

***JUDICIAL COUNCIL MEETINGS***  
***Administrative Office of the Courts***  
***Malcolm M. Lucas Board Room***  
***455 Golden Gate Avenue***  
***San Francisco, California 94102-3688***  
***Open to the Public (Except When Otherwise Noted)***

***AGENDA***

**November 3, 2005    Operational and Strategic Plans (Education) (Closed)**  
2:00 p.m.–4:45 p.m.

**Legal Briefing About Item E on the November 4, 2005  
Agenda (Closed)**  
4:45 p.m.–5:00 p.m.

**November 4, 2005    Business Meeting**  
8:30 a.m.–12:05 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**  
**August 26, 2005, business meeting**  
[Minutes Tab]

8:50–9:10 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. Suzanne N. Kingsbury, Chair  
[Council Reports Tab]

9:10–9:25 a.m.    **Judicial Council Court Visit Reports**  
Mr. Michael Roddy  
Ms. Sheila Calabro  
Report on visit to the Superior Court of Ventura County and  
Court of Appeal, Second Appellate District, Division 6.

9:25–9:40 a.m.

**Adoption and Permanency for Children in California: A Resolution for the Courts (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council declare November “Court Adoption and Permanency Month” in California. Across the country, November is recognized as National Adoption Month, a time when government agencies and private nonprofit organizations highlight innovative efforts to expedite adoption and permanency and to raise awareness of the need for safe and permanent homes for children. The Judicial Council declared November to be Court Adoption and Permanency Month for the first time in 1999 and has continued to do so every year thereafter. The Family and Juvenile Law Advisory Committee has worked closely over these years with the Governor’s Office and the California Legislature to develop resolutions highlighting adoption and permanency. This year the Legislature has again issued a resolution declaring November “Court Adoption and Permanency Month.” Governor Arnold Schwarzenegger will similarly recognize the importance of this month. With nearly 96,000 children in California living apart from their families in out-of-home care, California’s courts can play a significant role in placing them in safe and permanent homes.

*Presentation (15 minutes)*

Speakers: Ms. Diane Nunn  
Center for Families, Children & the Courts  
Ms. Stacey Mangni  
Center for Families, Children & the Courts

9:40–9:45 a.m.

**Chief Justice’s Report**

Chief Justice Ronald M. George will report on activities in which he has been involved since the last Judicial Council meeting.

**Consent Agenda (Items A1–A42, B)**

*(Council members wishing to request that any item be moved from the Consent Agenda to the Discussion Agenda, please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.)*

**ITEM A RULES, FORMS, AND STANDARDS**

*Appellate*

**[Item A1 Appellate Procedure: Sealed Records \(amend Cal. Rules of Court, rule 12.5\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends amending the rule concerning sealed records in the appellate courts to clarify that it applies to all writ proceedings in the appellate courts, not just original proceedings under rule 56. This change will fill a gap in the existing rules by clarifying the procedures applicable to sealed records in habeas corpus proceedings and other writ proceedings governed by rules 57 through 59.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A2**      **Appellate Procedure: Petitions for Writs of Habeas Corpus and Copies of Applications to Extend Time (adopt Cal. Rules of Court, rule 60.5; and amend rules 44, 56, and 60) (Action Required)**

The Appellate Advisory Committee recommends amending the rules to provide that persons filing petitions for writs of habeas corpus who are not represented by an attorney need file only the original of the petition and one set of supporting documents in the Court of Appeal. The committee also recommends amending the rules and adopting a new rule to clarify the procedures relating to petitions for writs of habeas corpus filed by represented and unrepresented petitioners and the number of copies of applications to extend time that must be filed. These changes will improve court administration and make court proceedings more efficient by eliminating copying difficulties faced by unrepresented petitioners, saving the time and public expense associated with copying and mailing multiple copies of supporting documents and orders to extend time, and making the rules easier to understand.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A3**      **Appellate Procedure: Notice of Settlement (amend Cal. Rules of Court, rule 20) (Action Required)**

The Appellate Advisory Committee recommends amending the rule to require that an appellant who files a notice of settlement with the Court of Appeal file an abandonment or a request to dismiss the appeal within 45 days—or a longer period if ordered by the court—after filing that notice. The rule would authorize the court to dismiss the appeal as to that appellant if the appellant does not file an abandonment, a request to dismiss, or a letter stating good cause not to dismiss the appeal within the required time period. This change will improve court administration by ensuring that appeals do not

remain in limbo on the court's docket after an appellant files a notice of settlement.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A4**      **Appellate Procedure: Citations to the Record in Briefs (amend Cal. Rules of Court, rule 14) (Action Required)**

The Appellate Advisory Committee recommends amending the rule regarding briefs in the appellate courts to require that citations to the record contained in those briefs be to the volume and page number of the record where the matter appears. This change will improve court administration and make court proceedings more efficient by making it easier for both the courts and opposing parties to locate cited materials in the appellate record.

Staff: Ms. Heather Anderson  
Office of the General Counsel

*Civil and Small Claims*

**Item A5**      **Alternative Dispute Resolution: Recommendations About Alternative Dispute Resolution Programs and Referrals to Dispute Resolution Neutrals (amend Cal. Stds. Jud. Admin., §§ 32 and 33; and adopt § 32.1) (Action Required)**

The Civil and Small Claims Advisory Committee recommends amending the Standards of Judicial Administration to (1) encourage all superior courts to implement mediation programs for civil cases as part of their core operations and to promote the development, implementation, maintenance, and expansion of successful ADR programs; (2) eliminate outdated references to forming committees to evaluate ADR providers; and (3) move the provisions concerning ADR committees into a separate section. These changes will (1) implement the Judicial Council's policy of supporting expansion of mediation programs for civil cases in California courts to the optimal level; (2) conform the standards to changes in the statutes and rules regarding court structure and administration; (3) and make these sections easier to understand.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A6**      **Alternative Dispute Resolution: Appointment and Reports of Referees (approve forms ADR-109, ADR-110, and ADR-111) (Action Required)**

The Civil and Small Claims Advisory Committee recommends approving new forms for optional use in applying for and ordering the appointment of a referee and in submitting a referee's report to the court. These forms will improve court administration and make court proceedings more efficient by helping litigants, courts, and referees satisfy the statutory and rule requirements concerning references ordered under Code of Civil Procedure sections 638 and 639.

Staff: Mr. Alan Wiener  
Office of the General Counsel

**Item A7**      **Small Claims Plain-Language Forms (revise forms SC-100, SC-100A, SC-101, SC-103, SC-104, SC-104A, SC-120; adopt forms SC-104B, SC-104C, and SC-120A) (Action Required)**

The Civil and Small Claims Advisory Committee recommends revision of seven small claims forms and adoption of three new small claims forms, including two new instruction sheets, in plain language so that the forms can be more easily understood, completed, and filed by laypersons who are representing themselves in small claims court.

Staff: Ms. Cara Vonk  
Office of the General Counsel

**Item A8**      **Small Claims Forms: Increased Jurisdictional Limit of \$7,500 for Natural Persons (revise forms SC-100, SC-101, and SC-150) (Action Required)**

The Civil and Small Claims Advisory Committee recommends revision of three small claims forms to reflect the rise in small claims jurisdiction from \$5,000 to \$7,500 for actions brought by natural persons.

Staff: Ms. Cara Vonk  
Office of the General Counsel

**Item A9**      **Notice of Related Case (approve form CM-015; revise form CM-010) (Action Required)**

The Civil and Small Claims Advisory Committee recommends the approval of the new optional *Notice of Related Case* (form CM-015) and the revision of the *Civil Case Cover Sheet* (form CM-010) to state that, if there are any related cases, notice must be given. These

forms will assist counsel in providing notice of related cases and thereby increase information to the trial courts about such cases, especially early in the proceedings.

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

**Item A10**      **Notice of Termination or Modification of Stay (amend Cal. Rules of Court, rule 224; adopt form CM-181) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that rule 224 of the California Rules of Court be amended to provide that if the party that filed a notice of stay fails to file a notice of termination or modification of stay, other parties in the case must do so. The committee also recommends the adoption of a new mandatory *Notice of Termination or Modification of Stay* (form CM-181) to ensure that trial courts are informed if a stay has been terminated or modified.

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

**Item A11**      **Notice of Settlement (amend Cal. Rules of Court, rule 225; and revise *Notice of Settlement* (form CM-200)) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that rule 225 of the California Rules of Court be amended and that the *Notice of Settlement* (form CM-200) be revised to clarify that notice of settlement must be given only if the entire action is settled.

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

**Item A12**      **Notice of Change of Address (revise form MC-040) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the *Notice of Change of Address and Telephone Number* (form MC-040) be revised and renamed *Notice of Change of Address*. The revisions to the form include adding spaces for a fax number and e-mail address and changing the proof of service to provide for service by first-class mail instead of certified mail.

Staff: Mr. Patrick O'Donnell

**Item A13**      **Form Complaints: *Complaint—Personal Injury, Property Damage, Wrongful Death and Complaint—Contract* (revise forms 982.1(1) and 982.1(20)) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council’s form complaints for use in personal injury and contract cases be revised so that a plaintiff may include specific allegations that Doe defendants were “the agents or employees of other named defendants” or “persons whose capacities are unknown to plaintiff.”

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

**Item A14**      **Claim and Delivery Actions (revise forms CD-100, CD-110, CD-120, CD-130, AT-160/CD-140, CD-160, CD-170, CD-180, CD-190, and CD-200; revoke form CD-150) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the claim and delivery forms be revised. Most of these forms have not been revised since they were approved in 1974. The revisions would modernize the forms’ captions and make other stylistic and technical changes.

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

**Item A15**      **Application for Emergency Protective Order (revise form EPO-001) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the *Application for Emergency Protective Order* (form EPO-001) be revised to clarify that it applies to civil harassment and workplace violence cases only if a case involves stalking.

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

**Item A16**      **Abstract of Judgment (revise form EJ-001) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the *Abstract of Judgment* (form EJ-001) be revised to include the names of each judgment creditor, be reorganized to be more logical,

and be renamed to clarify that it may be used in small claims as well as other civil cases.

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

**Item A17**      ***Writ of Execution (revise form EJ-130) (Action Required)***

The Civil and Small Claims Advisory Committee recommends that the *Writ of Execution* (form EJ-130) be revised to clarify that interest should not be charged on fees that were not paid by public entities but are imputed and included in the total judgment. Without this clarification of the writ form, the calculation of interest on judgments might erroneously include interest on fees imputed to public entities, contrary to Government Code section 6103.5.

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

**Item A18**      **Format of Papers (amend Cal. Rules of Court, rule 201) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that rule 201 be amended to require that a fax number and an e-mail address must be provided, if available, on the first page of papers filed with the court.

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

**Item A19**      **Petitions to Prevent Elder and Dependent Adult Abuse: Application and Order to Renew Restraining Order (approve forms EA-135, EA-136, and EA-137; revise form EA-100) (Action Required)**

The Civil and Small Claims Advisory Committee recommends the adoption of three new forms to be used to request the renewal of a restraining order issued after hearing in a case involving elder or dependent adult abuse. It also recommends revising the petition for protective orders to include information about the relationship between the person to be protected and the person to be restrained.

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



## *Court Technology*

### **Item A20** **Electronic Filing and Service (amend Cal. Rules of Court, rules 2050 and 2056) (Action Required)**

The Court Technology Advisory Committee recommends amendment of rule 2050 in order to permit electronic filers to take advantage of the assistance offered by third-party electronic filing service providers. The committee also recommends amendment of rule 2056 in order to extend to 2010 the deadline for complying with a requirement that electronically filed documents be fully searchable. The amendments would modernize court practices by encouraging electronic filing of court documents.

Staff: Ms. Jane Evans  
Information Services Division

### **Item A21** **Photographing, Recording, and Broadcasting in Court (amend Cal. Rules of Court, rule 980) (Action Required)**

The Court Technology Advisory Committee recommends amendment of rule 980 so that definitions of photographing, recording, and broadcasting in court would be added. The definitions are general in nature and would incorporate new technologies beyond the traditional camera and tape recorder. The amendment would improve court administration by clarifying that mixed-use devices with the potential to be used as a camera or recorder are subject to the requirement for a judicial order permitting their use.

Staff: Ms. Jane Evans  
Information Services Division

## *Criminal*

### **Item A22** **Criminal Procedure: Rules Governing Change of Venue in Criminal Cases (amend Cal. Rules of Court, rules 4.150—4.154; amend and renumber rule 4.162 as rule 4.155; repeal rules 4.160 and 4.161) (Action Required)**

The rules governing change of venue would be amended to clarify procedures. The amended rules would set forth the responsibilities of the transferring and receiving courts by specifying the procedures after a change of venue motion has been granted. The underlying principle of the proposed amended rules is that the case generally remains the responsibility of the transferring court, with few procedures other than the trial being conducted in the receiving court.

Staff: Mr. Joshua Weinstein  
Office of the General Counsel

**Item A23**      **Juror Questionnaire for Criminal Cases (approve form MC-002; amendments to Cal. Rules of Court, rules 4.200 and 4.201; and amend Cal. Stds. Jud. Admin., § 8.5) (Action Required)**

The Criminal Law Advisory Committee recommends that the council approve a new form and amend the rules and standards of judicial administration to provide a model questionnaire for optional use in criminal cases. The model questionnaire is an optional form designed to assist the court in making juror voir dire more efficient; the court and counsel may use the questionnaire as a basis on which to build individual questionnaires tailored to particular cases. The model questionnaire also provides individual jurors the opportunity to flag for the court potentially sensitive and private matters. The amendments to the rules would (1) add three matters to be determined at the pre-voir dire conference in criminal cases, (2) clarify when the court may require that proposed voir dire questions be in writing, (3) add specific references to the form questionnaire, and (4) state the judge's affirmative duty to conduct an initial examination of prospective jurors in criminal cases. The amendments to the standards of judicial administration would (1) repeal language pertaining to voir dire in criminal cases that is inconsistent with Code Civ. Proc., § 223, (2) add a new subpart that advises judges that they may consider conducting sequestered voir dire under certain circumstances, (3) add a specific reference to proposed form MC-002, (4) add questions designed to screen for juror health concerns and for hardships at the beginning of voir dire, and (5) reorder and rephrase existing questions to create consistency with the questions in the proposed form using plain English.

Staff: Mr. John Larson  
Executive Office Programs Division

***Family and Juvenile Law***

**Item A24**      **Child Support: Set-Asides of Paternity Judgments and Voluntary Declarations of Paternity (amend Cal. Rules of Court, rule 5.350; adopt forms FL-272, FL-273, FL-276, FL-278, and FL-281; approve form FL-274; and revise forms FL-280, FL-285, and FL-290) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend a rule and adopt and approve new and revised forms that would implement changes to the Family Code

made by Assembly Bill 252, which set forth procedures permitting certain persons or a local child support agency to move to set aside a judgment or a voluntary declaration of paternity.

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

**Item A25**      **Family Law: Miscellaneous Forms (amend Cal. Rules of Court rules 5.120, 5.121, and 5.154; revise forms FL-130, FL-220, FL-580, FL-800, FL-810; revise and renumber form FL-812) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that, effective January 1, 2006, the Judicial Council make changes to the rules of court and Judicial Council forms to reflect changes in the law and make them easier for self-represented litigants to use. The proposed changes are:

1. Amend rule 5.120 of the California Rules of Court to correct an inconsistency with Code of Civil Procedure section 418.10;
2. Amend rule 5.121 to eliminate subdivision (b)'s time period requirement for scheduling in order to reconcile the rule's provisions with those of Code of Civil Procedure section 1005(b);
3. Amend rule 5.154 to replace the phrase "of the marriage" with "subject to the action" to allow for joinder in cases involving domestic partners and other nonmarried persons with children;
4. Revise form FL-130, *Appearance, Stipulations, and Waivers* to update a statutory reference and reorganize the form for clarity;
5. Revise form FL-220, *Response to Petition to Establish Parental Relationship* to make it easier for self-represented litigants to complete;
6. Revise form FL-580, *Registration of Out-of-State Custody Decree* to update the notice requirements to reflect the reality of joint custody, and to reorganize the form for clarity;
7. Revise form FL-800, *Joint Petition for Summary Dissolution of Marriage* to reflect the disclosure requirements of Family Code section 2104 and the change in the cost of living, as required by Family Code section 2400(b);
8. Revise form FL-810, *Summary Dissolution Information—English* to reflect the changes in form FL-800, protect the privacy of litigants, clarify the status of domestic partners vis-à-vis the summary dissolution procedure, and eliminate discussion of conciliation courts; and

9. Revise form FL-812, *Summary Dissolution Information—Spanish* to renumber it as form FL-810S and to incorporate the changes made to the English-language version, FL-800.

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

**Item A26**      **Custody and Visitation: Orders Following Termination of Juvenile Court Proceeding or Probate Court Legal Guardianship Proceeding (Fam. Code, § 3105; Welf. & Inst. Code, § 362.4; Prob. Code, § 1602) (adopt Cal. Rules of Court, rules 5.475 and 7.1008) (Action Required)**

The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend that the Judicial Council, effective January 1, 2006, adopt rules 5.475 and 7.1008 of the California Rules of Court to implement Family Code section 3105 and Probate Code section 1602. Proposed rules 5.475 and 7.1008 will implement a new statute that permits a former probate guardian to request the probate or family court to order visitation with the minor child formerly cared for by the guardian. The rules will provide guidance to probate and family court staff on the transmittal and filing of a former guardian's visitation order in a pending family court custody matter or, if no custody matter is pending, in a new file in the court in the county where the custodial parent lives. This proposal establishes uniform statewide practices to improve court administration and to make proceedings more fair and efficient.

Staff: Ms. Eryn Shomer  
Center for Families, Children & the Courts  
Mr. Douglas C. Miller  
Office of the General Counsel

**Item A27**      **Juvenile Dependency: Dependency Petition and Modification Forms (revise forms JV-100, JV-101, JV-110, and JV-180) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends revising the existing form used for requesting the court to modify or set aside a prior dependency court order. This proposal creates a mandatory standalone, plain-language form that is easier to use and increases court accessibility. Other forms would be modified to delete references to their use for filing a modification petition and to make the language gender neutral.

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

**Item A28**      **Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 1413, 1438, 1456, and 1460–1463; revise forms ADOPT-210, ADOPT-215, JV-365, JV-500, and JV-501) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends amending several rules and forms in six areas of juvenile law: parentage, attorney contact information, reasonable efforts to prevent removal, maintaining children’s important relationships, notice, and adoption. These revisions are necessary to implement recent statutory changes and clarify the rules and forms.

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

**Item A29**      **Juvenile Law: Standard Statewide Forms for Use in Delinquency Proceedings (amend Cal. Rules of Court, rule 1402; adopt forms JV-640, JV-642, JV-644, JV-665, JV-760, and JV-794; approve forms JV-622 and JV-624; and revise forms JV-140, JV-190, JV-225, JV-280, JV-300, JV-305, JV-310, JV-320, JV-450, JV-520, JV-565, JV-567, JV-575, JV-580, JV-600, JV-615, JV-620, JV-625, JV-635, JV-735, JV-740, and JV-755) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends adopting new mandatory forms and revising existing forms, currently optional, to make them mandatory. The committee also recommends amending a rule of court to allow delayed implementation of mandatory forms where computer systems must be reprogrammed. This proposal implements the recommendations of the *Probation Services Task Force Final Report*, as directed by the Judicial Council at its August 29, 2003, meeting. Specifically, staff was directed to “work with probation departments and the Chief Probation Officers of California to develop statewide standards for enhanced probation services.” This proposal establishes uniform statewide practices to improve court administration and to make proceedings more fair and efficient.

Staff: Ms. Audrey Evje  
Center for Families, Children & the Courts

**Item A30**      **Juvenile Law: Findings and Orders After Hearing—Forms and Related Attachments for Dependency Court Proceedings**

**(approve forms JV-185, JV-400, JV-401, JV-402, JV-405, JV-406, JV-410, JV-412, JV-415, JV-416, JV-417, JV-418, JV-419, JV-419A, JV-420, JV-421, JV-425, JV-426, JV-430, JV-431, JV-432, JV-433, JV-435, JV-436, JV-437, JV-438, JV-440, JV-441, JV-442, JV-445, JV-446, and JV-448 (Action Required))**

The Family and Juvenile Law Advisory Committee recommends approving, for optional use in dependency proceedings, 32 new forms to enhance judicial efficiency and compliance with state and federal law. The Administrative Office of the Courts' Center for Families, Children & the Courts has received requests for standardized findings and orders from various participants in the dependency court system, including judges, court clerks, child and family services agencies, and attorneys. This proposal will assist local courts in ensuring that all required findings and orders are made and reflected in the court record.

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

**Item A31** **Juvenile Law: Notice of Proceedings (amend Cal. Rules of Court, rules 37, 38–38.3, 1407, 1408, 1430, 1431, 1433, 1434, 1436, 1436.5, 1440, 1465, 1466, 1496, and 1496.5; repeal rule 1470; revise forms JV-800, JV-820, JV-825, and JV-826; and approve form JV-822) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2006, amend rules 37, 38–38.3, 1407, 1408, 1430, 1431, 1433, 1434, 1436, 1436.5, 1440, 1465, 1466, 1496, and 1496.5; and repeal rule 1470 of the California Rules of Court; revise Judicial Council forms JV-800, JV-820, JV-825, and JV-826; and approve form JV-822 to reflect the new statutory requirements and conform to existing law. These recommended changes eliminate replication of the Welfare and Institutions Code provisions in the respective rules of court, correct grammatical and technical inaccuracies, clarify the requirement for notice to the child's present caregiver, and clarify the application of the prison delivery rule to juvenile notices of appeal.

Staff: Ms. Chantal Sampogna  
Center for Families, Children & the Courts

**Item A32** **Juvenile Law: Technical Changes Related to California Department of Corrections and Rehabilitation (amend Cal. Rules of Court, rules 4.300, 4.453, 1475, 1493, 1494.5, 1495, and**

**1496.3; revise forms JV-060, JV-732, JV-750, and JV-751**  
**(Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2006, amend rules 4.300, 4.453, 1475, 1493, 1494.5, 1495, and 1496.3; and revise forms JV-060, JV-732, JV-750, and JV-751 to comply with recent statutory changes that reorganized state-based departments administering secure detention facilities. In both the rules and the forms, these amendments and revisions would (1) replace references to the “California Youth Authority” with the “Department of Corrections and Rehabilitation, Division of Juvenile Justice” and (2) replace references to the “Department of Corrections” with “Department of Corrections and Rehabilitation, Division of Adult Operations.”

Staff: Ms. Chantal Sampogna  
Center for Families, Children & the Courts

***Judicial Administration***

**Item A33**      **Judicial Administration Rules: Duties of All Judges (amend Cal. Rules of Court, rule 6.608) (Action Required)**

Current rule 6.608, as written, could be interpreted as requiring that a presiding judge or master calendar judge concur when a judge determines that he or she is disqualified from hearing a matter. The proposed amendment would clarify that concurrence of the presiding judge, supervising judge, or master calendar judge is required only when the judge to whom a matter is assigned refuses to hear it for a reason other than disqualification.

Staff: Mr. Mark Jacobson  
Office of the General Counsel

**Item A34**      **Complaints About Subordinate Judicial Officers (amend Cal. Rules of Court, rules 6.655(i) and 6.603(c)(4)(C); repeal Cal. Stds. Jud. Admin., § 16) (Action Required)**

The proposed amendment would require a presiding judge to give a subordinate judicial officer (SJO) who is the subject of a complaint a copy of the complaint or a summary of its allegations and an opportunity to respond when the presiding judge intends to impose discipline. The current rule raises due process concerns because it could result in discipline of an SJO without adequate notice and an opportunity to respond. This proposal would also repeal section 16 of the Standards of Judicial Administration because it became

superfluous when rule 6.655 was adopted. The proposed amendment to rule 6.603 would delete a reference to the repealed section 16.

Staff: Mr. Mark Jacobson  
Office of the General Counsel

*Miscellaneous*

**Item A35**      **Court Orders Not Prepared on Mandatory Judicial Council Forms (amend Cal. Rules of Court, rule 201.1) (Action Required)**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2006, amend rule 201.1 of the California Rules of Court to provide that a court order not prepared on a mandatory Judicial Council form retains its validity and enforceability. This proposed amendment would prevent future challenges to otherwise sufficient court orders.

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

**Item A36**      **Miscellaneous Technical Changes to the California Rules of Court and Judicial Council Forms (amend Cal. Rules of Court, rule 870.2; revise forms 982(a)(15.5), CR-200, DV-100, DV-120, DV-160, FI-100, FI-120, FI-128, FI-129, FI-130, FL-110, FL-145, FL-192, JV-828, MC-030, MC-050, and SC-130; approve FL-192S) (Action Required)**

Advisory committee members, court personnel, members of the public, and Administrative Office of the Courts' staff have identified errors in rules, standards, and forms resulting from prior rule amendments, renumbering, and inadvertent omissions. These proposals were not circulated for comment because they are technical and noncontroversial.

Staff: Ms. Susan Goins  
Office of the General Counsel

*Probate and Mental Health*

**Item A37**      **Probate: *Petition for Appointment of Probate Conservator and Order Appointing Probate Conservator* (revise forms GC-310 and GC-340) (Action Required)**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise the *Petition for Appointment of*



*Probate Conservator* and *Order Appointing Probate Conservator* to (1) enable the forms to be used for the appointment of a successor conservator, (2) conform to recent changes in the law concerning domestic partners and professional conservators, and (3) make technical improvements that would avoid duplication and make the forms easier to understand and complete.

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

**Item A38**      **Probate: Discharge of Court-Appointed Fiduciaries in Decedents' Estates, Conservatorships, and Guardianships (adopt form DE-295/GC-395) (Action Required)**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council adopt, effective January 1, 2006, the proposed *Ex Parte Petition for Discharge and Order* (form DE-295/GC-395). This new form will assist court-appointed personal representatives, guardians, and conservators to apply for and obtain their discharges at completion of their administrations in a prompt, efficient, and uniform manner throughout the state.

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

**Item A39**      **Probate: Guardianship and Conservatorship Screening Forms (revise forms GC-212 and GC-314) (Action Required)**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise the screening forms that most proposed guardians and conservators must complete before their appointment. The revised forms would inquire into a proposed fiduciary's status as a private professional guardian or conservator—information that is directly material to his or her eligibility for appointment under current law. Additional minor technical changes in the forms would also be made to improve their clarity, ease of use, and appearance.

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

**Item A40**      **Probate Forms: Notice of Petition to Administer Estate and Probate Citations (revise forms DE-121, DE-122, and GC-320; and approve new form DE-121(MA)) (Action Required)**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise the *Notice of Petition to Administer Estate* (form DE-121) and the probate citations (forms DE-122 and GC-320) to (1) provide notice to hearing-impaired persons served with these forms of their right to apply to the court for an accommodation; and (2) enable the *Citation (Probate)* (form DE-122, redesignated as DE-122/GC-322) to be used in all proceedings under the Probate Code except to start a conservatorship, for which form DE-320 will continue to be used. It also recommends that the council approve a new optional form proof-of-service attachment to the notice.

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

**Item A41**      **Probate Forms: Report of Sale and Petition for Confirmation of Sale of Real Property and Order Confirming Sale of Real Property (revise forms DE-260/GC-060 and DE-265/GC-065) (Action Required)**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2006, revise the *Order Confirming Sale of Real Property* (form DE-265/GC-065) to clarify that the order confirming sale applies to conservators and guardians as well as to personal representatives of decedents' estates, and make technical changes to the related *Report of Sale and Petition for Confirmation of Sale of Real Property* (form DE-260/GC-060) to make that form consistent with the revised order and improve its clarity and ease of use.

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

**Item A42**      **Probate Guardianships: Visitation by a Former Guardian After Termination of the Guardianship (revise forms GC-255 and GC-260) (Action Required)**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise the *Petition for Termination of Guardianship* (form GC-255) and the *Order Terminating Guardianship* (form GC-260) to permit a guardian petitioning for termination of the guardianship to request, and the court to order, visitation with the former ward after termination. This revision would implement new legislation that authorizes the court to order visitation between a former guardian and a former ward at or after

termination of the guardianship when the court finds that visitation would be in the best interest of the child.

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

**Item B**      **California Collaborative and Drug Court Projects Grants:  
Revise the Allocation Formula Under the 2005–2006 Budget Act  
(Action Required)**

The Collaborative Justice Courts Advisory Committee requests authorization to allocate \$1.066 million in California Collaborative and Drug Court Project funds to local jurisdictions in the form of mini-grants distributed through the Collaborative Justice Courts Project using a revised allocation formula. The 2005–2006 Budget Act provides for this allocation of \$1.066 million to California collaborative and drug court projects.

Staff: Ms. Nancy Taylor  
Center for Families, Children & the Courts  
Ms. Charlene Depner  
Center for Families, Children & the Courts

**Discussion Agenda (Items C1–C4, D–E)**

**ITEM C**                      **RULES, FORMS, AND STANDARDS**

***Access and Fairness***

**Item C1**      **Request for Accommodations by Persons With  
9:45–10:05 a.m. Disabilities (amend Cal. Rules of Court, rule 989.3; revise  
optional form MC-410) (Action Required)**

The Access and Fairness Advisory Committee recommends that the Judicial Council, effective January 1, 2006, amend rule 989.3 and revise optional form MC-410 so that the rule and form conform with a statutory change in the definition of a person with a disability. California law previously mirrored the Americans With Disabilities Act, which defined a “qualified person with a disability” as a person who has an impairment that substantially limits a major life activity. Since California broadened that definition by statute in 2001 by requiring only a limitation of a major life activity, and not a substantial limitation, this amendment conforms the rule to reflect the statutory change and clarifies some of its provisions in order to effectuate improved administration of the accommodations process.

*Presentation (10 minutes)*

Speakers: Hon. James R. Lambden  
Chair, Access and Fairness Advisory Committee  
Ms. Donna Clay-Conti  
Office of the General Counsel  
Ms. Linda McCulloh  
Education Division/CJER

*Discussion/Council Action (10 minutes)*

### ***Civil and Small Claims***

**Item C2**      **Alternative Dispute Resolution: Preserving Mediation**  
**10:05–10:20 a.m.**      **Confidentiality in Rule 1622 Proceedings (amend Cal. Rules of Court, rules 1580.1 and 1622; adopt rules 1621, 1622.1, 1622.2, and 1622.3; approve form ADR-107) (Action Required)**

The Civil and Small Claims Advisory Committee recommends amending the existing rules regarding mediators serving in court mediation programs for civil cases, adopting new rules, and approving a new form to help ensure that superior court procedures for receiving, investigating, and resolving complaints against court-program mediators are consistent with the requirements and underlying purposes of California’s mediation confidentiality statutes. These rules and form will (1) ensure that any necessary disclosure of mediation communications is limited by requiring a single person to be appointed to receive complaints about mediators; (2) ensure that the disclosure of information about a complaint procedure does not reveal mediation communications by establishing the confidentiality of information and records regarding complaint procedures; (3) prevent disclosure of mediation communications by disqualifying all persons who participate in or receive information about a complaint from subsequently hearing or determining any contested issue in the action or related proceedings; (4) enable courts to contact mediation participants if a complaint subsequently arises to obtain their agreement to disclosure of mediation communications, if necessary, by requiring mediators to request that participants complete an attendance sheet and requiring the mediators to retain these records and provide them to the court on request; and (5) prevent mediators from obstructing the resolution of a complaint by requiring them to agree to disclosure of mediation communications for purposes of a complaint procedure.

*Presentation (5 minutes)*

Speaker: Mr. Alan Wiener  
Office of the General Counsel  
Ms. Heather Anderson

Office of the General Counsel  
*Discussion/Council Action (10 minutes)*

10:20–10:35 a.m.   **BREAK**

***Family and Juvenile Law***

**Item C3**           **Juvenile Dependency: Guidelines for Attorneys Representing**  
**10:35–10:45 a.m.**   **Sibling Groups (amend Cal. Rules of Court, rule 1438) (Action**  
**Required)**

The Family and Juvenile Law Advisory Committee recommends amending rule 1438 concerning guidelines applicable to the appointment of counsel in juvenile dependency proceedings. These amendments provide the courts and attorneys with guidance in assessing any conflicting interests that exist among siblings and determining whether representation by a single attorney is appropriate.

*Presentation (5 minutes)*

Speakers:   Mr. David Meyers  
                  Center for Families, Children & the Courts  
                  Ms. Miriam Krinsky  
                  Executive Director  
                  Children’s Law Center of Los Angeles  
                  Ms. Melissa Ardaiz  
                  Center for Families, Children & the Courts

*Discussion/Council Action (5 minutes)*

***Probate and Mental Health***

**Item C4**           **Qualifications and Continuing Education of Private**  
**10:45–10:55 a.m.**   **Professional Guardians and Conservators (adopt Cal. Rules of**  
**Court, rules 7.1010 and 7.1060) (Action Required)**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council adopt, effective January 1, 2006, rules 7.1010 and 7.1060 of the California Rules of Court. These rules will prescribe the qualifications and continuing education requirements for private professional guardians and conservators (as defined in current statutes) that are appointed by the courts beginning in 2006. Rule 7.1010 will apply to private professional guardians and rule 7.1060 will apply to private professional conservators. These rules are proposed in response to a specific mandate to the Judicial Council contained in legislation effective January 1, 2005.

*Presentation (5 minutes)*

Speakers: Mr. Douglas C. Miller  
Office of the General Counsel

*Discussion/Council Action (5 minutes)*

**Item D**      **Additional Allocation of Trial Court Security Funds**  
**10:55–11:25 a.m. (Action Required)**

AOC staff recommends the council review and approve the recommended additional allocations of fiscal year 2005–2006 security funding.

*Presentation (15 minutes)*

Speakers: Mr. Michael Roddy  
Northern/Central Regional Office  
Ms. Marcia Caballin  
Finance Division

*Discussion/Council Action (15 minutes)*

**Item E**      **Judicial Branch Education: Enhancements to Minimum**  
**11:25 a.m.–**      **Education Requirements for the Judicial Branch—Approve**  
**12:05 p.m.**      **Concept and Direct Next Steps (Action Required)**

The Governing Committee of the Center for Judicial Education and Research (CJER) recommends that the Judicial Council approve the model for minimum education requirements in the California judicial branch and seeks the council’s guidance on the next steps for implementation of that model. Implementation of this model will establish uniform statewide standards for judicial branch minimum education.

*Presentation (15 minutes)*

Speakers: Hon. George J. Abdallah, Jr.  
Chair, CJER Governing Committee  
Hon. Fumiko Hachiya Wasserman  
Vice-Chair, CJER Governing Committee  
Ms. Karen M. Thorson  
Education Division/CJER

*Discussion/Council Action (25 minutes)*

**There have been no Circulating Orders since the last business meeting.**

**Judicial Council Appointment Orders Since the Last Business Meeting**  
[Appointment Orders Tab]