

AMENDMENTS TO THE CALIFORNIA RULES OF COURT  
 Adopted by the Judicial Council on October 26, 2012, and April 26, 2013,  
 effective on July 1, 2013

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34		

1 **Rule 1.6. Definitions and use of terms**

2  
3 (1)–(22) \* \* \*

4  
5 (23) “California Courts Web Site” means the Web site established by the Judicial  
6 Council that includes news and information, reference materials, rules and forms,  
7 and a self-help center. The address is: *www.courtinfos.ca.gov*.

8  
9 *Rule 1.6 amended effective July 1, 2013; adopted as rule 200.1 effective January 1, 2003;*  
10 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
11 *July 1, 2007, and July 1, 2008.*

12  
13 **Rule 2.304. Direct filing**

14  
15 (a)–(c) \* \* \*

16  
17 **(d) Presumption of filing**

18  
19 A party filing by fax must cause the transmitting fax machine to print a  
20 transmission record of each filing by fax. If the document transmitted to the court  
21 by fax machine is not filed with the court because of (1) an error in the  
22 transmission of the document to the court that was unknown to the sending party or  
23 (2) a failure to process the document after it has been received by the court, the  
24 sending party may move the court for an order filing the document nunc pro tunc.  
25 The motion must be accompanied by the transmission record and a proof of  
26 transmission in the following form:

27  
28 ~~“At the time of transmission I was at least 18 years of age and not a party to this~~  
29 ~~legal proceeding.~~ On (date) \_\_\_\_\_ at (time) \_\_\_\_\_, I transmitted to  
30 the (court name) \_\_\_\_\_ the following documents (name)  
31 \_\_\_\_\_ by fax machine, under California Rules of Court, rule 2.304.  
32 The court’s fax telephone number that I used was (fax telephone number)  
33 \_\_\_\_\_. The fax machine I used complied with rule 2.301 and no error was  
34 reported by the machine. Under rule 2.304, I caused the machine to print a  
35 transmission record of the transmission, a copy of which is attached to this  
36 declaration.

37  
38 “I declare under penalty of perjury under the laws of the State of California that the  
39 foregoing is true and correct.”

40  
41 *(Subd (d) amended effective July 1, 2013; previously amended effective January 1, 2007.)*  
42

1 (e)–(f) \* \* \*

2  
3 *Rule 2.304 amended effective July 1, 2013; adopted as rule 2006 effective March 1, 1992;*  
4 *previously amended effective July 1, 2006; previously amended and renumbered effective*  
5 *January 1, 2007.*

6  
7 **Rule 2.506. Fees for electronic access**

8  
9 **(a) Court may impose fees**

10  
11 The court may impose fees for the costs of providing public access to its electronic  
12 records, under Government Code section 68150(h). On request, the court must  
13 provide the public with a statement of the costs on which these fees are based.

14  
15 *(Subd (a) amended effective July 1, 2013; adopted as part of unlettered subd effective July*  
16 *1, 2002; previously amended and lettered effective January 1, 2007.)*

17  
18 **(b) \* \* \***

19  
20 *Rule 2.506 amended effective July 1, 2013; adopted as rule 2076 effective July 1, 2002;*  
21 *previously amended and renumbered effective January 1, 2007.*

22  
23 **Chapter 4. Special Proceedings on Construction-Related Accessibility Claims**

24 *Title 3, Civil Rules—Division 6, Proceedings—Chapter 4, Special Proceedings on Construction-*  
25 *Related Accessibility Claims; adopted effective July 1, 2013.*

26  
27 **Rule 3.680. Service of Notice of Stay and Early Evaluation Conference**

28  
29 **(a) Service of Application and Notice**

30  
31 The defendant who requested a stay and early evaluation conference on a  
32 construction-related claim under Civil Code section 55.54 must, within 10 days of  
33 issuance of the notice, serve on all other parties the application for stay and any  
34 *Notice of Stay of Proceedings and Early Evaluation Conference* (form DAL-010)  
35 issued by the court.

36  
37 **(b) Filing Proof of Service**

38  
39 A proof of service must be filed with the court 15 days before the date set for the  
40 early evaluation conference. *Proof of Service–Disability Access Litigation* (form  
41 DAL-012) may be used to show service of the documents.

42  
43 *Rule 3.680 adopted effective July 1, 2013.*

1  
2 **Rule 3.682. Notice of Mandatory Evaluation Conferences**

3  
4 **(a) Service of Application and Notice**

5  
6 The party who requested a mandatory evaluation conference on a construction-  
7 related accessibility claim under Civil Code section 55.545 must, within 10 days of  
8 issuance of the notice, serve on all other parties the application and any *Notice of*  
9 *Mandatory Evaluation Conference* (form DAL-020) issued by the court.

10  
11 **(b) Filing Proof of Service**

12  
13 A proof of service must be filed with the court 15 days before the date set for the  
14 early evaluation conference. *Proof of Service–Disability Access Litigation* (form  
15 DAL-012) may be used to show service of the documents.

16  
17 *Rule 3.682 adopted effective July 1, 2013.*

18  
19 **Rule 3.1385. Duty to notify court and others of settlement of entire case**

20  
21 **(a)–(b) \* \* \***

22  
23 **(c) Conditional settlement**

24  
25 **(1) Notice**

26  
27 If the settlement agreement conditions dismissal of the entire case on the  
28 satisfactory completion of specified terms that are not to be performed within  
29 45 days of the settlement, including payment in installment payments, the  
30 notice of conditional settlement served and filed by each plaintiff or other  
31 party seeking affirmative relief must specify the date by which the dismissal  
32 is to be filed. ~~If the plaintiff or other party required to serve and file a request~~  
33 ~~for dismissal within 45 days after the dismissal date specified in the notice~~  
34 ~~does not do so, the court must dismiss the entire case unless good cause is~~  
35 ~~shown why the case should not be dismissed.~~

36  
37 **(2) Dismissal**

38  
39 If the plaintiff or other party required to serve and file a request for dismissal  
40 within 45 days after the dismissal date specified in the notice does not do so,  
41 the court must dismiss the entire case unless good cause is shown why the  
42 case should not be dismissed.

43

1           (3) Hearings vacated

2  
3           (A) Except as provided in (B), on the filing of the notice of conditional  
4 settlement, the court must vacate all hearings and other proceedings  
5 requiring the appearance of a party and may not set any hearing or  
6 other proceeding requiring the appearance of a party earlier than 45  
7 days after the dismissal date specified in the notice, unless requested  
8 by a party.

9  
10          (B) The court need not vacate a hearing on an order to show cause or  
11 other proceeding relating to sanctions, or for determination of good  
12 faith settlement at the request of a party under Code of Civil  
13 Procedure section 877.6.

14  
15          (4) Case disposition time

16  
17           Under standard 2.2(n)(1)(A), the filing of a notice of conditional settlement  
18 removes the case from the computation of time used to determine case  
19 disposition time.

20  
21           *(Subd (c) amended effective July 1, 2013; adopted effective January 1, 1989; previously*  
22 *amended effective July 1, 2002, January 1, 2004, and January 1, 2006.)*

23  
24          **(d)–(e) \* \* \***

25  
26           *Rule 3.1385 amended effective July 1, 2013; adopted as rule 225 effective January 1, 1985;*  
27 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
28 *January 1, 1989, January 1, 1992, July 1, 2001, July 1, 2002, January 1, 2004, January 1, 2006,*  
29 *and January 1, 2009.*

30  
31          **Rule 3.1702. Claiming attorney’s fees**

32  
33          **(a) \* \* \***

34  
35          **(b) Attorney’s fees before trial court judgment**

36  
37           (1) \* \* \*

38  
39           (2) *Stipulation for extension of time*

40           The parties may, by stipulation filed before the expiration of the time allowed  
41           under (b)(1), extend the time for filing a motion for attorney’s fees:

42  
43           (A) \* \* \*

1  
2 (B) If a notice of appeal is filed, until the time within which a  
3 memorandum of costs must be served and filed under rule 8.278(c) in  
4 an unlimited civil case or under rule ~~8.891(b)(2)~~ 8.891(c)(1) in a  
5 limited civil case.  
6

7 *(Subd (b) amended effective July 1, 2013; previously amended effective January 1, 1999,*  
8 *January 1, 2006, January 1, 2007, January 1, 2009, and January 1, 2011.)*  
9

10 **(c)–(e) \* \* \***  
11

12 *Rule 3.1702 amended effective July 1, 2013; adopted as rule 870.2 effective January 1, 1994;*  
13 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
14 *January 1, 1999, January 1, 2006, July 1, 2008, January 1, 2009, and January 1, 2011.*  
15

16 **Rule 4.102. Uniform bail and penalty schedules—traffic, boating, fish and game,**  
17 **forestry, public utilities, parks and recreation, business licensing**  
18

19 \* \* \*

20 **Note:**

21 Courts may obtain copies of the Uniform Bail and Penalty Schedules by contacting:  
22 Office of the General Counsel  
23 Administrative Office of the Courts  
24 455 Golden Gate Avenue  
25 San Francisco, CA 94102-3688  
26 (415) 865-7611  
27 Fax (415) 865-4317  
28 [www.courtinfo.ca.gov/reference](http://www.courtinfo.ca.gov/reference)  
29

30 *Rule 4.102 amended effective July 1, 2013; adopted as rule 850 effective January 1, 1965;*  
31 *previously renumbered and amended effective January 1, 2001; previously amended effective*  
32 *January 1, 1970, January 1, 1971, July 1, 1972, January 1, 1973, January 1, 1974, July 1, 1975,*  
33 *July 1, 1979, July 1, 1980, July 1, 1981, January 1, 1983, July 1, 1984, July 1, 1986, January 1,*  
34 *1989, January 1, 1990, January 1, 1993, January 1, 1995, January 1, 1997, July 1, 2004, and*  
35 *January 1, 2007.*  
36

37 **Rule 4.541. Minimum contents of supervising agency reports**  
38

39 **(a) Application**  
40

41 This rule applies to supervising agency petitions for revocation of formal probation,  
42 parole, mandatory supervision under Penal Code section 1170(h)(5)(B), and  
43 postrelease community supervision under Penal Code section 3455.

1 (Subd (a) amended effective July 1, 2013; previously amended effective November 1,  
2 2012.)

3  
4 **(b) Definitions**

5  
6 As used in this rule:

7  
8 (1) “Supervised person” means any person subject to formal probation, parole,  
9 mandatory supervision under Penal Code section 1170(h)(5)(B), or  
10 community supervision under Penal Code section 3451.

11  
12 (2)–(4) \* \* \*

13  
14 (Subd (b) amended effective July 1, 2013; previously amended effective November 1,  
15 2012.)

16  
17 **(c)–(d) \* \* \***

18  
19 **(e) Parole and Postrelease Community Supervision Reports**

20  
21 In addition to the minimum contents described in (c), a report filed by the  
22 supervising agency in conjunction with a petition to revoke parole or postrelease  
23 community supervision under Penal Code section 3455 must include the reasons  
24 for that agency’s determination that intermediate sanctions without court  
25 intervention as authorized by Penal Code sections 3000.08(f) or 3454(b) are  
26 inappropriate responses to the alleged violations.

27  
28 (Subd (e) amended effective July 1, 2013; adopted effective November 1, 2012.)

29  
30 *Rule 4.541 amended effective July 1, 2013; adopted effective October 28, 2011; previously*  
31 *amended effective November 1, 2012.*

32  
33 **Advisory Committee Comment**

34  
35 **Subdivision (c).** \* \* \*

36  
37 **Subdivision (c)(1)(D).** \* \* \*

38  
39 **Subdivision (c)(1)(E).** \*\*\*

40  
41 **Subdivision (e).** Penal Code sections 3000.08(d) and 3454(b) ~~authorizes~~ authorize  
42 supervising agencies to impose appropriate responses to alleged violations of parole and  
43 postrelease community supervision under Penal Code section 3455 without court

1 intervention, including referral to a reentry court under Penal Code section 3015 or flash  
2 incarceration in a county jail. Penal Code sections 3000.08(f) and 3455(a) ~~requires~~  
3 require the supervising agency to determine that the intermediate sanctions authorized by  
4 sections 3000.08(d) and 3454(b) are inappropriate responses to the alleged violation  
5 *before* filing a petition to revoke parole or postrelease community supervision ~~under~~  
6 ~~Penal Code section 3455.~~

7  
8 **Rule 5.77. Summary dissolution**

9  
10 **(a) Declaration of disclosure**

11  
12 To comply with the preliminary disclosure requirements of chapter 9 (beginning  
13 with section 2100) of part 1 of division 6 of the Family Code in proceedings for  
14 summary dissolution, each joint petitioner must complete and give each other  
15 copies of the following documents before signing a property settlement agreement  
16 or completing a divorce:

17  
18 ~~(1) A preliminary declaration of disclosure as described in Family Code section~~  
19 ~~2104 and *Declaration of Disclosure* (form FL-140); or~~

20  
21 ~~(2) The completed worksheet pages indicated in *Summary Dissolution*~~  
22 ~~*Information* (form FL-810) listing separate and community property and~~  
23 ~~obligations as well as a completed *Income and Expense Declaration* (form~~  
24 ~~FL-150).~~

25  
26 (1) *An Income and Expense Declaration* (form FL-150).

27  
28 (2) *Either of the following documents listing separate and community property*  
29 *assets and obligations:*

30  
31 (A) *Declaration of Disclosure* (form FL-140) and either a *Schedule of*  
32 *Assets and Debts* or a *Property Declaration* (form FL-160) with all  
33 attachments; or

34  
35 (B) *The completed worksheet pages indicated in *Summary Dissolution**  
36 *Information* (form FL-810).

37  
38 (3) *A written statement of all investment, business, or other income-producing*  
39 *opportunities that came up after the date of separation based on investments*  
40 *made or work done during the marriage or domestic partnership and before*  
41 *the date of separation.*  
42



1 (4) All tax returns filed by the spouse or domestic partner in the two year period  
2 before exchanging the worksheets or forms described in (2).

3  
4 (Subd (a) amended effective July 1, 2013.)

5  
6 (b) \* \* \*

7  
8 *Rule 5.77 amended effective July 1, 2013; adopted effective January 1, 2013.*

9  
10 **Rule 5.480. Application**

11  
12 This chapter addressing the Indian Child Welfare Act (25 United States Code section  
13 1901 et seq.) as codified in various sections of the California Family, Probate, and  
14 Welfare and Institutions Codes, applies to ~~all~~ most proceedings involving Indian children  
15 that may result in an involuntary foster care placement; guardianship or conservatorship  
16 placement; custody placement under Family Code section 3041; declaration freeing a  
17 child from the custody and control of one or both parents; termination of parental rights;  
18 or adoptive placement, ~~including~~ This chapter applies to:

19  
20 (1) ~~Proceedings under Welfare and Institutions Code section 300 et seq., and sections~~  
21 ~~601 and 602 et seq. in which the child is at risk of entering foster care or is in foster~~  
22 ~~care, including detention hearings, jurisdiction hearings, disposition hearings,~~  
23 ~~review hearings, hearings under section 366.26, and subsequent hearings affecting~~  
24 ~~the status of the Indian child;~~

25  
26 (2) Proceedings under Welfare and Institutions Code sections 601 and 602 et seq.,  
27 whenever the child is either in foster care or at risk of entering foster care. In these  
28 proceedings, inquiry is required in accordance with rule 5.481(a). The other  
29 requirements of this chapter contained in rules 5.481 through 5.487 apply only if:

30  
31 (A) The court's jurisdiction is based on conduct that would not be criminal if the  
32 child were 18 years of age or over;

33  
34 (B) The court has found that placement outside the home of the parent or legal  
35 guardian is based entirely on harmful conditions within the child's home.  
36 Without a specific finding, it is presumed that placement outside the home is  
37 based at least in part on the child's criminal conduct, and this chapter shall  
38 not apply; or

39  
40 (C) The court is setting a hearing to terminate parental rights of the child's  
41 parents.

42  
43 (2)(3) Proceedings under Family Code section 3041;

1  
2 ~~(3)~~(4) Proceedings under the Family Code resulting in adoption or termination of parental  
3 rights; and  
4

5 ~~(4)~~(5) Proceedings listed in Probate Code section 1459.5 and rule 7.1015.  
6

7 This chapter does not apply to voluntary foster care and guardianship placements where  
8 the child can be returned to the parent or Indian custodian on demand.  
9

10 *Rule 5.480 amended effective July 1, 2013; adopted effective January 1, 2008; previously*  
11 *amended effective January 1, 2013.*  
12

### 13 **Rule 5.481. Inquiry and notice**

14  
15 (a) \* \* \*

#### 16 17 (b) **Notice**

18  
19 (1) \* \* \*

20  
21 (2) If it is known or there is reason to know that an Indian child is involved in a  
22 wardship proceeding under Welfare and Institutions Code sections 601 and  
23 602 et seq., ~~and the probation officer has assessed that it is probable the child~~  
24 ~~will be entering foster care, or if the child is already in foster care,~~ the  
25 probation officer must send *Notice of Child Custody Proceeding for Indian*  
26 *Child* (form ICWA-030) to the parent or legal guardian, Indian custodian, if  
27 any, and the child's tribe, in accordance with Welfare and Institutions Code  
28 section 727.4(a)(2) in any case described by rule 5.480(2)(A)–(C).  
29

30 (3)–(4) \* \* \*

31  
32 *(Subd (b) amended effective July 1, 2013; previously amended effective January 1, 2013.)*  
33

34 *Rule 5.481 amended effective July 1, 2013; adopted effective January 1, 2008; previously*  
35 *amended effective January 1, 2013.*  
36

### 37 **Advisory Committee Comment**

38  
39 Except for purposes of inquiry, the requirements of the Indian Child Welfare Act (ICWA) and  
40 related provisions of state law do not apply to most cases adjudicated under section 602 of the  
41 Welfare and Institutions Code for conduct that would be criminal if committed by an adult (see *In*  
42 *re W.B.* (2012) 55 Cal.4th 30). But in those cases where ICWA does not apply, following inquiry  
43 and receipt of information about Indian ancestry, the court is encouraged to communicate with

1 and voluntarily provide informal or formal notice to the Indian child’s tribe regarding resources  
2 and services to benefit the Indian child and his or her family. Such notice should particularly be  
3 encouraged wherever the Indian child’s tribe has previously intervened or participated in other  
4 proceedings involving the child, such as earlier dependency or probate guardianship proceedings.  
5 The California Legislature has stated: “[i]t is in the interest of an Indian child that the child’s  
6 membership in the child’s Indian tribe and connection to the tribal community be encouraged and  
7 protected....” (See Welf. & Inst. Code, §§ 224(a)(2), 306.6.) Further, Welfare and Institutions  
8 Code section 727.1(a) mandates that in selecting a placement for a child under the supervision of  
9 a probation officer, the court “shall consider, in order of priority, placement with relatives, tribal  
10 members, and foster family....” (Emphasis added.) This mandate applies even if the case is not  
11 governed by ICWA.

12  
13 As a matter of policy and best practice, culturally appropriate placements and services provide  
14 psychological benefit for the Indian child and family. By engaging the Indian child’s tribe, tribal  
15 members, Indian Health Services, or other agencies and organizations providing services to  
16 Native Americans, additional resources and culturally appropriate services are often identified to  
17 assist in case planning. (See Welf. & Inst. Code, §§ 727.4(d)(5),(6) & 16501.1(c)(1) for  
18 information on services and case planning for children adjudicated under section 602.) Outreach  
19 to these entities is also an important part of family finding and engagement efforts for Indian  
20 children and of finding appropriate placements. By contacting the child’s tribe, placement options  
21 and services—such as substance abuse treatment, counseling, and other services—may be  
22 available to Indian children and their families. A list of available services can be found on the  
23 California Courts website at Program, Tribal/State Programs, ICWA, Statewide Directory of  
24 Services for Native American Families, at [www.courts.ca.gov/5807.htm](http://www.courts.ca.gov/5807.htm).

25  
26 **Rule 5.482. Proceedings after notice**

27  
28 **(a) Timing of proceedings**

29  
30 (1) \* \* \*

31  
32 (2) The detention hearing in dependency cases and in delinquency cases in which  
33 the probation officer has assessed that the child is in foster care or it is  
34 probable the child will be entering foster care described by rule 5.480(2)(A)–  
35 (C) may proceed without delay, provided that:

36  
37 (A)–(B) \* \* \*

38  
39 (3) The parent, Indian custodian, or tribe must be granted a continuance, if  
40 requested, of up to 20 days to prepare for the proceeding, except for specified  
41 hearings in the following circumstances:  
42

- 1 (A) The detention hearing in dependency cases and in delinquency cases ~~in~~  
2 ~~which the probation officer has assessed that the child is in foster care~~  
3 ~~or it is probable the child will be entering foster care~~ described by rule  
4 5.480(2)(A)–(C);  
5  
6 (B) The jurisdiction hearing in a delinquency case described by rule  
7 5.480(2)(A)–(C) in which the court finds the continuance would not  
8 conform to speedy trial considerations under Welfare and Institutions  
9 Code section 657; and  
10  
11 (C) The disposition hearing in a delinquency case described by rule  
12 5.480(2)(A)–(C) in which the court finds good cause to deny the  
13 continuance under Welfare and Institutions Code section 682. A good  
14 cause reason includes when probation is recommending the release of a  
15 detained child to his or her parent or to a less restrictive placement. The  
16 court must follow the placement preferences under rule 5.484 when  
17 holding the disposition hearing.  
18

19 *(Subd (a) amended effective July 1, 2013; previously amended effective January 1, 2013.)*  
20

21 **(b)–(f)** \* \* \*

22  
23 **(g) Consultation with tribe**  
24

25 Any person or court involved in the placement of an Indian child in a proceeding  
26 described by rule 5.480 must use the services of the Indian child’s tribe, whenever  
27 available through the tribe, in seeking to secure placement within the order of  
28 placement preference specified in rule 5.484.  
29

30 *(Subd (g) amended effective July 1, 2013.)*  
31

32 *Rule 5.482 amended effective July 1, 2013; adopted effective January 1, 2008; previously*  
33 *amended effective January 1, 2013.*  
34

35 **Chapter 3. Adoptions under the Hague Adoption Convention**

36 *Title 5, Family and Juvenile Rules—Division 2, Rules Applicable in Family and Juvenile*  
37 *Proceedings—Chapter 3, Adoptions under the Hague Adoption Convention; adopted effective July 1,*  
38 *2013.*  
39

1 **Rule 5.490. Adoption of a child resident in the United States by a resident of a**  
2 **foreign country party to the Convention of 29 May 1993 on Protection of**  
3 **Children and Cooperation in Respect of Intercountry Adoption (Convention**  
4 **or Hague Adoption Convention)**

5  
6 **(a) Purpose**

7  
8 The rules in this chapter are adopted to provide practice and procedure for  
9 intercountry adoptions conducted under the Hague Adoption Convention and  
10 applicable California law.

11  
12 **(b) Applicability of rule**

13  
14 This rule applies to any adoption of a child resident in the United States by an  
15 individual or individuals residing in a convention country, as defined in Family  
16 Code section 8900.5(f), if, in connection with the adoption, the child has moved or  
17 will move between the United States and the convention country.

18  
19 **(c) Adoption request and attachments**

20  
21 (1) The *Adoption Request* (form ADOPT-200) and *Verification of Compliance*  
22 *with Hague Adoption Convention Attachment* (ADOPT-216) must allege  
23 specific facts about the applicability of the Hague Adoption Convention and  
24 whether the petitioner is seeking a California adoption, will be petitioning for  
25 a Hague Adoption Certificate, or will be seeking a Hague Custody  
26 Declaration.

27  
28 (2) The court must determine whether a child resident in the United States has  
29 been or will be moved to a convention country in connection with an  
30 adoption by an individual or individuals residing in a convention country.

31  
32 **(d) Evidence required to verify compliance with the Hague Adoption Convention**

33  
34 If the Hague Adoption Convention applies to the case, and the court is asked to  
35 issue findings and an order supporting a request for the U.S. Department of State to  
36 issue a Hague Adoption Certificate or a Hague Custody Declaration for the  
37 adoption placement, the court must receive sufficient evidence to conclude that the  
38 child is eligible for adoption and find that the placement is in the best interest of the  
39 child. The court must receive evidence of all of the following:

40  
41 (1) The adoption agency or provider is accredited by the Council on  
42 Accreditation, is supervised by an accredited primary provider, or is acting as

1            an exempted provider, as defined in Family Code section 8900.5(g), to  
2            provide intercountry adoption services for convention cases;

3  
4            (2) A child background study has been completed and transmitted to a foreign  
5            authorized entity in accordance with the regulations governing convention  
6            adoptions with proof that the necessary consents have been obtained and the  
7            reason for its determination that the proposed placement is in the child's best  
8            interest, based on the home study and child background study and giving due  
9            consideration to the child's upbringing and his or her ethnic, religious, and  
10           cultural background;

11  
12           (3) The child is eligible for adoption under California law;

13  
14           (4) The adoption agency or provider has made reasonable efforts, as described  
15           under 22 Code of Federal Regulations section 96.54(a), to place the child in  
16           the United States, but was unable to do so, or an exception to this  
17           requirement applies to the case. Such reasonable efforts include: (1)  
18           disseminating information on the child and his or her availability for adoption  
19           through print, media, and Internet resources designed to communicate with  
20           potential prospective adoptive parents in the United States; (2) listing  
21           information about the child on a national or state adoption exchange or  
22           registry for at least 60 calendar days after the birth of the child; (3)  
23           responding to inquiries about adoption of the child; and (4) providing a copy  
24           of the child background study to potential U.S. prospective adoptive  
25           parent(s);

26  
27           (5) The agency has determined that the placement is in the child's best interest;

28  
29           (6) A home study on the petitioner(s) has been completed, which includes:

30  
31           (A) Information on the petitioner(s), such as identity, eligibility and  
32           suitability to adopt, background, family and medical history, social  
33           environment, reasons for adoption, ability to undertake an intercountry  
34           adoption, an assessment of their ability to care for the child, and the  
35           characteristics of the child for whom they would be qualified to care;

36  
37           (B) Confirmation that a competent authority has determined that the  
38           petitioner is eligible and suited to adopt and has ensured that the  
39           petitioner has been counseled as necessary; and

40  
41           (C) The results of criminal background checks;  
42

- 1           (7) The Hague Adoption Convention authority designated by the receiving  
2 country has declared that the child will be permitted to enter and reside  
3 permanently or on the same basis as the adopting parent(s) in the receiving  
4 country, and has consented to the adoption;  
5
- 6           (8) All appropriate consents have been obtained in writing in accordance with the  
7 following standards:  
8
- 9               (A) Counseling was provided to any biological or legal parent or legal  
10 guardian consenting to the adoption;  
11
- 12              (B) All biological or legal parents or legal guardians were informed of the  
13 legal effect of adoption;  
14
- 15              (C) Such consent was freely given without inducement by compensation;  
16
- 17              (D) Such consent was not subsequently withdrawn; and  
18
- 19              (E) Consents were taken only after the birth of the child.  
20
- 21           (9) As appropriate in light of the child's age and maturity, the child has been  
22 counseled and informed of the effects of the adoption and the child's views  
23 have been considered. If the child's consent is required, the child has also  
24 been counseled and informed of the effects of granting consent and has freely  
25 given consent expressed or evidenced in writing in the required legal form  
26 without any inducement by compensation of any kind;  
27
- 28           (10) The adoption agency or provider has committed to taking all steps to ensure  
29 the secure transfer of the child, including obtaining permission for the child  
30 to leave the United States;  
31
- 32           (11) The adoption agency or provider has agreed to keep the receiving country's  
33 designated Hague Adoption Convention authority informed about the status  
34 of the case;  
35
- 36           (12) The petitioner consents to adoption or has agreed to accept custody of the  
37 child for purposes of adoption;  
38
- 39           (13) The adoption agency or provider demonstrates that any contact between the  
40 birth family and the adoptive family complies with applicable state law and  
41 federal regulations governing the timing of such communications; and  
42

1           (14) The adoption agency or provider certifies that no one is deriving improper  
2           financial gain from the adoption and describes the financial arrangement with  
3           the prospective adoptive family.

4  
5   **(e) Court findings required to support the application for a Hague Adoption**  
6   **Certificate or Hague Custody Declaration**

7  
8           The court must make findings relating to the application for a Hague Adoption  
9           Certificate or Hague Custody Declaration from the Department of State. To meet  
10          the requirements for issuance of the certificate or declaration, the findings must  
11          include that:

- 12  
13          (1) The adoption is in the child’s best interest;  
14  
15          (2) The substantive regulatory requirements set forth in 22 Code of Federal  
16          Regulations sections 97.3(a)–(k) have been met; and  
17  
18          (3) The adoption services provider meets the requirements of 22 Code of Federal  
19          Regulations part 96.

20  
21   **(f) Court findings to verify that all Hague Adoption Convention requirements**  
22   **have been met**

23  
24          If the court is satisfied that all Hague Adoption Convention requirements have been  
25          met, the court must make findings of fact and order the following:

- 26  
27          (1) The child is eligible for adoption;  
28  
29          (2) The grant of custody with respect to the proposed adoption is in the child’s  
30          best interest; and  
31  
32          (3) The court grants custody of the child to the named family for purposes of  
33          adoption, as applicable.

34  
35   **(g) Petitioner’s intent to finalize adoption**

36  
37          If the adoption is not finalized in California, a petition for a Hague Custody  
38          Declaration must state specific facts indicating that the petitioner intends to finalize  
39          the adoption in petitioner’s country of residence or that petitioner will return to  
40          California after any required post-placement supervisory period to finalize the  
41          adoption in a superior court of California.



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**Advisory Committee Comment**

The Hague Adoption Convention (HAC) is a treaty that entered into force with respect to the United States on April 1, 2008. The HAC strengthens protections for children, birth parents, and prospective adoptive parents and establishes internationally agreed-upon rules and procedures for adoptions between countries that have a treaty relationship under the HAC. It provides a framework for countries party to the Convention to work together to ensure that children are provided with permanent, loving homes; that adoptions take place in the best interest of a child; and that the abduction, sale, or traffic of children is prevented. This rule expands procedurally on Family Code sections 8900 through 8925, which address intercountry adoptions, by specifying the findings and evidence set forth in 22 Code of Federal Regulations section 97.3 that are required by a state court when the HAC applies to an adoption.

**Rule 5.491. Adoption of a child resident in the United States by a resident of a foreign country not party to the Hague Adoption Convention**

The adoption of a child resident in the United States by a resident of a foreign country not party to the Hague Adoption Convention must conform to the law governing California adoptions.

*Rule 5.491 adopted effective July 1, 2013.*

**Rule 5.492. Adoption by a United States resident of a child resident in a foreign country that is party to the Hague Adoption Convention**

A United States resident who plans to adopt, in California, a child resident in a foreign country that is party to the Hague Adoption Convention must provide to the California court the required proof, in the form of a Hague Custody Declaration, that all required Hague Adoption Convention findings have been made by the child’s country of residence.

*Rule 5.492 adopted effective July 1, 2013.*

**Rule 5.530. Persons present**

(a) \* \* \*

(b) **Persons present**

The following persons are entitled to be present:

(1)–(6) \* \* \*

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(7) In a proceeding described by rule 5.480, a representative of the Indian child’s tribe;

(8)–(11) \* \* \*

*(Subd (b) amended effective July 1, 2013; previously amended effective January 1, 1995, January 1, 1997, January 1, 2005, January 1, 2007, and January 1, 2012.)*

(c)–(f) \* \* \*

*Rule 5.530 amended effective July 1, 2013; adopted as rule 1410 effective January 1, 1990; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 1995, January 1, 1997, January 1, 2001, January 1, 2005, and January 1, 2012.*

**Rule 5.555. Hearing to consider termination of juvenile court jurisdiction over a nonminor—dependents or wards of the juvenile court in a foster care placement and nonminor dependents (§§ 224.1(b), 303, 366.31, 391, 452, 607.3, 16501.1(f)(16))**

(a)–(c) \* \* \*

**(d) Findings and orders**

In addition to complying with all other statutory and rule requirements applicable to the hearing, the following judicial findings and orders must be made on the record and included in the written, signed court documentation of the hearing:

(1) \* \* \*

(2) *Orders*

(A)–(B) \* \* \*

(C) For a nonminor who does not meet and does not intend to meet the eligibility requirements for nonminor dependent status but who is otherwise eligible to and will remain under juvenile court jurisdiction in a foster care placement, the court must set a hearing under section 366.21, 366.22, 366.25, 366.3, 727.2, or 727.3 within six months of the date of the nonminor’s most recent status review hearing.

(D)–(E) \* \* \*

1 (Subd (d) amended effective July 1, 2013; previously amended effective July 1, 2012.)

2  
3 Rule 5.555 amended effective July 1, 2013; adopted effective January 1, 2012; previously  
4 amended effective July 1, 2012.

5  
6 **Rule 5.785. General conduct of hearing**

7  
8 **(a)–(b) \* \* \***

9  
10 **(c) Case plan**

11  
12 When a child is detained and is at risk of entering foster care placement, the  
13 probation officer must prepare a case plan.

14  
15 (1) \* \* \*

16  
17 (2) The court must consider the case plan and must find as follows:

18  
19 (A) The probation officer solicited and integrated into the case plan the  
20 input of the child, the child’s family, in a case described by rule  
21 5.480(2)(A)–(C) the child’s identified Indian tribe, and other interested  
22 parties; or

23  
24 (B) The probation officer did not solicit and integrate into the case plan the  
25 input of the child, the child’s family, in a case described by rule  
26 5.480(2)(A)–(C) the child’s identified Indian tribe, and other interested  
27 parties. If the court finds that the probation officer did not solicit and  
28 integrate into the case plan the input of the child, the child’s family, the  
29 child’s identified Indian tribe, and other interested parties, the court  
30 must order that the probation officer solicit and integrate into the case  
31 plan the input of the child, the child’s family, in a case described by  
32 rule 5.480(2)(A)–(C) the child’s identified Indian tribe, and other  
33 interested parties, unless the court finds that each of these participants  
34 was unable, unavailable, or unwilling to participate.

35  
36 (3)–(5) \* \* \*

37  
38 (Subd (c) amended effective July 1, 2013; adopted effective July 1, 2002; previously  
39 amended effective January 1, 2007.)

40  
41 Rule 5.785 amended effective July 1, 2013; adopted as rule 1492 effective January 1, 1991;  
42 previously amended effective July 1, 2002; previously amended and renumbered effective  
43 January 1, 2007.

1  
2 **Rule 8.112. Petition for writ of supersedeas**

3  
4 **(a) Petition**

5  
6 (1)–(3) \* \* \*

7  
8 (4) If the record has not been filed in the reviewing court:

9  
10 (A)–(B) \* \* \*

11  
12 (C) The documents listed in (B) must comply with the following  
13 requirements:

14  
15 (i) They must be bound together at the end of the petition or in a  
16 separate volumes not exceeding 300 pages each. The pages must  
17 be consecutively numbered;

18  
19 (ii)–(iii) \* \* \*

20  
21 (5) \* \* \*

22  
23 *(Subd (a) amended effective July 1, 2013; previously amended effective January 1, 2007,*  
24 *January 1, 2008, and January 1, 2010.)*

25  
26 **(b)–(d) \* \* \***

27  
28 *Rule 8.112 amended effective July 1, 2013; repealed and adopted as rule 49 effective January 1,*  
29 *2005; previously amended and renumbered effective January 1, 2007; previously amended*  
30 *effective January 1, 2008, January 1, 2009, and January 1, 2010.*

31  
32 **Rule 8.454. Notice of intent to file writ petition under Welfare and Institutions Code**  
33 **section 366.28 to review order designating specific placement of a dependent**  
34 **child after termination of parental rights**

35  
36 **(a)–(e) \* \* \***

37  
38 **(f) Premature or late notice of intent to file writ petition**

39  
40 (1) A notice of intent to file a writ petition under Welfare and Institutions Code  
41 section 366.28 is premature if filed before a date for a postdetermination  
42 placement order has been made. The reviewing court may treat the notice as  
43 filed immediately after the postdetermination order has been made.

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(2) \* \* \*

*(Subd (f) amended effective July 1, 2013; adopted effective January 1, 2006; previously amended effective January 1, 2007.)*

(g) \* \* \*

**(h) Preparing the record**

When the notice of intent is filed, the superior court clerk must:

(1) \* \* \*

(2) Within 20 days after the notice of intent is filed, prepare a clerk’s transcript that includes the notice of intent, proof of service, and all items listed in rule ~~8.404(a)~~ 8.407(a).

*(Subd (h) amended effective July 1, 2013; adopted as subd (g) effective January 1, 2005; previously amended and relettered effective January 1, 2006; previously amended effective July 1, 2006, January 1, 2007, January 1, 2008, and July 1, 2010.)*

(i)–(j) \* \* \*

*Rule 8.454 amended effective July 1, 2013; adopted as rule 38.2 effective January 1, 2005; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2006, July 1, 2006, January 1, 2008, January 1, 2009, and July 1, 2010.*

**Rule 10.855. Superior court records sampling program**

(a)–(k) \* \* \*

**(l) Reporting requirement**

Each superior court must submit semiannually to the Judicial Council a *Report to the Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred* (form ~~982.8A~~ REC-003), including the following information:

(1)–(3) \* \* \*

*(Subd (l) amended effective July 1, 2013; previously amended effective January 1, 1994, January 1, 1995, January 1, 2001; and January 1, 2007.)*

1 *Rule 10.855 amended effective July 1, 2013; adopted as rule 243.5 effective July 1, 1992;*  
2 *previously amended and renumbered as rule 6.755 effective January 1, 2001, and as rule 10.855*  
3 *January 1, 2007; previously amended effective January 1, 1994, January 1, 1995, and January 1,*  
4 *2011.*  
5