

JUDICIAL COUNCIL MEETINGS
Administrative Office of the Courts
San Francisco, California
Open to the Public (except where otherwise noted)

AGENDA

April 14, 2005

12:45 p.m.–1:15 p.m. **Executive Session**
Facilities Security Issues
Judicial Council Conference Center, Redwood Room
[Closed session]

1:30–5:00 p.m. **Protecting Access to Justice in California**
Testimony by court users on access to justice, court facilities
and security issues, and the independence of the judiciary.

[Budget Hearing Background Tab]

April 15, 2005

Business Meeting
8:30 a.m.–2:30 p.m.

8:30–8:45 a.m. **Public Comment Related to Trial Court Budget Issues***
[Subject to requests]
*This time is reserved for public comment on discussion
agenda items relating to trial court budgets.

8:45–8:50 a.m. **Approval of Minutes of February 18, 2005**
[Minutes Tab]

9:00–9:30 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. Laurence Donald Kay, Chair
[Council Committee Reports Tab]

Family and Juvenile Law

Item A3

Child Support: Telephone Appearance in Title IV-D Hearings (adopt Cal. Rules of Court, rule 5.324; adopt form FL-679; approve form FL-681) (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt a rule of court that permits telephone appearances in Title IV-D hearings involving local child support agencies. AB 1704 requires the Judicial Council, by July 1, 2005, to adopt a rule of court allowing telephone appearances in interstate and intrastate child support cases in which the local child support agency is providing services. Under the proposed rule, whether to permit a telephone appearance is a matter of the court's discretion. Five court days before the hearing, the court must notify or direct specified persons to notify the parties of its decision whether to permit a telephone appearance. The mandatory form provides the court with information about the person requesting the telephone appearance, such as residing out of state, being disabled, or wishing to not appear personally because of domestic violence. The optional form assists clerks in calendaring the telephone appearance phone number.

Staff: Ms. Ruth McCreight
Center for Families, Children & the Courts

Item A4

Child Support: Miscellaneous Technical Changes (revise forms FL-342, FL-530, FL-615, FL-625, FL-665, FL-687 and FL-688) (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise forms related to child support. This form proposal includes implementation of legislative amendments and technical and formatting changes. The legislative amendments include deletion of the requirement that the court state the reasons for ordering a low-income adjustment; elimination of the requirement to provide form FL-191 in cases in which the local child support agency is providing child support services; and providing a requirement that parents notify the local child support agency of any changes in the name and address of his or her employment.

Staff: Mr. Michael L. Wright
Center for Families, Children & the Courts

Item A5

Child Support: Miscellaneous Technical Changes Relating to California’s Child Support Case Registry (revise forms FL-191, FL-630, FL-632, and FL-692) (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise forms related to child support. This form proposal includes revisions requested by the California Department of Child Support Services (CDCSS). Under a federal mandate, CDCSS is implementing a state disbursement unit (SDU) for the collection and distribution of all child support collected by wage assignment. The Judicial Council has already developed mandatory forms to facilitate this process. In order to obtain more accurate information for the SDU, CDCSS has requested revisions to clarify that a wage assignment has been issued, to indicate the amount of past-due support, and to provide specific directions to a parent reporting changes in his or her place of residence or employment to the Child Support Case Registry. This form proposal also includes technical and formatting changes.

Staff: Mr. Michael L. Wright
Center for Families, Children & the Courts

Item A6

Domestic Violence (revise forms DV-100, DV-110, DV-120, DV-130, DV-500, DV-505, DV-520, DV-540, JV-245, and JV-250) (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise forms related to domestic violence. This form proposal includes implementation of legislative amendments and technical and formatting changes. The legislative amendments include notice on applicable Judicial Council forms that, upon service of a protective order, the respondent must relinquish possession or control of any firearms; notice on applicable Judicial Council forms that the court must consider whether failure to make specified orders will jeopardize the safety of the petitioner and the children for whom custody or visitation orders are sought; notice on applicable Judicial Council forms that the court must also consider safety concerns related to financial needs of the petitioner and children; and spousal support requests and orders in Domestic Violence Prevention Act (DVPA) actions.

Staff: Ms. Jennifer Wyllie-Pletcher
Center for Families, Children & the Courts

Item A7

Family Law: Technical changes Regarding Deadlines for Service and Filing of Motions and Documents Supporting or Opposing Motions (revise forms DV-160, FL-192, FL-300, FL-301, FL-662, FL-680 and FL-683) (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise forms related to child support. This form proposal includes implementation of legislative amendments and technical and formatting changes. The legislative amendments include the new deadlines for service and filing of specified moving, supporting, opposing, and reply papers made by Assembly Bill 3078, which was effective January 1, 2005.

Staff: Mr. Michael L. Wright
Center for Families, Children & the Courts

Item A8

Family Law: Ex Parte Request to View or Obtain Copy of Sealed Family Law Documents (approve form FL-317) (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2005, approve form FL-317 to allow litigants, their counsel, and the local child support agency, if joined to the action, to view or obtain copies of documents in sealed family law files. This proposal is in response to comments received during a special cycle comment period necessitated by urgency legislation. With that proposal the Judicial Council, effective January 1, 2005, approved numerous changes in its family law forms to alert litigants to the opportunity to seal documents containing information that identifies or locates their assets and debts. The council also approved a new optional form, *Ex Parte Application to Seal Financial Forms (Family Law)* (form FL-316). Several commenters on form FL-316 wrote that a form that would allow parties to obtain copies of documents in their own cases would be helpful. Form FL-317, *Ex Parte Request to View or Obtain Copy of Sealed Family Law Documents*, is designed to meet that request.

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

Miscellaneous

Item A9

Miscellaneous Technical Changes to Rules, Forms, Standards, and Family Law Information Center Guidelines (amend Cal. Rules of Court, rules 15, 38.4, 38.5, 6.43, and 7.903; repeal rules 1640–1640.8; amend Cal. Stds. Jud. Admin. § 20.6; amend Fam.

Law Inf. Center Guidelines, div. V; revise forms 982(a)(15.2), 982(A)(15.3), 982(a)(15.4), APP-001, APP-006, CR-120, FL-311, JV-220, JV-305, JV-310, MC-030, MC-031, MC-050, MC-275, UD-100, revoke form 982(a)(11S)) (Action Required)

Miscellaneous technical changes to California Rules of Court, California Standards of Judicial Administration, Family Law Information Center Guidelines, and Judicial Council forms.

Advisory committee members, court personnel, members of the public, and AOC staff have identified technical inaccuracies in rules, standards, and forms resulting from prior rule amendments, renumbering, and inadvertent omissions. Staff recommends council approval of the noncontroversial corrections of these errors.

Staff: Mr. Kenneth Kann, Office of the General Counsel

Probate and Mental Health

Item A10

Probate: Notices of Hearing and Proof of Service (revise forms DE-120 and GC-020; adopt form GC-020(C); approve forms DE-120(P), GC-020(P), DE-120(MA)/GC-020(MA), and DE-120(PA)/GC-020(PA)) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the notice of hearing forms commonly used in probate matters be revised and new proof-of-service attachments to these forms be approved. The notices of hearing would be revised to improve their accuracy and clarity, provide for notice to hearing-impaired persons of their right to apply for assistance from the court at the hearings referenced in the notices, instruct petitioners in guardianships and conservatorships about service and proof-of-service requirements, and for other purposes. The proposed new proof-of-service attachments would provide a means to show personal service of the notice forms, or additional personal or mailed service of notice on persons not listed on the notice forms or on other attachments.

Staff: Mr. Douglas C. Miller, Office of the General Counsel

Item A11

Probate Guardianships and Conservatorships: Notices From Financial Institutions to Courts of New or Changed Accounts or Safe-Deposit Boxes Reflecting Ownership Interests in Guardians or Conservators (revise form GC-051) (Action Required)

The Probate and Mental Health Advisory Committee recommends revision of the form used by financial institutions to disclose to

appointing courts information about the institution's accounts and safe-deposit boxes reflecting ownership interests held by the appointed guardians and conservators. The revision would reflect changes made in 2004 to the statute that requires the disclosure and would make the form easier to complete, read, and use.

Staff: Mr. Douglas C. Miller, Office of the General Counsel

Item A12

Probate Conservatorships: Securing Pre-appointment Medical Testimony Under the Health Insurance Portability and Accountability Act of 1996 (adopt forms GC-333 and GC-334) (Action Required)

The Probate and Mental Health Advisory Committee recommends adoption of an ex parte application and order that would make it possible for medical expert declarants to complete, sign, and deliver Judicial Council form declarations concerning the mental capacity or physical condition of proposed conservatees in compliance with medical information privacy regulations under the federal Health Insurance Portability and Accountability Act of 1996.

Staff: Mr. Douglas C. Miller, Office of the General Counsel

Traffic

Item A13

Traffic: Ignition Interlock Device Forms (revise forms ID-100, ID-110, ID-120, ID-140, and ID-150) (Action Required)

The Traffic Advisory Committee recommends that the Judicial Council, effective July 1, 2005, revise 5 ignition interlock device forms. The forms would be revised both to correct outdated references to statutory authority and to state that the court will provide the defendant with the Department of Motor Vehicles' official list of certified manufacturers.

Staff: Mr. Courtney Tucker, Office of the General Counsel

Item A14

Traffic: Notice to Appear Forms and Traffic Violator School (amend Cal. Rules of Court, rule 851; revise forms TR-115, TR-120, and TR-130; revise *Notice to Appear and Related Forms*) (Action Required)

The Traffic Advisory Committee recommends that the Judicial Council, effective September 20, 2005, amend rule 851 and revise three notice to appear forms and form instructions. The amended rule excludes drivers with a commercial driver's license, as

specified, and drivers of specified commercial vehicles from eligibility for dismissal of traffic violations for attendance at traffic violator school. Adoption of the amended rule and revised forms and instructions will conform them to statutory changes.

Staff: Mr. Courtney Tucker, Office of the General Counsel

Item B

Judicial Council Appointment to the California Council for Interstate Adult Offender Supervision (Action Required)

The Executive and Planning Committee recommends the Hon. Rebecca S. Riley for council appointment to the California Council for Interstate Adult Offender Supervision (“state council”). The state council has seven members: four selected by the governor, two by the Legislature, and one superior court judge selected by the council (Pen. Code, § 11181(c)). In December 2003 the council appointed Hon. J. Richard Couzens. Because Judge Couzens has recently retired, a new appointment should be made.

Staff: Mr. Joshua Weinstein, Office of the General Counsel

Discussion Agenda (Items C–F)¹

Item C

9:30–9:45 a.m.

Ralph N. Kleps Awards for 2004–2005 (Action Required)

The Ralph N. Kleps Awards Committee recommends approval of the winners of the 2004–2005 Ralph N. Kleps Awards to recognize and honor the innovative contributions made by individual courts in California to the administration of justice.

Presentation (10 minutes)

Speakers: Hon. Ronald B. Robie
Court of Appeal, Third Appellate District
Chair, Ralph N. Kleps Awards Committee
Mr. Michael D. Planet, Executive Officer
Superior Court of Ventura County

Discussion/Council Action (5 minutes)

9:45–10:00 a.m.

BREAK

Item E

10:00 –11:30 a.m.

State Appropriations Limit Allocation Process and Template (Action Required)

¹ Item E and Item F will be presented following Item C. Item D will be the last item presented.

The Trial Court Budget Working Group and AOC staff recommend adoption of a specified methodology for allocation of funding received through the State Appropriations Limit (SAL) budget process.

Presentation (60 minutes)

Speakers: Ms. Christine M. Hansen, Finance Division
Ms. Marcia Caballin, Finance Division

Discussion/Council Action (30 minutes)

Item F

11:30 a.m.–
12:30 p.m.

Recommendations on Trial Court Security Funding Standards and Methodology (Action Required)

The Working Group on Court Security recommends the adoption of its recommendations concerning the following: a funding allocation methodology to establish standards for determining future court security funding and to assign the ongoing court security reduction among the trial courts; and to adopt changes to the existing court security budget process to improve accountability and consistency.

Presentation (30 minutes)

Speakers: Hon. Richard D. Aldrich
Court of Appeal, Second Appellate District
Chair, Working Group on Court Security
Mr. Michael Roddy
Northern/Central Regional Office
Ms. Christine M. Hansen, Finance Division

Discussion/Council Action (30 minutes)

12:30–1:00 p.m.

LUNCH BREAK

Item D

1:00–2:30 p.m.

Selection of a Building Site for the Court of Appeal, Fourth Appellate District, Division Three (Action Required)

Facilities: Selection of a building site for the Court of Appeal, Fourth Appellate District, Division Three, in Orange County, under Government Code section 69204(a).

Presentation (25 minutes)

Speakers: Mr. Clifford Ham
Office of Court Construction Management

Presentation (10 minutes)

Speakers: Hon. Miguel A. Pulido, Mayor

Mr. David N. Ream, City Manager
Mr. Paul Walters, Chief of Police
City of Santa Ana

Presentation (10 minutes)

Speakers: Dr. Michael Gottfredson, Executive Vice Chancellor
Academic Affairs
Mr. Richard Demerjian, Director
Campus & Environmental Planning
University of California, Irvine

Presentation (10 minutes)

Speakers: Hon. David G. Sills
Assembly Member Tom Umberg

Discussion/Council Action (35 minutes)

Informational Item (Item G)

Item G

Amendment of Division VII of the Appendix to the California Rules of Court (No Action Required)

Civil Code section 1714.1(c) requires the Judicial Council to compute, adjust, and publish every two years the liability limit of a parent or guardian for the willful misconduct of a minor. The Judicial Council has authorized the Administrative Director of the Courts to make the adjustment.

On March 22, 2005, the Administrative Director of the Courts adjusted the liability limit as mandated by Civil Code section 1714.1(c) and as authorized by the Judicial Council.

Circulating Orders Since Last Business Meeting

[Circulating Orders Tab]

Judicial Council Appointment Orders Since Last Business Meeting

[Appointment Orders Tab]