

In addition, the Office of County Counsel disagreed with the need for a new form, preferring instead to use the current civil form, *Consent to Electronic Notice and Notice of Electronic Service Address* (form EFS-005). After careful consideration of this comment, the committees recommend against pursuing this option. The current form EFS-005 is not specifically tailored to implement AB 879: (1) it does not reflect that AB 879 allows for consent to only e-mail notice of hearings in juvenile proceedings, not electronic service of all documents under the Code of Civil Procedure and its implementing trial court rule; (2) it does not allow for persons other than parties and attorneys to consent to e-mail notice; (3) it does not expressly provide the option of withdrawing consent to e-mail notice; and (4) it does not provide space for the attorney's signature where the person consenting to e-mail notice is a minor.

The new proposed form, EFS-005-JV/JV-141 was circulated for comment as an optional form, with a specific request for comment regarding whether the form should be mandatory or optional. The Orange County Bar Association commented that the form should be mandatory, whereas the San Diego Superior Court preferred an optional form. After deliberation, the committees determined that because the statute requires the use of the form, it should be mandatory. Even though the overall process of e-mail notification is optional and based on consent of those involved, once there is an agreement by the county and court to offer e-mail notices of hearings, consent by persons entitled to notice must be given on the EFS-005-JV/JV-141, thereby requiring a mandatory form. A mandatory form would assist parties by standardizing how they may give consent and assist courts by making it easier to determine when consent has been given.

The committees considered an alternative proposal that would add language to the existing EFS-005 and EFS-010 to allow persons entitled to notice in juvenile hearings to provide consent to receive notice of hearing by e-mail, to provide an e-mail address to the court, and to change their e-mail address on file with the court. However, the committees ultimately decided that creating a separate version of form EFS-005 specifically designed for juvenile hearings was the most efficient and expedient way to ensure a workable process in the juvenile court, without unnecessarily impacting the current civil law forms.

There were a number of suggestions for changes to improve the readability of the form, which were accepted by the committees.

### **Implementation Requirements, Costs, and Operational Impacts**

Implementation may require changes in court procedures and training in those courts that choose to allow for notice of hearings by e-mail. Because the legislation contemplates consent being provided on a Judicial Council form, and in some cases entities other than the court issue the notices of hearings (e.g., the probation department or social services agency), it will be important for the court to coordinate with its justice partners to ensure communication about the consent provided and that each entity has an up-to-date e-mail address on file.