding each asset (*specify*):

13. Have you disposed of or transferred any asset within the last 60 days?  Yes.  No. If yes, give the name and address of each person or entity who received any asset and describe each asset (*specify*):

14. If you are not able to pay the judgment in one lump sum, you may be able to make payment arrangements with the person or business who won the case (the judgment creditor). State the amount that you can pay each month: \$ \_\_\_\_\_, beginning on (*date*): \_\_\_\_\_. If you are unable to agree, you may also ask the court for permission to make installment payments by filing a **Request to Make Payments (form SC-220)**.

15. 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)

**Mail or deliver this completed form to the judgment creditor at the address shown on the Notice of Entry of Judgment form.**

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> <b>vs.</b> DEFENDANT:	
<b>AGREEMENT TO PAY AND FORFEIT BAIL IN INSTALLMENTS</b> <b>(Vehicle Code, § 40510.5)</b>	

**TO BE FILLED OUT BY A COURT CLERK**

**Read carefully and, if you agree, sign and return the form to the clerk.**

CITATION NUMBER:
CASE NUMBER:

1. I am the defendant in this case and I have been charged with the following infraction violation of the Vehicle Code that does not require me to go into court:

a. § \_\_\_\_\_ b. § \_\_\_\_\_ c. § \_\_\_\_\_ d. § \_\_\_\_\_ e. § \_\_\_\_\_

- 2. My court appearance date has not expired and I am providing proof of correction for correctable violations.
- 3. I want to pay and forfeit bail for the violation listed above, but I am not able to and I ask the court to allow me to pay in installments. I understand that the court has costs and expenses from accepting a request to pay and forfeit bail in installments and the court does not have to allow me to make installment payments.
- 4. I understand that by signing below I will be convicted today of each violation that has no proof of correction.

**5. TERMS OF THE AGREEMENT:**

The total bail (including penalties plus an administrative fee of \$ \_\_\_\_\_ to pay in installments) is \$ \_\_\_\_\_.  
 I agree to pay the total amount as follows:

\$ \_\_\_\_\_ (10 percent or more) immediately and installments of at least \$ \_\_\_\_\_ due:  
 ( ) each month, starting (date): \_\_\_\_\_ and by the \_\_\_\_\_ day of each month until paid in full.  
 ( ) Other (explain): \_\_\_\_\_

I agree that : All payments must be made by the due date and there is no grace period.  
 If I do not make a payment on time, I may have to pay the rest of my unpaid bail immediately.  
 If I do not make my payments by each due date, I will see the clerk on the next court day after the due date of the missed payment.

I understand that if I do not make the payment by each due date, I may be charged with a misdemeanor under Vehicle Code section 40508, be charged up to \$300 under Penal Code section 1214.1 or have a warrant issued for my arrest, and the court may impound my driver's license and place a hold on the license. The court also may assign my case to a collection agency or the State Franchise Tax Board for collection.

I understand that my case will continue to be open until the date that my last installment is paid. On \_\_\_\_\_, if I pay as agreed, all amounts due will be paid. At that time, if proof of correction has been filed with the clerk as required, my bail forfeiture will be complete and no further proceedings will be held in this matter.

**By signing below I declare that I have read and understand my rights printed on the reverse side, which I now choose to give up, and that I have read, understand, and accept the terms and consequences stated above.**

(SIGNATURE OF DEFENDANT)	(DATE)	(TYPE OR PRINT NAME)
(DRIVER'S LICENSE/ID NUMBER)	(EXP. DATE)	(ADDRESS)
		(CITY, STATE, AND ZIP CODE) CLERK OF THE SUPERIOR COURT
ACCEPTED (date): _____	BY: _____	(DEPUTY CLERK)

## ADVISEMENT OF RIGHTS

By choosing to pay and forfeit bail in installments and not go into court, you will be giving up these rights:

- To appear in court for formal arraignment, plea, and sentencing;
- To have a court trial and challenge the charges;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena or present witnesses and physical evidence using the power of the court at no cost to you and to testify on your own behalf;
- To confront and cross-examine all witnesses under oath testifying against you; and
- To remain silent and not testify.

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> <b>vs.</b>  DEFENDANT:	
<b>AGREEMENT TO PAY TRAFFIC VIOLATOR SCHOOL FEES IN INSTALLMENTS</b> <b>(Vehicle Code, § 42007)</b>	

**TO BE FILLED OUT BY A COURT CLERK**

**Read carefully and, if you agree, sign and return the form to the clerk.**

CITATION NUMBER:
CASE NUMBER:

1. I am the defendant in this case and I have been charged with the following infraction violation that does not require me to go into court and is eligible for dismissal for completion of traffic violator school:  
 a. § \_\_\_\_\_ b. § \_\_\_\_\_ c. § \_\_\_\_\_ d. § \_\_\_\_\_ e. § \_\_\_\_\_
2. My court appearance date has not expired and I am providing proof of correction for any correctable violations.
3. I want to pay the traffic violator school fees for the violation listed above, but I am not able to and I ask the court to allow me to pay in installments. I understand that the court has costs and expenses from accepting a request to pay the fees in installments and the court does not have to allow me to make installment payments.

**4. TERMS OF THE AGREEMENT:**

The total fee, including an administrative fee of \$\_\_\_\_\_ to pay in installments, is \$\_\_\_\_\_.

I agree to pay the total amount within 90 days as follows:

\$\_\_\_\_\_ (10 percent or more) immediately and installments of at least \$\_\_\_\_\_ due:

( ) each month, starting (date): \_\_\_\_\_ and by the \_\_\_\_\_ day of each month until paid in full.

( ) Other (explain): \_\_\_\_\_

I agree that : All payments must be made by the due date and there is no grace period.

If I do not make a payment on time, I may have to pay the rest of my unpaid fees immediately.

If I do not make my payments by each due date, I will see the clerk on the next court day after the due date of the missed payment.

I understand that if I do not make the payment by each due date, I may be charged with a misdemeanor under Vehicle Code section 40508, be charged up to \$300 under Penal Code section 1214.1 or have a warrant issued for my arrest, and the court may impound my driver's license and report convictions to the Department of Motor Vehicles. The court also may assign my case to a collection agency or the State Franchise Tax Board for collection.

I understand that my case will continue to be open until the date that my last installment is paid. On \_\_\_\_\_, if I pay as agreed and if my original certificate of completion is filed with the clerk, my eligible violations will be dismissed and no further proceedings will be held.

**By signing below I declare that I have read and understand my rights printed on the reverse side, which I now choose to give up, and that I have read, understand, and accept the terms and consequences stated above.**

(SIGNATURE OF DEFENDANT)	( DATE)	(TYPE OR PRINT NAME)
(DRIVER'S LICENSE/ID NUMBER)	(EXP. DATE)	(ADDRESS)
		(CITY, STATE, AND ZIP CODE) CLERK OF THE SUPERIOR COURT
ACCEPTED (date): _____	BY: _____ (DEPUTY CLERK)	

## **ADVISEMENT OF RIGHTS**

By choosing to pay traffic violator school fees in installments and not go into court, you will be giving up these rights:

- To appear in court for formal arraignment, plea, and sentencing;
- To have a court trial and challenge the charges;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena or present witnesses and physical evidence using the power of the court at no cost to you and to testify on your own behalf;
- To confront and cross-examine all witnesses testifying under oath against you, and
- To remain silent and not testify.