

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
San Francisco, California
October 27, 2000
8:30 a.m.–12:15 p.m.

AGENDA

- 8:30–8:35 a.m. **Approval of Minutes of August 24, 2000**
 [Minutes Tab]
- 8:35–8:45 a.m. **Judicial Council Committee Presentations**
Executive and Planning Committee
 Hon. Richard D. Huffman, Chair
Policy Coordination and Liaison Committee
 Hon. Marvin R. Baxter, Chair
Rules and Projects Committee
 Hon. Steven E. Jahr, Chair
 [Council Committee Reports Tab]

Consent Agenda (Tab Nos. 1A–4¹)

(If you wish to request that any item be moved from the Consent Agenda to the Discussion Agenda, please notify Jessica Fiske Bailey at (415) 865-7713 at least 48 hours before the meeting.)

ITEM 1 RULES, FORMS, AND STANDARDS

Item 1A Revision and Reorganization of the Rules and Standards of Judicial Administration for Criminal Cases (repeal Cal. Rules of Court, rules 516.1, 516.2, 527.9, 529.2 and Cal. Standards of Jud. Admin., §§ 8.7 and 13; renumber rules 227.3–227.7, 227.9, 228.1, 228.2, 241.2, 260, 401–490, 530, 535, 801, 840–844, 850, 895, and Cal. Standards of Jud. Admin., §§ 4. 4.1, 4.2, 10, 12, and 13S) (Action Required)

Staff: Mr. Joshua Weinstein

The Criminal Law Advisory Committee recommends revising and reorganizing rules and standards for criminal cases to make them consistent with legislative changes and easier to understand and access.

¹ Please note that there are no Items 1I, 1O, 2I, or 2O.

Item 1B **Notice of Appeal: Misdemeanor (Defendant) (approve Form CR-130) (Action Required)**

Staff: Mr. Joshua Weinstein

The Criminal Law Advisory Committee recommends approving a form that would assist litigants and attorneys.

Item 1C **Protective Order in Criminal Proceedings (CLETS) (revise Form MC-220) (Action Required)**

Staff: Mr. Joshua Weinstein

The Criminal Law Advisory Committee recommends revising a form to comply with recent statutory changes.

Item 1D **Order for Restitution and Abstract of Judgment (revise Form CR-110 and approve Form JV-790) (Action Required)**

Staff: Mr. Joshua Weinstein

The Criminal Law Advisory Committee recommends approving and revising forms to assist crime victims in collecting restitution.

Item 1E **Alternative Dispute Resolution Programs for Civil Cases (amend Cal. Rules of Court, rule 212; adopt rules 1580, 1580.1, 1580.2, 1580.3, 1590, 1590.1, 1590.2, and 1590.3; and repeal Cal. Standards of Jud. Admin., § section 32.5) (Action Required)**

Staff: Ms. Heather Anderson

The Civil and Small Claims Advisory Committee recommends rule changes to encourage courts to implement high-quality court-related ADR programs for civil cases and to ensure that civil litigants receive information about available ADR processes.

Item 1F **Fee Waiver Application and Information Forms (revise Forms 982(a)(17) and 982(a)(17)(A) and amend Gov. Code, § 68511.3(c)(2)) (Action Required)**

Staff: Ms. Cara Vonk

The Civil and Small Claims Advisory Committee recommends revising a form and seeking conforming legislation to comply with related recent statutory changes.

Item 1G **Waiver of Court Fees and Costs: Supporting Documentation (amend Cal. Rules of Court, rule 985) (Action Required)**

Staff: Ms. Cara Vonk

The Civil and Small Claims Advisory Committee recommends amending a rule to implement reasonable and uniform procedures that allow a court to verify a litigant’s financial condition.

Item 1H **Juvenile Court: Educational Rights of Children (amend Cal. Standards of Jud. Admin., §§ 24(d)(2), 24(g), and 24(h)) (Action Required)**

Staff: Ms. Beth Kassiola

The Family and Juvenile Law Advisory Committee recommends amending Standards of Judicial Administration to provide guidance to the juvenile court in considering the educational needs of children.

Item 1J **Juvenile Delinquency Cases: Rules Implementing Federal and State Requirements for Foster Care Placements (amend Cal. Rules of Court, rules 1401, 1404, 1405, 1407, 1413, 1470, 1475, 1494, and 1496 and adopt rule 1496.5) (Action Required)**

Staff: Ms. Mara Bernstein

The Family and Juvenile Law Advisory Committee recommends amending rules and adopting a rule regarding wards in foster care placements.

Item 1K **Temporary Judge in a Small Claims Case: Oral Stipulation (amend Cal. Rules of Court, rule 244 and adopt rule 1727) (Action Required)**

Staff: Ms. Cara Vonk

The Civil and Small Claims Advisory Committee recommends rule changes to better inform parties about their decision to allow a temporary judge to try their small claims case.

Item 1L **Indian Child Welfare Act Application (amend Cal. Rules of Court, rule 1439) (Action Required)**

Staff: Ms. Eryn Shomer

The Family and Juvenile Law Advisory Committee recommends amending a rule to conform to recent statutory changes.

Item 1M **Update of Guardianship Pamphlet (revise Form JV-350) (Action Required)**

Staff: Ms. Eryn Shomer

The Family and Juvenile Law Advisory Committee recommends revising a form to conform to recent statutory changes and make it more understandable, informative, and easy to complete.

Item 1N **Juvenile Dependency Rules and Forms on Review Hearings and Dependency System (amend Cal. Rules of Court, rules 1402, 1423, 1441, 1456, 1460, 1461, and 1462; revise Forms JV-055 and JV-320; adopt Form JV-225; and approve Forms JV-180, JV-210, JV-215, and JV-225) (Action Required)**

Staff: Ms. Audrey Evje

The Family and Juvenile Law Advisory Committee recommends changes to rules and forms to conform to recent statutory changes.

Item 1P

Juvenile Dependency: Appellate Rules and Forms (amend Cal. Rules of Court, rules 39, 39.1, 39.1A, and 39.1B; revise Form JV-820 (Action Required))

Staff: Ms. Audrey Evje

The Family and Juvenile Law Advisory Committee recommends changes to rules and forms to conform to recent statutory changes.

Item 1Q

Court-Connected Child Protection/Dependency Mediation: Uniform Standards of Practice (adopt Cal. Standards of Jud. Admin., § 24.6) (Action Required)

Staff: Ms. Mara Bernstein

The Family and Juvenile Law Advisory Committee recommends adopting guidelines for local courts to use in establishing or managing dependency mediation programs.

Item 1R

Family and Juvenile Law Cross-Over Rule and Forms: Order Determining Custody, Juvenile Custody Form, Application and Order for Appointment of Guardian Ad Litem of Minor (amend Cal. Rules of Court, rule 1457; revise and renumber Form 1296.50); and revise Form JV-200 (Action Required)

Staff: Ms. Regina Deihl

The Family and Juvenile Law Advisory Committee recommends changes to a rule and forms to conform to recent statutory changes and to enable forms to be used in both family and juvenile law courts.

Item 1S

Juvenile Hearings: Persons Present (amend Cal. Rules of Court, rule 1410) (Action Required)

Staff: Mr. John Sweeney

The Family and Juvenile Law Advisory Committee recommends amending a rule to conform with recent statutory changes regarding attendance of the public at juvenile court hearings.

Item 1T **Family Law Rule and Forms for Processing Child Support Cases (adopt Cal. Rules of Court, rule 1280.15; adopt Forms 1296.87, 1296.88, 1296.89, 1292.17, and revise Form 1296.91) (Action Required)**

Staff: Mr. George Nielsen

The Family and Juvenile Law Advisory Committee recommends adopting a rule and forms and revising a form to conform to recent statutory changes and to improve proceedings involving families.

Item 1U **Processing Child Support Cases: New and Amended Rules and New Family Law Form (amend Cal. Rules of Court, rule 1280.4 and adopt rule 1280.12, 1280.13, and 1280.14; approve Form 1299.77) (Action Required)**

Staff: Mr. George Nielsen

The Family and Juvenile Law Advisory Committee recommends amending and adopting rules and forms to provide uniformity in handling Title IV-D child support cases.

Item 1V **Miscellaneous Family Law Rules and Forms (amend Cal. Rules of Court, rules 1216 and 1253; adopt rule 1278; repeal 1224 and 1228; and revoke Form 1284) (Action Required)**

Staff: Mr. Michael Fischer

The Family and Juvenile Law Advisory Committee recommends revising forms to conform to recent statutory changes and improve clarity and procedure.

Item 1W **Mandatory Statewide Traffic Form (new Form TR-140) (Action Required)**

Staff: Mr. Courtney Tucker

The Traffic Advisory Committee recommends adopting a standard notice to correct violation form that would be used by the California Highway Patrol and other police agencies.

Item 1X

Limitations on the Filing of Papers (amend Cal. Rules of Court, rule 201.5) (Action Required)

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends amending a rule to reflect changes in form names and spelling conventions.

Item 1Y

Repeal of Municipal Court Rules in Light of Trial Court Unification (adopt Cal. Rules of Court, rules 200 and 222.1; amend rules 201, 209, and 298; and repeal rules 299, 501–598, and 709) (Action Required)

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends revising rules to reflect unification of most trial courts.

Item 1Z

Complaint and Cross-Complaint Forms: Revision to Reflect Trial Court Unification (revise Forms 982.1(1) and 982.1(14)) (Action Required)

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends revising forms to conform to recent statutory changes.

ITEM 2

RULES, FORMS, AND STANDARDS CONT'D

Item 2A

Change of Name (adopt Forms NC-100, NC-110, NC-110G, NC-120, NC-121, NC-130, and NC-130G) (Action Required)

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends adopting statewide uniform forms for changing names.

Item 2B

Application and Order for Appointment of Guardian Ad Litem—Civil (new Form 982(a)(27)) (Action Required)

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends adopting a statewide uniform form for applying for the appointment of a guardian ad litem in civil cases.

Item 2C

Probate Rules on Pleadings, Trusts, Guardianships, and Conservatorships (adopt Cal. Rules of Court, rules 7.101, 7.102, 7.901, 7.1001, 7.1002, 7.1050, and 7.1051 and amend rule 7.201) (Action Required)

Staff: Mr. Patrick O'Donnell

The Probate and Mental Health Task Force recommends amending a rule and adopting statewide uniform rules on pleadings, trustee's accounts, guardianships, and conservatorships.

Item 2D

Guardianship and Conservatorship Forms (adopt Forms GC-212, GC-248, GC-314, and DE-147S and revise Forms GC-205, GC-312, GC-348, and DE-147) (Action Required)

Staff: Mr. Patrick O'Donnell

The Probate and Mental Health Task Force recommends adopting and revising forms to improve the handling of guardianships and conservatorships including providing probate guardians with specific information about their responsibilities to minors in their care.

Item 2E

Elder and Dependent Abuse Forms (revise Forms EA-100, EA-110, EA-120, EA-130, EA-140, and EA-141; adopt Form EA-125) (Action Required)

Staff: Mr. Patrick O'Donnell

The Probate and Mental Health Task Force recommends revising the forms previously developed in response to legislation regarding obtaining protective orders in cases involving elder or dependent abuse.

Item 2F

Superior Court Records Preservation and Sampling Program (amend and renumber Cal. Rules of Court, rules 243.5, 243.6, and 999; revise Forms 982.8(A), 982.8(1), and 982.8(2); and repeal rules 982.8 and 982.8(A)) (Action Required)

Staff: Ms. Diane Eisenberg

The Trial Court Presiding Judges and Court Executives Advisory Committees recommend changes to rules regarding the preservation and sampling of superior court records to reflect the elimination of municipal courts in most counties.

Item 2G

Interim Allocation of Trial Court Budgets (amend Cal. Rules of Court, rule 6.101) (Action Required)

Staff: Ms. Diane Eisenberg

The Trial Court Presiding Judges and Court Executives Advisory Committees recommend amending a rule to allow the Administrative Director of the Courts to allocate a portion of each trial court's budget on an interim basis during the period of time after the State Budget has been approved but before the Judicial Council has acted to allocate state trial court funding.

Item 2H

Court Appointed Special Advocate (amend Cal. Rules of Court, rule 1424) (Action Required)

Staff: Ms. Diane Nunn
Ms. Stephanie Leonard

The Family and Juvenile Advisory Committee recommends revising forms and adopting a new form to conform to recent statutory changes.

Item 2J

General Family Law Forms (revise Forms 1283 and 1286.75; and approve Form 1285.89) (Action Required)

Staff: Ms. Bonnie Hough

The Family and Juvenile Law Advisory Committee recommends revising forms and adopting a form to provide clarity, improve procedure, or bring forms into compliance with recent statutory changes.

Item 3 **Report on Coordination Implementation in the Trial Courts (Action Required)**

Staff: Ms. Lesley Duncan

The Trial Court Coordination Advisory Committee submits its final report evaluating trial court coordination implementation and recommends that the committee be retired since all eligible courts have unified.

Item 4 **Language Need and Interpreter Use Study (Action Required)**

Staff: Ms. Penelope Davis

The Court Interpreters Program recommends adoption of the 2000 study on spoken language need and interpreter use as required by law, designation of additional languages, and delegation of authority to the Administrative Director of the Courts to designate future languages.

Discussion Agenda (Tab Nos. 5–12)

Item 5
8:45–8:55 a.m. **Juvenile Dependency: 90-Day Progress Reviews; Special Cases (adopt Cal. Rules of Court, rule 1468) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends a new rule encouraging courts to set 90-day progress reviews in juvenile dependency cases in certain circumstances.

Presentation (5 minutes)

Speakers: Mr. Christopher Wu
 Ms. Diane Nunn

Discussion/Council Action (5 minutes)

Item 6
8:55–9:10 a.m.

Domestic Violence and Family Law Support Forms (revise Forms DV-100, DV-110, DV-120, DV-130, DV-140, DV-150, 1281, 1282, 1296.60, 1296.80, 1296.81, MC-150, 1296.31B, 1296.31C, and GC-210) (Action Required)

The Family and Juvenile Law Advisory Committee recommends revising forms to conform to recent statutory changes regarding firearm relinquishment and recording of prohibited communications.

Presentation (5 minutes)

Speakers: Ms. Tamara Abrams
Ms. Diane Nunn

Discussion/Council Action (10 minutes)

Item 7
9:10–9:25 a.m.

Requesting Psychotropic Medication of Juveniles (adopt Cal. Rules of Court, rule 1432.5 and Form JV-220) (Action Required)

The Family and Juvenile Law Advisory Committee recommends adopting a new rule and form to conform with recent statutory changes regarding orders concerning dependent children and psychotropic medication.

Presentation (5 minutes)

Speakers: Mr. John Sweeney
Ms. Diane Nunn

Discussion/Council Action (10 minutes)

Item 8
9:25–9:40 a.m.

Implementation of Proposition 21 and Senate Bill 334 (amend Cal. Rules of Court, rules 1430, 1431, 1470, 1480, and 1483; revise Form JV-710; and adopt Forms JV-615, JV-635, JV-750, and JV-751) (Action Required)

The Criminal Law and Family and Juvenile Law Advisory Committees recommend changes to rules and forms to implement Proposition 21, the “juvenile crime initiative” and recent statutory changes in the administration of justice in delinquency cases.

Presentation (10 minutes)

Speakers: Ms. Diane Nunn
Mr. Joshua Weinstein
Ms. Audrey Evje

Discussion/Council Action (5 minutes)

Item 9
9:40–10:10 a.m.

Appellate and Trial Court Rules: Sealed Records (adopt Cal. Rules of Court, rules 12.5, 243.1, 243.2, 243.3, and 243.4; amend rule 56; and repeal rules 855 and 859) (Action Required)

The Appellate, Civil and Small Claims, and Criminal Law Advisory Committees recommend the adoption of trial and appellate rules on sealed records.

Presentation (20 minutes)

Speakers: Mr. Michael Bergeisen
Mr. Patrick O'Donnell
Mr. Ben McClinton

Discussion/Council Action (10 minutes)

10:10–10:25 a.m.

Break

Item 10
10:25–10:45 a.m.

Judgeship Request for Fiscal Year 2001–2002 (Action Required)

AOC staff recommends the creation of 30 trial court judgeships and 5 appellate court judicial positions.

Presentation (10 minutes)

Speaker: Ms. Dale Sipes
Ms. Marcia Taylor
Mr. Fred Miller
Mr. John Larson
Mr. Chris Belloli

Discussion/Council Action (10 minutes)

Item 11
10:45–11:30 a.m.

Subordinate Judicial Officer Report (No Action Required)

AOC staff present a report for discussion regarding the appropriate role of subordinate judicial officers in the courts.

Presentation (15 minutes)

Speakers: Mr. Fred Miller
Ms. Sonya Smith

Discussion (30 minutes)

Item 12
11:30–12:15 p.m.

Maintenance of and Public Access to Budget and Management Information; Council Budget Meetings (adopt Cal. Rules of Court, rule 6.702) (Action Required)

AOC staff recommends adopting a rule that would ensure reasonable public access to budget allocation and expenditure information at the state and local level as required by recent enacted legislation.

Presentation (15 minutes)

Speakers: Justice James A. Ardaiz
Mr. Ronald Overholt
Mr. Ray LeBov
Mr. Michael Fischer

Discussion/Council Action (30 minutes)

Circulating Orders Approved Since Last Business Meeting
[Circulating Orders Tab]

Judicial Council Appointment Orders Since Last Business Meeting
[Appointment Order Tab]