



JUDICIAL COUNCIL MEETINGS

Open to the Public Unless Indicated To Be Closed (Cal. Rules of Court, rule 10.6(a))
Ronald M. George State Office Complex • Malcolm M. Lucas Board Room
455 Golden Gate Avenue • San Francisco, California 94102-3688
Thursday, October 27, 2011 • 10:30 a.m.–5:30 p.m.
Friday, October 28, 2011 • 8:30 a.m.–1:55 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by the Judicial Council Secretariat. Please check the agenda at <http://www.courts.ca.gov/jcmeetings.htm> for recent postings of hyperlinked reports.

THURSDAY, OCTOBER 27, 2011 AGENDA

CLOSED SESSION (RULE 10.6(B))—PLANNING AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

10:30 a.m.–12:30 p.m.

Lunch 12:30–1:30 p.m.

OPEN MEETING (RULE 10.6(A))—EDUCATIONAL MEETING

Item 1 1:45–5:00 p.m.

[California Court Case Management System \(CCMS\): Deployment Alternatives \(No Action Required on October 27; Action Required on October 28\)](#)

The CCMS Executive Committee and the CCMS Internal Committee chairs will review options for moving forward with CCMS within the budget constraints that the Judicial Council decided at its July 22, 2011, meeting. The educational presentation on Thursday, October 27, will include a project update, a discussion of the independent reviews presented at the September 9, 2011, meeting, and details of alternative deployment strategies, including potential grant funding. The CCMS Executive Committee and the CCMS Internal Committee recommend that the Judicial

NOTE: Time is estimated. Actual start and end times may vary.

Council, as executive sponsor of CCMS, approve deployment of CCMS to at least two early adopter courts. The business meeting on Friday, October 28, provides the opportunity for the Judicial Council to set the direction for the current fiscal year within the funding limitations decided by the council at the July 22, 2011, meeting. That direction may include approval of a collaborative approach for early adopter deployment, including approval of a letter of intent concerning grant funding opportunities.

Public Comment & Presentation (120 minutes) • Discussion/Council Action (60 minutes)

Speakers: Hon. Terence L. Bruiniers, Chair, CCMS Executive Committee

Hon. James E. Herman, Chair, CCMS Internal Committee

Mr. Paul D. Byrnes, Principal and Chief Technology Officer, Integrated System Diagnostics, Inc.

Ms. Donna Crull, Director of Process Improvement, K3 Solutions

Mr. Ronald G. Overholt, Interim Administrative Director of the Courts

Mr. Mark A. Moore, Executive Director, CCMS Program Management Office

Break **3:30–3:45 p.m. (approx.)**

**CLOSED SESSION (RULE 10.6(B))—PLANNING AND DISCUSSION
PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE**

5:00 p.m.–5:30 p.m.

FRIDAY, OCTOBER 28, 2011 AGENDA—BUSINESS MEETING

8:30–8:35 a.m. Swearing in of New Council Members
The Chief Justice will administer the oath of office to new council members.

8:35–9:05 a.m. Public Comment

[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]

Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak at this meeting. If you are requesting the opportunity to comment at the meeting, please e-mail your request to judicialcouncil@jud.ca.gov or mail or deliver your request to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. A request must pertain to a matter affecting judicial administration or an item on the business agenda and be received by **4 p.m., Wednesday, October 26, 2011**. In the request, please state:

- The speaker's name, occupation, and (if applicable) name of the entity that the speaker represents;
- The speaker's email address, telephone number, and mailing address; and
- The agenda item on which the speaker wishes to comment. If the requestor wants to speak on a matter generally affecting judicial administration, state the nature of the comment in a few sentences

Time is reserved for public comment about consent agenda items or matters generally affecting the administration of justice at the beginning of the meeting. Time is reserved for public comment about discussion agenda items at the beginning of the presentation on each item. The amount of time allocated to each speaker will be no more than 5 minutes, the specific time allocation to be determined based upon the number of speakers and available time.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

Written Comments Received

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to judicialcouncil@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. Only written comments received by **1 p.m. on Thursday, October 27, 2011**, will be distributed to council members at the meeting.

- 9:05–9:10 a.m.** [Approval of Minutes](#)
Minutes of the July 22 and September 9, 2011, business meetings
- 9:10–9:25 a.m.** **Chief Justice’s Report**
Chief Justice Tani Cantil-Sakauye will report.
- 9:25–9:40 a.m.** [Interim Administrative Director’s Report](#)
Mr. Ronald G. Overholt, Interim Administrative Director of the Courts, will report.
- 9:40–9:55 a.m.** [Judicial Council Committee Presentations](#)
[under Committee Reports Tab]
Policy Coordination and Liaison Committee
 Hon. Marvin R. Baxter, Chair
Executive and Planning Committee
 Hon. Douglas P. Miller, Chair
Rules and Projects Committee
 Hon. Harry E. Hull, Jr., Chair
California Court Case Management System (CCMS) Internal Committee
 Hon. James E. Herman, Chair

CONSENT AGENDA (ITEMS A1–A27, B–F)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.

ITEMS A1–A27 RULES, FORMS, AND STANDARDS

Appellate

Item A1 Appellate Procedure: Filing Fees (Action Required)

To implement recently enacted urgency legislation, the Administrative Presiding Justices Advisory Committee and the Appellate Advisory Committee recommend amending the appellate rules relating to filing documents and fee waivers and revising the information sheets concerning civil appeals and appellate fee waivers. These rules and form changes are necessary to reflect the new fees enacted by the Legislature for the first document filed by a party other than the appellant or petitioner in civil matters before the Supreme Court or Court of Appeal. Because the new fees went into effect on August 30, 2011, the advisory committees recommend that these implementing rule and form changes be adopted effective immediately and be circulated for public comment after their adoption.

Hon. Tani Cantil-Sakauye, Chair, Administrative Presiding Justices Advisory Committee

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

Staff: Ms. Heather Anderson, Office of the General Counsel

Civil and Small Claims

Item A2 Alternative Dispute Resolution: Judicial Arbitration (Action Required)

The Civil and Small Claims Advisory Committee recommends amending the rules and a form relating to the judicial arbitration program to reflect statutory changes that increase the time within which a party may request a trial *de novo* and provide that filing of a request for dismissal before expiration of this time period will prevent entry of the arbitration award as the judgment in the case. This would conform the rules and form to statutory changes that will take effect on January 1, 2012.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Ms. Heather Anderson, Office of the General Counsel

Item A3 Civil Discovery: Subpoena Forms for the Discovery and Production of Electronically Stored Information (Action Required)

The Civil and Small Claims Advisory Committee recommends that four civil subpoena forms be revised so that they can be used more effectively to request the production of electronically stored information in discovery and at hearings and trials. The revision of the forms implements recent legislation on the discovery of electronically stored information.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Mr. Patrick O'Donnell, Office of the General Counsel

Item A4 Civil Forms: Revision of Wage Garnishment Forms to Reflect Priority for Elder and Dependent Adult Financial Abuse Claims (Action Required)

The Civil and Small Claims Advisory Committee recommends that several of the wage garnishment forms be revised and a new wage garnishment order adopted in order to implement Assembly Bill No. 2619 (Block, 2010) (AB 2619), which provides that a wage garnishment order based on a judgment for elder or dependent adult financial abuse shall be given priority over other general wage garnishment orders, behind withholding orders for support or for taxes. In addition, while revising the forms to reflect this new priority, the committee recommends that the wage garnishment forms containing items for Social Security numbers, required by statute in the application and order forms, also be revised to remove the numbers from these forms and provide that, if known, the numbers be placed on a separate document that will be kept confidential if filed with the court.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Ms. Anne Ronan, Office of the General Counsel

Item A5 Civil Forms: Writ of Execution (Action Required)

The Civil and Small Claims Advisory Committee recommends revising the Writ of Execution (form EJ-130) to add information concerning the type of legal entity of the judgment debtor, if other than a natural person, and a statement indicating whether the case is a limited or an unlimited civil action. These additional items of information are required to be on the form by Assembly Bill 2394.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Ms. Anne Ronan, Office of the General Counsel

Item A6 Civil Procedure: Rule and Forms for Expedited Hearings on Petitions for Relief From Financial Obligations During Active Military Service (Action Required)

The Civil and Small Claims Advisory Committee recommends a new rule and new forms to assist servicemembers in filing and courts in handling petitions for the special relief from financial obligations provided to servicemembers called to active duty. California law provides that when members of the National Guard or the United States military reserves are called to active military service, they may seek relief from financial obligations during their time in service and up to six months after their return. (Mil. & Vet. Code, § 400 et seq.) The law was recently amended to provide that petitions for such relief must be heard within 25 days of filing. (Assem. Bill 2365 [Lieu]; Stats. 2010, ch. 385.)

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Ms. Anne Ronan, Office of the General Counsel

Item A7 Protective Orders: Forms For Use in Proceedings to Prevent Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence (Action Required)

The Civil and Small Claims Advisory Committee recommends the Judicial Council revise, revise and renumber, adopt, and revoke various forms used in proceedings to prevent civil harassment, private postsecondary school violence, workplace violence, and elder and dependent adult abuse. The revision and adoption of these forms implement Assembly Bill 1596 (Stats. 2010, ch. 572), the Judicial Council–sponsored legislation to improve and harmonize all the protective order statutes that will become effective on January 1, 2012. The proposed form changes should make the protective order forms clearer and more consistent with one another; hence, the changes should make it easier for the public and the courts to use the forms and for law enforcement to enforce the protective orders that are granted.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Mr. Bruce Greenlee, Office of the General Counsel

Mr. Patrick O'Donnell, Office of the General Counsel

Item A8 Protective Orders: Rule Changes to Reflect and Implement Recent Legislation (Action Required)

The Civil and Small Claims Advisory Committee recommends the amendment of rule 2.503 of California Rules of Court to add records in private postsecondary school violence prevention proceedings to the list of similar types of cases whose records are available electronically only at the courthouse. The committee also recommends that the amendment of rule 3.1152 to make the procedures for requesting protective orders to prevent civil harassment, workplace violence, private postsecondary school violence, and elder or dependent adult abuse similar to the procedures for requesting orders to prevent domestic violence. The committee recommends the repeal of rule 3.1153 because recent legislation clarifies the matters addressed in that rule.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Mr. Patrick O'Donnell, Office of the General Counsel

Item A9 Small Claims: Technical Revisions to Forms SC-100 and SC-100-INFO to Conform to Statutory Amendments (Action Required)

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise forms SC-100 and SC-100-INFO, effective January 1, 2012, to accurately state the increased jurisdictional limit of the small claims court in actions brought by a natural person. The revisions would also update several references on the form to the California Courts website.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Mr. Alan Wiener, Office of the General Counsel

Item A10 Unlawful Detainer: Answer to Unlawful Detainer Complaints (Action Required)

The Civil and Small Claims Advisory Committee recommends revising Answer—Unlawful Detainer (form UD-105) to add a new affirmative defense established by the Legislature in 2010 in unlawful detainer actions for victims of domestic violence, sexual assault, or stalking. This revision is necessary to respond to a legislative mandate that the Judicial Council shall, on or before January 1, 2012, create a new form or revise an existing form to enable parties to assert the new affirmative defense. (Code Civ. Proc., §1161.3(e).)

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Ms. Anne Ronan, Office of the General Counsel

Criminal Law

Item A11 Criminal Procedure: Abstract of Judgment Forms (Action Required)

The Criminal Law Advisory Committee recommends that the Judicial Council approve revisions to the abstract of judgment forms (forms CR-290, CR-290.1, and CR-292) in order

to reduce confusion among inmates, reflect recent amendments to a local custody credit statute, and enhance the sentencing information contained in the forms.

Hon. Steven Z. Perren, Chair, Criminal Law Advisory Committee

Staff: Mr. Arturo Castro, Office of the General Counsel

Item A12 Criminal Procedure: Petitions for Writs of Habeas Corpus (Action Required)

The Criminal Law Advisory Committee recommends that the Judicial Council approve amendments to rules 4.552 and 8.385 of the California Rules of Court to clarify that certain transfers and denials of petitions for writs of habeas corpus are preferred but not required. The committee proposed the amendments in response to recent case law that invalidated rule 8.385(c)(2).

Hon. Steven Z. Perren, Chair, Criminal Law Advisory Committee

Staff: Mr. Arturo Castro, Office of the General Counsel

Item A13 Criminal Procedure: Postrelease Community Supervision Revocation Procedure (Action Required)

The Criminal Law Advisory Committee recommends adoption of two rules and a mandatory form to facilitate postrelease community supervision revocation procedure under recently enacted criminal justice realignment legislation.

Hon. Steven Z. Perren, Chair, Criminal Law Advisory Committee

Staff: Mr. Arturo Castro, Office of the General Counsel

Family and Juvenile Law

Item A14 Child Support: Revise Income Withholding for Support and Related Instructions (Action Required)

The Family and Juvenile Law Advisory Committee recommends revising Income Withholding for Support (form FL-195/OMB No. 0970-0154) and Income Withholding for Support-Instructions (form FL-196/OMB No. 0970-0154) to comply with Family Code section 5208 and federal law.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Anna Maves, Center for Families, Children, and the Courts

Item A15 Children's Participation and Testimony in Family Court Proceedings (Action Required)

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend that the Judicial Council adopt new rule 5.250 to comply with the legislative mandate of Assembly Bill 1050 (Stats. 2010, ch. 187), which requires the Judicial

Council to promulgate a rule of court to establish procedures for the examination of a child witness in family law proceedings under amended Family Code section 3042.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Hon. Laurie D. Zelon, Chair, Elkins Family Law Implementation Task Force

Staff: Ms. Julia Weber, Center for Families, Children, and the Courts

Item A16 Domestic Violence: Forms and Rule for use in Domestic Violence Prevention Act cases (Action Required)

The Family and Juvenile Law Advisory Committee recommends adopting, revising, or revoking certain forms used in Domestic Violence Prevention Act (DVPA) cases and adopting rule 5.381 of the California Rules of Court regarding modification of child custody and visitation orders in DVPA cases. The rule and forms would implement recently enacted legislation and coordinate the DVPA forms with the other civil restraining order forms to enhance consistency and reduce confusion.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Tamara Abrams, Center for Families, Children, and the Courts

Item A17 Domestic Violence-Family Law: Stipulated Judgment of Parentage in Domestic Violence Prevention Act Cases (Action Required)

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend adopting a new form and rule of court to allow parties to stipulate to parentage in a Domestic Violence Prevention Act case. The new form and rule implement Family Code section 6323(b)(2), which was amended effective January 1, 2011.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Hon. Laurie D. Zelon, Chair, Elkins Family Law Implementation Task Force

Staff: Ms. Tamara Abrams, Center for Families, Children, and the Courts

Item A18 Family Law: Attorney Fees and Costs (Action Required)

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend that the Judicial Council adopt a new rule of court, approve four new Judicial Council forms, and revise one form previously adopted for use in family law proceedings. The new and revised forms are necessary to comply with legislative mandates in Assembly Bill 939 (Stats. 2010, ch. 352) and to clarify legal requirements with respect to requesting and awarding attorney's fees based on financial need in family law

proceedings. The new rule is also mandated by AB 939 and sets out the steps for requesting and awarding needs-based fees.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Hon. Laurie D. Zelon, Chair, Elkins Family Law Implementation Task Force

Staff: Ms. Melissa Ardaiz, Center for Families, Children, and the Courts

Item A19 Family Law: Child Custody Information Sheets (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve form FL-313-INFO and revise form FL-314-INFO to reflect changes in Family Code section 3183(a). The amended code states that if a child custody mediator is authorized to submit a recommendation to the court, the process must be referred to as “child custody recommending counseling” and the mediator who makes those recommendations must be referred to as a “child custody recommending counselor,” effective January 1, 2012. The new form would allow the courts to inform the public about the particular child custody services ordered, whether providing confidential mediation or making a recommendation regarding child custody and parenting time (visitation) after mediation.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Julia Weber, Center for Families, Children, and the Courts

Item A20 Family Law: Counsel Appointed to Represent a Child in Family Law Proceeding (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending rule 5.242 of the California Rules of Court and revising form FL-323 to reflect amendments made to Family Code section 3151, which were enacted by Assembly Bill 939 and effective on January 1, 2011, regarding the responsibilities of counsel appointed in family law cases to represent a child. The committee also recommends approving new form FL-321-INFO to provide information and ensure the consistent provision of information statewide about minor’s counsel.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Gabrielle Selden, Center for Families, Children, and the Courts

Item A21 Family Law: Family Centered Case Resolution (Action Required)

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend that the Judicial Council adopt rule 5.83 of the

California Rules of Court including the framework for a family centered caseflow resolution process to be implemented by January 1, 2013, and suggested dispositional goals that apply to cases filed on or after January 1, 2014. The rule implements changes to Family Code sections 2450–2451 made by Assembly Bill 939 (Assembly Committee on Judiciary; Stats. 2010, ch. 352), which allow judges discretion to implement a family centered case resolution case management plan without the need for a stipulation from the parties and which also require the council to adopt a rule of court implementing family centered case resolution by January 1, 2012. The task force and the committee also recommend that the Judicial Council approve two optional forms that provide the court with additional tools to implement family centered case resolution.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Hon. Laurie D. Zelon, Chair, Elkins Family Law Implementation Task Force

Staff: Ms. Deborah Chase, Center for Families, Children, and the Courts

Item A22 Family Law: Forms for Postjudgment Address Verification and Governmental Motions for Modifying or Enforcing Child Support (Action Required)

To implement changes to the California Family Code section 215 made by Assembly Bill 939 (Assembly Committee on Judiciary; Stats. 2010, ch. 352), the Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise its family law proof of service by mail form and governmental child support forms that have a proof of service as part of the form, adopt a stand alone governmental proof of service by mail form, and approve a declaration regarding address verification. These statutory changes allow a party to serve the other party by mail with a postjudgment motion to modify a child custody, visitation, or child support judgment or permanent order. These changes also provide that the proof of service must include an address verification for any party served by mail.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Anna Maves, Center for Families, Children, and the Courts

Ms. Gabrielle Selden, Center for Families, Children, and the Courts

Item A23 Juvenile Law: Appearance by Incarcerated Parents and Other Parties in Juvenile Court Proceedings (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend rule 5.530, adopt rule 5.531, revise form JV-450, and adopt form JV-451 to facilitate the appearance of incarcerated parents in juvenile court proceedings as authorized by law and to guide courts in establishing local procedures to govern any authorized appearance by telephone in a juvenile court proceeding. These actions would implement recently enacted

requirements in Welfare and Institutions Code section 388(e), as added in 2010 by Assembly Bill 12 (Stats. 2010, ch. 559), and Penal Code section 2625, which was amended by Senate Bill 962 (Stats. 2010, ch. 482). Both pieces of legislation require procedures to facilitate the appearance by telephone of specific parties—respectively, nonminor former dependents or delinquents and incarcerated parents—in juvenile court proceedings.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Audrey Fancy, Center for Families, Children, and the Courts

Mr. Corby Sturges, Center for Families, Children, and the Courts

Item A24 Juvenile Law: Extending Juvenile Court Jurisdiction to Nonminor Foster Youth (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending two rules, adopting six rules and five forms, approving five forms, and revising one form to implement those provisions of Assembly Bill 12 (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success Act, as amended in the current legislative session by Assembly Bill 212 (Beall; Stats. 2011, ch. 459), related to the extension of juvenile court jurisdiction and foster care services to dependents and wards up to 21 years of age.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Aleta Beaupied, Center for Families, Children, and the Courts

Item A25 Juvenile Law: Juvenile Delinquency Forms—Proposed Revisions and New Forms (Action Required)

The Family and Juvenile Law Advisory Committee recommends that rule 5.504 of the California Rules of Court be amended to grant courts an extra five years to produce modified versions of mandatory juvenile court order forms. The committee also recommends the creation of 8 new Judicial Council forms and the revision of 15 other forms for juvenile delinquency proceedings. Many of the recommendations are required because of changes in state law that have expanded the number of issues a court must consider when exercising its oversight of children and families under its jurisdiction. Other changes respond to suggestions that the Family and Juvenile Law Advisory Committee has received from the courts and their justice partners to make the forms easier to use and more comprehensive, as well as to serve the needs of courts that use electronic versions of the forms. Finally, to relieve the financial burden on local courts, the committee recommends that all but one of the delinquency forms for court orders be revised to be optional rather than mandatory.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Carrie Zoller, Center for Families, Children, and the Courts

Item A26 Juvenile Law: Qualifications for Experts Evaluating Child's Competency to Participate in Juvenile Proceedings (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending rule 5.645(d) of the California Rules of Court to meet the requirement in Welfare and Institutions Code section 709 (added by Assem. Bill 2212; Stats. 2010, ch. 671, § 1) that the Judicial Council develop and adopt rules regarding the qualifications of experts who evaluate children when the court or child's counsel raises the issue of the child's competency in any juvenile delinquency proceeding.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Mr. Sidney Hollar, Center for Families, Children, and the Courts

Mr. Christopher Wu, Center for Families, Children, and the Courts

Item A27 Juvenile Law: Restraining Orders (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending rule 5.360 of the California Rules of Court and amending and adopting forms used to obtain and issue restraining orders in juvenile court cases. The recommended changes would harmonize and coordinate the juvenile forms with proposed revisions to the Domestic Violence Prevention Act (DV), Civil Harassment (CH), Elder Abuse (EA), Private Postsecondary School Violence (SV), and Workplace Violence (WV) forms. The recommended changes would also implement Assembly Bill 1596 (Stats. 2010, ch. 572), which amends, effective January 1, 2012, Welfare and Institutions Code section 213.5.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Kerry Doyle, Center for Families, Children, and the Courts

Item B Adoption and Permanency Month: Judicial Council Resolution (Action Required)

The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. The council can once again actively recognize National Adoption Month in California's courts by issuing this proclamation to encourage courts and local communities to take special measures to address the issues of adoption and permanency, including family reunification, in their counties. Annual recognition of November as Court Adoption and Permanency Month reinforces the Judicial Council's commitment to finding permanent homes for children.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Mr. Christopher Wu, Center for Families, Children, and the Courts

Item C Budget: Court Appointed Special Advocate (CASA) Grant Funding Allocations for Fiscal Year 2011–2012 (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve CASA grant funding levels for fiscal year 2011–2012. The recommended funding levels would maintain current programs at a reduced level, award implementation funding for new start-up programs, allocate prorated development grant funds for one program, and reserve funds for technical assistance.

Hon. Kimberly Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Staff: Ms. Lora Collier-Chan, Center for Families, Children, and the Courts

Mr. Christopher Wu, Center for Families, Children, and the Courts

Item D Collaborative Justice Project: Substance Abuse Focus Grant Funding Allocation Recommendations for Fiscal Year 2011-2012 (Action Required)

The Collaborative Justice Courts Advisory Committee recommends funding allocations for Collaborative Justice Project Substance Abuse Focus Grants through the California Collaborative and Drug Court Projects as referenced in the Budget Act of 2011 (Stats. 2011, ch. 33, § 45.55.020, item 0250-101-0001). Grant funding levels are determined annually based on a distribution method approved by the Judicial Council in 2005. This report outlines recommendations regarding funding distribution for 48 applicant courts for fiscal year 2011-2012 effective upon the passage of the State Budget. These grants will be used by the courts to expand or enhance collaborative justice programs throughout the state.

Hon. Richard Vlavianos, Chair, Collaborative Justice Courts Advisory Committee

Staff: Ms. Carrie Zoller, Center for Families, Children, and the Courts

Item E Judicial Branch Administration: Audit Reports for Judicial Council Acceptance (Action Required)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) and the Administrative Office of the Courts recommend that the Judicial Council accept the three audit reports that pertain to the Superior Courts of Alpine, El Dorado, and Napa Counties. This complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports, prior to their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Staff: Mr. John Judnick, Finance

Item F Trial Court Budget: Allocation of Security Related Funding (Action Required)

The Trial Court Budget Working Group recommends approving an ongoing allocation of \$4.828 million for court operations resulting from increased fee/assessment revenue that became available for allocation in fiscal year (FY) 2011–2012. Of the \$484.6 million transferred from the courts' Trial Court Trust Fund base allocation to the county sheriffs at the beginning of the current year, \$4.828 million was not in courts' base allocation because it was not yet available for allocation to the courts. The recommended allocation will make whole the courts' respective budgets.

Staff: Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division
Mr. Steven Chang, Manager, Finance Division

DISCUSSION AGENDA (ITEMS G–N)

Item G 9:55 a.m. –10:05 a.m.

Judicial Council Distinguished Service Awards for 2011 (Action Required)

The chairs of three Judicial Council internal committees recommend that the council approve the winners of the annual Distinguished Service Awards for significant and positive contributions to court administration in California. The Ronald M. George Award for Judicial Excellence honors members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice statewide. The William C. Vickrey Leadership in Judicial Administration Award honors individuals in judicial administration for significant statewide contributions to and leadership in their profession. The Bernard E. Witkin Amicus Curiae Award honors individuals other than members of the judiciary for their outstanding contributions to the courts of California. The Stanley Mosk Defender of Justice Award honors individuals from federal, state, and local government for significant contributions to advancing equal access to fair and consistent justice in California.

Public Comment & Presentation (5 minutes) • Discussion/Council Action (5 minutes)

Speaker: Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee

Staff: Ms. Claudia Fernandes, Center for Judicial Education and Research

Item H 10:05 a.m. –10:15 a.m.

Access to Justice–Campaign for Justice Month (No Action Required)

The State Bar Board of Governors has recognized October as Campaign for Justice Month and the last week in October as National Pro Bono Week, with the goal of increasing both pro bono and financial contributions to legal services agencies. On October 3, 2011, the Executive and Planning Committee of the Judicial Council took action on behalf of the Judicial Council to adopt a resolution recognizing Campaign for Justice Month and National Pro Bono Week in

order to continue the council's efforts to support increased attorney representation and to show appreciation for the valuable pro bono contributions made by lawyers throughout the state.

Public Comment & Presentation (5 minutes) • Discussion (5 minutes)

Speaker: Hon. Erica R. Yew, Judicial Council's Task Force on Self-Represented Litigants

Staff: Ms. Bonnie Hough, Center for Families, Children and the Courts

Item I 10:15 a.m. –10:35 a.m.

Judicial Council Meetings: Parliamentary Procedures (Action Required)

The Parliamentary Procedures Working Group recommends that the Judicial Council adopt the proposed "Parliamentary Procedures for the Judicial Council of California," effective immediately. The procedures provide guidance to the council regarding the conduct of council meetings and voting requirements on council matters.

Public Comment & Presentation (10 minutes) • Discussion/Council Action (10 minutes)

Speaker: Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee and Parliamentary Procedures Working Group

Staff: Mr. Mark Jacobson, Office of the General Counsel

Item J 10:35 a.m. –10:55 a.m.

Judicial Branch Administration: Audit Reports for Judicial Council Acceptance (Action Required)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) recommends that the Judicial Council accept the audit report which pertains to the Superior Court of San Joaquin County. The audit report is recommended for discussion agenda as there are a number of internal control deficiencies identified that the committee believes should be discussed by the Judicial Council. While the court has indicated that it understands the importance of the addressing the control deficiencies, it indicates that it has a "significant lack of financial resources" that impact it in addressing the issues.

This report complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports, prior to their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Public Comment & Presentation (10 minutes) • Discussion/Council Action (10 minutes)

Speakers: Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Hon. Robin Appel, Presiding Judge, Superior Court of San Joaquin County

Ms. Rosa Junqueiro, Executive Officer, Superior Court of San Joaquin County

Mr. John A. Judnick, Senior Manager, Internal Audit Services (IAS) Finance
Division

Item K 10:55 a.m. –11:05 a.m.

**National Technology Award to Judicial Council/AOC for the California Courts
Protective Order Registry (No Action Required. There are no materials for this item.)**

The National Association of State Chief Information Officers (NASCIO) selected the California Courts Protective Order Registry (CCPOR) as one of two finalists for its 2011 NASCIO award for Data, Information and Knowledge Management. The CCPOR creates a statewide repository for restraining and protective orders, containing both data and scanned images of orders that can be easily accessed by judges, court staff, and law enforcement officers. It helps protect both victims of domestic violence as well as law enforcement personnel. The NASCIO receives hundreds of awards nominations for projects from across the nation, selecting only one winner and two finalists in each category.

Public Comment & Presentation (5 minutes) • Discussion (5 minutes)

Speaker: Ms. Anna Brannen, Deputy Secretary for Policy, California Technology Agency

Break 11:05–11:20 a.m.

Item L 11:20 a.m. –12:20 p.m.

[California Court Case Management System \(CCMS\): Deployment Alternatives \(Action Required\)](#)

At the October 27, 2011, council educational meeting, the CCMS Executive Committee and the CCMS Internal Committee chairs reviewed options for moving forward with CCMS within the budget constraints that the Judicial Council decided at its July 22, 2011, meeting. The CCMS Executive Committee and the CCMS Internal Committee recommend that the Judicial Council, as executive sponsor of CCMS, approve deployment of CCMS to at least two early adopter courts, with the Judicial Council setting the direction for the current fiscal year within the funding limitations decided by the council at the July 22, 2011, meeting. That direction may include approval of a collaborative funding approach for early adopter deployment, including approval of a letter of intent concerning grant fund opportunities.

Public Comment & Presentation (30 minutes) • Discussion/Council Action (30 minutes)

Speakers: Hon. Terence L. Bruiniers, Chair, CCMS Executive Committee

Hon. James E. Herman, Chair, CCMS Internal Committee

Hon. Charles S. Crandall, Presiding Judge, Superior Court of San Luis Obispo
County

Mr. Michael D. Planet, Executive Officer, Superior Court of Ventura County

NOTE: Time is estimated. Actual start and end times may vary.

Mr. Ronald G. Overholt, Interim Administrative Director of the Courts

Mr. Mark A. Moore, Executive Director, CCMS Program Management Office

Lunch 12:20–12:50 p.m.

Item M 12:50 p.m. –1:35 p.m.

[Trial Court Allocations: Process and Criteria for Supplemental Funding \(Action Required\)](#)

At its meeting on August 25, 2011, the Judicial Council directed Administrative Office of the Courts staff, in consultation with the trial courts, to reexamine the criteria and process for seeking urgent needs funding and report back to the council at October 28 2011, meeting. The Honorable David Rosenberg, Presiding Judge, Superior Court of Yolo County; David H. Yamasaki, Court Executive Officer, Superior Court of Santa Clara County; and the AOC, on behalf of 12 trial court judges and executive officers, recommends revising and updating the current forms, processes, and criteria related to supplemental funding for urgent needs and consideration of other recommendations related to supplemental funding. The current forms and processes should be streamlined and consolidated into one process with a single form. In addition, the criteria for applying and evaluating supplemental funding for urgent needs should be updated.

Public Comment & Presentation (15 minutes) • Discussion/Council Action (30 minutes)

Speakers: Hon. David Rosenberg, Presiding Judge, Superior Court of Yolo County

Mr. David H. Yamasaki, Executive Officer, Superior Court of Santa Clara County

Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division

Item N 1:35 p.m. –1:55 p.m.

[Special Funds Allocations: Rollover of Unused Prior-Year Allocations for Various Court Programs and Projects to FY 2011–2012 \(Action Required\)](#)

The Judicial Council has statutory authority to allocate funding from statewide special funds for projects and programs that support the trial courts. This report contains recommendations from the Trial Court Budget Working Group (TCBWG) regarding requests to rollover \$7.610 million in unused allocations from prior years to fiscal year (FY) 2011–2012 from the Trial Court Improvement Fund (Improvement Fund), Judicial Administration Efficiency and Modernization Fund (Modernization Fund), and Trial Court Trust Fund (TCTF). The TCBWG recommends rollover funding of \$5.759 million for the Domestic Violence - Order After Hearing project, Reserve for Workers' Compensation Tail Claims, and Phoenix Financial and Human Resources Services program. In addition, the TCBWG recommends to not fund \$1.851 million of rollover requests for seven projects and programs that support the trial courts.

Public Comment & Presentation (5 minutes) • Discussion/Council Action (15 minutes)

Speakers: Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance
Division

Mr. Steven Chang, Manager, Finance Division

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[Trial Courts: Annual Investment Report for Fiscal Year 2010–2011](#)

This Trial Court Annual Investment Report provides the financial results for the funds invested by the AOC on behalf of the trial courts as part of the judicial branch treasury program. This report is submitted pursuant to the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004. This report covers the period of July 1, 2010, through June 30, 2011.

[Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours \(Report #7\)](#)

In the 2010 Judiciary Budget Trailer Bill, Senate Bill 857, the Legislature enacted fee increases and fund transfers for the courts and also added a new section 68106 to the Government Code. The latter directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website and relay to the Legislature all such court notices. This is the seventh report providing information about the implementation of these notice requirements. Since the sixth report, eleven courts—San Mateo, Mendocino, Merced, Humboldt, Nevada, Lake, Placer, Ventura, Kings, Fresno, and Yolo—have given such notice. Since the effective date of section 68106, October 19, 2010, a total of 19 courts have given notice.

[Appointment Orders since the last business meeting](#)

[Appointment Orders Tab]