

Family and Juvenile Law Advisory Committee Meeting

Call In Number: 877.820.7831

Listen Only Passcode: **3059688**

FEBRUARY 8, 2019

10:00 A.M.-12:10 P.M.

SAN FRANCISCO, CA



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS

FAMILY AND JUVENILE LAW ADVISORY COMMITTEE MEETING



JUDICIAL COUNCIL
OF CALIFORNIA

FAMILY AND JUVENILE LAW
ADVISORY COMMITTEE

**February 8, 2019
10:00 am.–4:00 p.m.
Judicial Council Boardroom
San Francisco, California**

Agenda

Joint Meeting:

10:00 a.m.-12:10 p.m. and 3:30-4:00 p.m.
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Family Law Issues (CLOSED SESSION)

12:10–3:30 p.m.

Juvenile Law Issues:

12:10–3:30 p.m.
877.820.7831 Listen Only Passcode: **3059688**

| | |
|-------------------------|--|
| 10:00 – 10:20 a.m. | Welcome Approval of Minutes <i>Hon. Jerilyn L. Borack and Hon. Mark A. Juhas, Cochairs</i> <i>Nicole Giacinti and Tracy Kenny, Cocounsels</i> |
| 10:20 – 10:35 a.m. | Public Comment |
| 10:35 – 10:50 a.m. | Review and Discussion of the 2019 Annual Agenda <i>Cochairs</i> |
| 10:50 – 11:10 a.m. | Implementation of Self-Help Recommendations from the Futures Commission <i>Bonnie Hough, Principal Managing Attorney, Center for Families, Children & the Courts (CFCC)</i> |
| 11:10 – 11:25 a.m. | Beyond the Bench <i>Marymichael Smrdeli, Attorney, CFCC</i> |
| 11:25 – 11:35 a.m. | VAWEP Transition <i>Hon. MaryAnn Grilli (Ret.), Superior Court of Santa Clara County</i> |
| 11:35 a.m. – 12:10 p.m. | Joint Working Lunch (Sequoia Room) Forms and Usability <i>Alison A. Corn, UC Davis Law Student/Graphic Designer</i> |
| 12:10 – 3:30 p.m. | Family Law Issues Juvenile Law Issues (See Agendas) |
| 3:30 – 4:00 p.m. | 2019 Priorities and Next Steps |
| 4:00 p.m. | Adjourn |

Family Law Issues (CLOSED SESSION)

Judicial Council Sequoia Room, 3rd Floor

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|--------------------|---|
| 12:10 – 12:30 p.m. | Approval of Training Providers and Review of Available Training <i>Nadine Blaschak-Brown, Senior Analyst, CFCC</i> |
| 12:30 – 12:45 p.m. | Overview of Tribal Courts and Family Law <i>Hon. Christine Williams, Chief Judge, Shingle Springs Tribal Court</i> |
| 12:45 - 1:30 p.m. | AB 1058 Sponsored Legislation Proposals <i>Hon. Sue Alexander (Ret.), Commissioner, Superior Court of Alameda County</i> |
| 1:30 - 2:00 p.m. | Family Law Legislative Update <i>Andi Liebenbaum, Attorney, Judicial Council Office of Governmental Affairs</i> |
| 2:00 – 2:15 p.m. | Self-Help Expansion Updates <i>Bonnie Hough, Principal Managing Attorney, CFCC</i> |
| 2:15 – 2:45 p.m. | Simplifying Family Law Procedures/Forms <i>Bonnie Hough</i> |
| 2:45 - 3:00 p.m. | Access to Visitation Grant Program Update <i>Greg Tanaka, Supervising Attorney, CFCC</i> |
| 3:00 – 3:30 p.m. | Family Law Rules and Forms: <ul style="list-style-type: none">• Family Law: Registration of Support Order<ul style="list-style-type: none">○ <i>John Henzl, Attorney, CFCC</i>• Family Law: Changes to Parentage Rules and Forms<ul style="list-style-type: none">○ <i>John Henzl and Gabrielle Selden, Attorneys CFCC</i> |
| 3:30 – 4:00 p.m. | Reconvene as Full Committee for 2019 Priorities and Next Steps |

Juvenile Law Issues

Judicial Council Boardroom, 3rd Floor

- | | |
|--------------------|--|
| 12:10 – 12:55 p.m. | California Children's Trust <i>Alex Briscoe</i> |
| 12:55 – 1:25 p.m. | Updates: <ul style="list-style-type: none">• Court Appointed Counsel Funding• Family First Prevention Services Act• Department of Juvenile Justice Reform Implemented by Gov. Jerry Brown• Remote Appearance by Incarcerated Parents <i>Audrey Fancy, Principal Manager, CFCC</i> |
| 1:25 – 2:25 p.m. | Federal Child and Family Services 2017 Review and Upcoming Plan <i>Dave McDowell, CDSS Children's Services Operations and Evaluations Branch, Children and Family Services Division</i> |
| 2:25 – 2:35 p.m. | Juvenile Law Legislative Update <i>Andi Liebenbaum, Attorney, Judicial Council Office of Governmental Affairs</i> |
| 2:35 – 2:50 p.m. | Welfare and Institution Code 827: Challenges and Procedures <i>Marymichael Smrdeli, Attorney, CFCC</i> |
| 2:50 – 3:05 p.m. | Accomplishments, Funding, and Next Steps from the Mental Health Services Implementation Task Force <i>Tareq Nazamy, Supervising Analyst, CFCC</i> |
| 3:05 – 3:15 p.m. | RuPro Proposal Selection Process <i>Hon. Jerilyn L. Borack</i> <i>Audrey Fancy</i> |
| 3:15 – 3:30 p.m. | Emerging issues (All) |
| 3:30 – 4:00 p.m. | Reconvene as Full Committee for 2019 Priorities and Next Steps |



JUDICIAL COUNCIL OF CALIFORNIA

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FAMILY AND JUVENILE LAW ADVISORY COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

April 9, 2018

4:30-5:30 p.m.

877.820.7831; Passcode: 3059688

Advisory Body Members Present: *Hon. Jerilyn L. Borack, Co-Chair, Hon. Mark A. Juhas, Co-Chair, Hon. Craig E. Arthur, Mr. Robert J. Bayer, Hon. Roger Chan, Hon. Carol D. Codrington, Hon. Michael J. Convey, Mr. Kevin Darrow Cunningham, Ms. Mary Majich Davis, Ms. LaRon Dennis, Ms. Sylvia Deporto, Ms. Kristen Erickson-Donadee, Hon. Suzanne Gazzaniga, Hon. Susan M. Gill, Hon. Rebecca C. Hardie, Ms. Leslie Heimov, Mr. John Daniel Hodson, Ms. Catherine Hohenwarter, Ms. Sharon Lawrence, Ms. Patricia Lee, Mr. Miranda Neal, Hon. Annemarie G. Pace, Mr. Brian J. Richart, Hon. B. Scott Thomsen, and Hon. Daniel Zeke Zeidler*

Advisory Body Members Absent: *Hon. Sue Alexander, Hon. Carolyn M. Caietti, Hon. Tari L. Cody, Mr. G. Christopher Gardner, Hon. Michael Gassner, Hon. Kimberly J. Nystrom-Geist, Ms. Sudha Shetty, Hon. Patrick Tondreau, Hon. Adam Wertheimer, and Hon. Heidi K. Whilden*

Others Present: *Ms. Penny Davis, Ms. Audrey Fancy, Ms. Tracy Kenny, Ms. Andi Liebenbaum, Ms. Gabrielle Selden, and Mr. Don Will*

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:22 p.m., and took roll call.

Approval of Minutes

No meeting minutes to approve.

DISCUSSION AND ACTION ITEMS (ITEM 1-1)

Item 1

Juvenile Law: Preliminary Discussion on Proposed Funding Allocation Methodology for Court Appointed Special Advocates Grant Program (Action Required)

Ms. Sharon M. Lawrence, presented the proposed methodology developed by the California CASA (Cal CASA) task force in response to the committee's request for guidance and input on the allocation methodology for the Court Appointed Special Advocates Grant Program. The discussion included four alternatives considered by the task force.

Action: After discussion and questions, the committee agreed that Ms. Lawrence will take the proposed methodology back to the Cal CASA network for review, then back to the committee for consideration and approval.

A D J O U R N M E N T

There being no further open meeting business, the meeting was adjourned at 4:45 p.m.

C L O S E D S E S S I O N

Item 1

Legislation

Closed session under rule 10.75(d)(10) proposed legislation, rules, or forms

Discuss potential legislation.

- AB 2274
- AB 2905
- AB 3076
- SB 925

Adjourned closed session at 4:56 p.m.

Approved by the advisory body on enter date.



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FAMILY AND JUVENILE LAW ADVISORY COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

June 4, 2018

4:30-5:30 p.m.

877.820.7831; Passcode: 3059688

Advisory Body Members Present: *Hon. Jerilyn L. Borack, Co-Chair, Hon. Mark A. Juhas, Co-Chair, Hon. Craig E. Arthur, Mr. Robert J. Bayer, Hon. Roger Chan, Hon. Carol D. Codrington, Hon. Tari L. Cody, Hon. Michael J. Convey, Ms. Sylvia Deporto, Ms. Kristen Erickson-Donadee, Hon. Susan M. Gill, Ms. Leslie Heimov, Mr. John Daniel Hodson, Ms. Catherine Hohenwarter, Ms. Sharon Lawrence, Ms. Patricia Lee, Mr. Miranda Neal, Hon. B. Scott Thomsen, Hon. Patrick Tondreau, and Hon. Heidi K. Whilden*

Advisory Body Members Absent: *Hon. Sue Alexander, Hon. Carolyn M. Caietti, Mr. Kevin Darrow Cunningham, Ms. Mary Majich Davis, Ms. LaRon Dennis, Mr. G. Christopher Gardner, Hon. Michael Gassner, Hon. Suzanne Gazzaniga, Hon. Kimberly J. Nystrom-Geist, Hon. Rebecca C. Hardie, Hon. Annemarie G. Pace, Mr. Brian J. Richart, Ms. Sudha Shetty, Hon. Adam Wertheimer, and Hon. Daniel Zeke Zeidler*

Others Present: *Ms. Penny Davis, Ms. Charli Depner, Ms. Audrey Fancy, Ms. Tracy Kenny, Ms. Andi Liebenbaum, and Mr. Don Will*

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:34 p.m., and took roll call.

Approval of Minutes

No meeting minutes to approve.

DISCUSSION AND ACTION ITEMS (ITEM 1-1)

Item 1

Juvenile Law: Proposed Funding Allocation Methodology for Court Appointed Special Advocates Grant Program and Process for Certifying New CASA Programs (Action Required)

Ms. Sharon M. Lawrence, Chief Executive Officer, California CASA Association

Ms. Penny Davis, Supervising Analyst, Center for Families, Children & the Courts

Review and approve feedback and recommendations on the Judicial Council's CASA funding methodology.

ADJOURNMENT

There being no further open meeting business, the meeting was adjourned at 4:43 p.m.

CLOSED SESSION

Item 1

Legislation

Closed session under rule 10.75(d)(10) proposed legislation, rules, or forms

Discuss potential legislation.

- [SB 1089](#) (Jackson)
- Legislative Updates TBD: Updates on bills previously before committee as necessary given developments in coming days.

Adjourned closed session at 5:19 p.m.

Approved by the advisory body on enter date.



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FAMILY AND JUVENILE LAW ADVISORY COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

June 25, 2018

4:30-5:30 p.m.

877.820.7831; Passcode: 3059688

Advisory Body Members Present: *Hon. Jerilyn L. Borack, Co-Chair, Hon. Mark A. Juhas, Co-Chair, Hon. Sue Alexander, Hon. Craig E. Arthur, Mr. Robert J. Bayer, Hon. Carol D. Codrington, Hon. Tari L. Cody, Hon. Michael J. Convey, Mr. Kevin Darrow Cunningham, Ms. Mary Majich Davis, Ms. Sylvia Deporto, Hon. Suzanne Gazzaniga, Hon. Susan M. Gill, Hon. Rebecca C. Hardie, Ms. Catherine Hohenwarter, Ms. Sharon Lawrence, Ms. Patricia Lee, Mr. Miranda Neal, Hon. Kimberly J. Nystrom-Geist, Hon. Annemarie G. Pace, Hon. B. Scott Thomsen, Hon. Patrick Tondreau, Hon. Heidi K. Whilden, and Hon. Daniel Zeke Zeidler*

Advisory Body Members Absent: *Hon. Carolyn M. Caietti, Hon. Roger Chan, Ms. LaRon Dennis, Ms. Kristen Erickson-Donadee, Mr. G. Christopher Gardner, Hon. Michael Gassner, Ms. Leslie Heimov, Mr. John Daniel Hodson, Mr. Brian J. Richart, Ms. Sudha Shetty, and Hon. Adam Wertheimer*

Others Present: *Ms. Penny Davis, Ms. Audrey Fancy, Mr. Dan Richardson, Ms. Gabrielle Selden, Mr. Greg Tanaka, and Mr. Don Will,*

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:32 p.m., and took roll call.

Approval of Minutes

No meeting minutes to approve.

DISCUSSION AND ACTION ITEMS (ITEM 1-1)

Item 1

Juvenile Law: Court Appointed Special Advocates (CASA) Grants Program (Action Required)

Review and discuss recommendations for the Judicial Council's CASA funding allocations for Fiscal Year 2018-2019

Ms. Penny Davis, Supervising Analyst, Center for Families, Children & the Courts

ADJOURNMENT

There being no further open meeting business, the meeting was adjourned at 4:41 p.m.

CLOSED SESSION

Item 1

Juvenile Law: Form JV-690 School Notification of Delinquency Court Adjudication

The committee reviewed and approved the proposal to amend form JV-690. The committee considered comments received from six commenters during the comment period. In response to a comment, the committee agreed that the form should be amended to account for notice under Education Code section 48267. Education Code section 48267 requires that the school superintendent be noticed that a child in grade 7 thru 12 has been found to be described by section 602 and has as a condition of probation requires that the minor attend a school program approved by the probation officer. There is no Judicial Council form that addresses Education Code section 48267, and in a survey of twenty counties, it was found that half were providing the required notice. The form has therefore been amended to allow for notice under both Welfare and Institutions Code section 827(b), and Education Code section 48267. Additional admonitions related to the dissemination of the form under Education code section 48267 were also added to the second page.

Item 2

Protective Orders: Entry of Interstate and Tribal Protective Orders, Canadian Protective Orders, and Gun Violence Restraining Orders into CLETS; New Form for Registration of Canadian Domestic Violence Protective Orders; rule amendment to add Gun Violence Restraining Orders

The committee reviewed the comments received and approved the proposal going forward to the Judicial Council without changes and with no responses required.

Item 3

Family Law: Income and Expense Declaration

Closed session under rule 10.75(d)(10) proposed legislation, rules, or forms

Adjourned closed session at 5:20 p.m.

Approved by the advisory body on enter date.



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FAMILY AND JUVENILE LAW ADVISORY COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

July 30, 2018

4:30-5:30 p.m.

877.820.7831; Passcode: 3059688

**Advisory Body
Members Present:**

Hon. Jerilyn L. Borack, Co-Chair, Hon. Sue Alexander, Hon. Craig E. Arthur, Mr. Robert J. Bayer, Hon. Tari L. Cody, Ms. Mary Majich Davis, Ms. LaRon Dennis, Hon. Michael Gassner, Hon. Suzanne Gazzaniga, Hon. Susan M. Gill, Hon. Rebecca C. Hardie, Ms. Leslie Heimov, Ms. Catherine Hohenwarter, Ms. Sharon Lawrence, Mr. Miranda Neal, Hon. Kimberly J. Nystrom-Geist, Hon. B. Scott Thomsen, and Hon. Daniel Zeke Zeidler

**Advisory Body
Members Absent:**

Hon. Mark A. Juhas, Co-Chair, Hon. Carolyn M. Caietti, Hon. Roger Chan, Hon. Carol D. Codrington, Hon. Michael J. Convey, Mr. Kevin Darrow Cunningham, Ms. Sylvia Deporto, Ms. Kristen Erickson-Donadee, Mr. G. Christopher Gardner, Mr. John Daniel Hodson, Ms. Patricia Lee, Hon. Annemarie G. Pace, Mr. Brian J. Richart, Ms. Sudha Shetty, Hon. Patrick Tondreau, Hon. Adam Wertheimer, and Hon. Heidi K. Whilden

Others Present:

Ms. Penny Davis, Ms. Audrey Fancy, Ms. Tracy Kenny, Ms. Andi Liebenbaum, Ms. Cassie McTaggart, and Mr. Greg Tanaka

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:33 p.m., and took roll call.

Approval of Minutes

No meeting minutes to approve.

DISCUSSION AND ACTION ITEMS (ITEM 1-1)

Item 1

Juvenile Law: Court Appointed Special Advocate Grant Program - Proposed Funding Distribution for Additional Funding and Proposed Quarter System for Data Collection (Action Required)

Ms. Penny Davis, Supervising Analyst, Center for Families, Children & the Courts

On June 27, 2018, the Budget Act of 2018, signed into law by the Governor, included an additional \$500,000 in funding for the Court Appointed Special Advocate (CASA) grant program.

Action: Committee recommends distribution of these additional funds.

ADJOURNMENT

There being no further open meeting business, the meeting was adjourned at 4:46 p.m.

CLOSED SESSION

Item 1

Rule and Form Proposal: SPR18-20: Family Law: Changes to Continuance Rule and Forms

Staff will review the proposed changes to several forms in this proposal. The changes are intended to be responsive to comments received about the rule and forms in the invitation to comment. Staff requests the committee's feedback before incorporating the changes into a complete draft report. The committee will meet again on August 6, 2018 to review the draft report to the Judicial Council.

Closed session under rule 10.75(d)(10) proposed legislation, rules, or forms

Adjourned closed session at 5:31 p.m.

Approved by the advisory body on enter date.



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AB1058 FUNDING ALLOCATION JOINT SUBCOMMITTEE

MINUTES OF OPEN MEETING

October 9, 2018
12:15 p.m. - 1:15 p.m.

Advisory Body Members Present: Hon. Mark Ashton Cope, Cochair, Hon. Joyce D. Hinrichs, Cochair, Mr. Mark Beckley, Ms. Catherine Hohenwarter, Hon. Patricia M. Lucas

Advisory Body Members Absent: Hon. Mark A. Juhas, Cochair, Hon. Lorna A. Alksne, Hon. Sue Alexander, Hon. Jonathan B. Conklin, Ms. Rebecca Fleming, Ms. Sheran Morton, Hon. B. Scott Thomsen

Others Present: Ms. Charlene Depner, Ms. Tracy Kenny, Ms. Anna Maves, Ms. Cassandra McTaggart, Mr. Gary Slossberg, Mr. Don Will

OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Judge Cope called the meeting to order at 12:16 p.m. Ms. Maves took roll call.

Approval of Minutes

Quorum was not present to approve the minutes. The minutes will be approved via an e-mail vote of the Joint Subcommittee.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Item 1

Welcome and Approval of the Minutes

Item 2

Review of Draft Judicial Council Report

Presenter: Judicial Council Staff

Ms. Maves reported that proposed edits to the draft Judicial Council Report were received from Commissioner Sue Alexander and Commissioner Rebecca Wightman. Since quorum was not met for the meeting, the attending members of the Joint Subcommittee decided to incorporate the proposed edits into the report and send the revised report out to the entire committee for an e-mail vote. Votes would be due by close of business on Thursday, October 11. The members directed staff to clarify in the e-mail to the Joint Subcommittee that the current version of the report includes changes, which will be indicated in track changes.

Ms. Maves added that after the report is approved it will go to the advisory committees for their approval. The Trial Court Budget Advisory Committee will consider approval of the report on October 18, the Family and Juvenile Law Advisory Committee will consider approval on

October 22, and the Workload Assessment Advisory Committee will consider approval sometime in the next weeks. The final report will be before the Judicial Council at its January 2019 meeting.

Item 3

Next Steps

Staff will send out an e-mail requesting all members to vote on whether to approve the report with changes and whether to approve the September 10, 2018 meeting minutes.

ADJOURNMENT

Concluding Remarks and Adjourn at 12:45 p.m.

Approved by the advisory body on _____.



JUDICIAL COUNCIL OF CALIFORNIA

FAMILY AND JUVENILE LAW
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FAMILY AND JUVENILE LAW ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

October 22, 2018

4:30-5:30 pm

877.820.7831; Passcode: 3059688

**Advisory Body
Members Present:**

Hon. Mark A. Juhas, Cochair, Hon. Sue Alexander (Ret.), Hon. Craig E. Arthur, Dr. Gena Castro Rodriguez, Hon. Roger Chan, Hon. Michael J. Convey, Ms. Kristen Erickson-Donadee, Hon. Michael Gassner, Hon. Suzanne Gazzaniga, Hon. Susan M. Gill, Ms. Stephanie Hansel, Hon. Douglas Hatchimonji, Ms. Leslie Heimov, Ms. Catherine Hohenwarter, Ms. Sharon Lawrence, Ms. Patricia Lee, Ms. Joan Miller, Mr. Miranda Neal, Hon. Pamela M. Parker, Ms. Sherry Peterson, Ms. Cheryl Scott, Hon. B. Scott Thomsen, Hon. Adam Wertheimer

**Advisory Body
Members Absent:**

Dr. Baljit Atwal, Hon. Carolyn M. Caietti, Hon. Carol D. Codrington, Hon. Tari L. Cody, Mr. Kevin Darrow Cunningham, Mr. Christopher Gardner, Hon. Rebecca C. Hardie, Hon. Annemarie G. Pace, Mr. Brian Richart, Ms. Nancy E. Smith, Hon. Patrick Tondreau, Hon. Heidi K. Whilden, and Hon. Daniel Zeke Zeidler

Others Present:

Audrey Fancy, Shelly La Botte, Andi Liebenbaum, Anna Maves, Cassandra McTaggart, Greg Tanaka, and Don Will

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:35 p.m., and took roll call.

Approval of Minutes

There are no meeting minutes to approve.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1**Access to Visitation Grant Program FY 2018-19 Midyear Funding Reallocation Recommendations**

The committee approved the proposed midyear grant funding reallocation of Access to Visitation federal grant funds for fiscal year 2018-19.

Item 2**AB 1058 Funding Allocation Joint Subcommittee Recommendations**

Anna Maves presented the draft AB 1058 Funding Allocation Joint Subcommittee Report to the Judicial Council and noted the changes made to the report by the Trial Court Budget Advisory Committee. After some brief discussion, the committee approved the report with the changes without any objections.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:30 p.m..

Approved by the advisory body on enter date.

DRAFT



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AB1058 FUNDING ALLOCATION JOINT SUBCOMMITTEE

MINUTES OF OPEN MEETING

April 18, 2018
10:00 a.m. – 4:00pm

Advisory Body Hon. Mark Ashton Cope, Cochair, Hon. Joyce D. Hinrichs, Cochair, Hon.
Members Mark A. Juhas, Cochair, Hon. Sue Alexander, Mr. Mark Beckley, Hon.
Present: Jonathan B. Conklin, Ms. Rebecca Fleming, Ms. Catherine Hohenwarter,
Hon. Patricia M. Lucas, Ms. Sheran Morton (on the phone)

Advisory Body
Members Absent: Hon. Lorna A. Alksne, Hon. B. Scott Thomsen

Others Present: Ms. Charlene Depner, Ms. Bonnie Hough, Ms. Tracy Kenny, Ms. Anna
Maves, Mr. Juan Palomares, Ms. Lollie Roberts, Ms. Leah Rose-
Goodwin, Mr. Gary Slossberg, Hon. Rebecca Wightman

**I. OPEN MEETING (CAL. RULES OF COURT, RULE 1
0.75(C)(1))**

Call to Order and Roll Call

Judge Mark A. Juhas called the meeting to order at 10:06 a.m.

Approval of Minutes

The minutes of March 12, 2018 were approved by acclamation.

III. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Item 1

Welcome and Approval of the Minutes

Item 2

Public Comment

One member of the public offered a public comment.

Item 3

Reviews of Ideas from March 12 Meeting

Presenter: Hon. Jonathan B. Conklin, Fresno Superior Court

Rebecca Fleming, Court Executive Officer, Santa Clara Superior Court



JUDICIAL COUNCIL OF CALIFORNIA

Judge Conklin and Ms. Fleming reviewed the ideas generated at the March 12 subcommittee meeting. Members were asked if there were any proposed additions or changes to the pros, cons, guidelines, and objectives identified at the last meeting. Staff was directed to capture any edits to the wording and to begin drafting paragraphs to express these ideas for the report to the Judicial Council, which will then be brought back to the subcommittee.

Item 4

Reports from Staff on Assigned Tasks

- Report regarding Self-Help Funding

Presenter: Bonnie Hough, Managing Attorney, Judicial Council Center for Families, Children & the Courts

Ms. Hough gave a report on the potential new influx of funding for the self-help centers in the courts. The Governor's budget includes \$19 million of new funding for self-help centers to expand self-help services.

- Report on Court Workload Studies and JBSIS

Presenter: Leah Rose-Goodwin, Manager, Judicial Council Office of Court Research

Ms. Rose-Goodwin gave a report on the status of the court workload studies, specifically the Resource Assessment Study (RAS) and the Judicial Workload Study, and on the JBSIS data relevant to AB 1058 filings.

- Report on Staff Assignments

Presenter: Anna Maves, Supervising Attorney, Judicial Council Center for Families, Children & the Courts

Ms. Maves directed the members' attention to the materials developed by staff in response to the subcommittee's direction at the last meeting.

Item 5

Facilitated Discussion on Guiding Principles for an AB 1058 Funding Model

Presenter: Hon. Jonathan B. Conklin, Judge, Fresno Superior Court

Rebecca Fleming, Court Executive Officer, Santa Clara Superior Court

Judge Conklin and Ms. Fleming facilitated a discussion on specific components to include in the funding model for the CSC program. After discussion staff was directed to build funding models for the CSC program based on the components identified by the members.

Item 6

Next Steps

It was recommended to continue to focus on the CSC model at the next meeting and then move to discussions about the FLF model. Staff was requested to develop an FLF model similar to the current model for self-help funds.

IV. A D J O U R N M E N T

Concluding Remarks and Adjourn

Adjourned at about 3:22 p.m.



JUDICIAL COUNCIL OF CALIFORNIA

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AB1058 FUNDING ALLOCATION JOINT SUBCOMMITTEE

MINUTES OF OPEN MEETING

August 20, 2018
12:15 p.m. - 1:15p.m.
Conference Call

Advisory Body Members Present: Hon. Mark Ashton Cope, Cochair, Hon. Joyce D. Hinrichs, Cochair, Hon. Mark A. Juhas, Cochair, Hon. Sue Alexander, Mr. Mark Beckley, Hon. Jonathan B. Conklin, Ms. Rebecca Fleming, Ms. Catherine Hohenwarter, Hon. Patricia M. Lucas, Hon. B. Scott Thomsen

Advisory Body Members Absent: Hon. Lorna A. Alksne, Ms. Sheran Morton

Others Present: Ms. Charlene Depner, Ms. Tracy Kenny, Ms. Anna Maves, Ms. Leah Rose-Goodwin, Mr. Gary Slossberg, Mr. Don Will

OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Judge Cope called the meeting to order at 12:15 p.m., and took roll call.
Judge Cope noted that two members of the public submitted public comments.

Approval of Minutes

The minutes of June 19, 2018 were approved by acclamation.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Item 1

Welcome and Approval of Minutes

Item 2

Review of Draft Child Support Commissioner Funding Allocation Models

Presenter: Leah Rose-Goodwin, Manager, Judicial Council Office of Court Research
Don Will, Deputy Director, Judicial Council Center for Families, Children & the Courts

Ms. Rose-Goodwin and Mr. Will presented a PowerPoint presentation (included in the meeting materials) which described three possible funding models for child support commissioners developed by staff, following the direction provided by the Joint Subcommittee at the April 2018 Subcommittee meeting. Ms. Rose-Goodwin explained that Model 1 is a baseline for the other models and follows the principles

underlying the Resource Assessment Study (RAS) and the Workload-Based Funding Methodology (WAFM) to determine each court's funding need.

Mr. Will presented two additional models. The first is identical to Model 1, but includes a 5% maximum cap on any funding decreases from the allocations in the 2018-2019 fiscal year. The second is also identical to Model 1, but maintains all Cluster 1 courts at their allocations for the 2018-2019 fiscal year.

The members requested that a fourth model be created that includes the 5% maximum on funding decreases and maintains the current funding of the Cluster 1 courts.

In considering Model 2, the members discussed whether the 5% cap would be an absolute cap or if instead the courts receiving decreases would continue to have cuts in funding until their funding levels reached their funding needs as determined by Model 1. The members agreed to continue this discussion at the next Subcommittee meeting.

Item 3

Next Steps

AB 1058 Program Manager Anna Maves explained that it is anticipated that the in-person Joint Subcommittee meeting on September 10 at the Sacramento JCC office will be the final meeting and that the Joint Subcommittee will make decisions on recommendations to the Judicial Council regarding 1) the Child Support Commissioner funding model, 2) the Family Law Facilitator funding model, and 3) the allocation of federal drawdown funds. It was confirmed that the recommendation at the June 19 Subcommittee meeting was to postpone recommending changes to the funding model for the Family Law Facilitator Program pending the cost/benefit analysis of the implementation of the new self-help funding for the courts.

Staff will have a draft Report to the Judicial Council available prior to the next meeting for the Joint Subcommittee's review. The Joint Subcommittee's recommendations will go to the Family and Juvenile Law Advisory Committee, the Workload Assessment Advisory Committee, and the Trial Court Budget Advisory Committee for its consideration. Each advisory committee can accept, accept with modifications, or reject the recommendations.

A D J O U R N M E N T

Concluding Remarks and Adjourn at 1:01p.m..

Approved by the advisory body on .



JUDICIAL COUNCIL OF CALIFORNIA

www.courts.ca.gov/familyjuvenilecomm.htm
familyjuvenilecomm@jud.ca.gov
www.courts.ca.gov/tcbac.htm
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AB1058 FUNDING ALLOCATION JOINT SUBCOMMITTEE

MINUTES OF OPEN MEETING

September 10, 2018
10:00 a.m. - 4:00 p.m.

Advisory Body Members Present: Hon. Mark Ashton Cope, Cochair, Hon. Joyce D. Hinrichs, Cochair, Hon. Mark A. Juhas, Cochair, Hon. Sue Alexander, Mr. Mark Beckley, Hon. Jonathan B. Conklin, Ms. Rebecca Fleming, Ms. Catherine Hohenwarter, Hon. Patricia M. Lucas, Hon. B. Scott Thomsen

Advisory Body Members Absent: Hon. Lorna A. Alksne, Ms. Sheran Morton

Others Present: Ms. Charlene Depner, Ms. Tracy Kenny, Ms. Anna Maves, Ms. Cassandra McTaggart, Ms. Leah Rose-Goodwin, Mr. Gary Slossberg, Mr. Don Will

OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Judge Juhas called the meeting to order at 10:11 a.m. Ms. Maves took roll call.

Approval of Minutes

The minutes of August 20, 2018 were approved by acclamation.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Item 1

Welcome and Approval of the Minutes

Presenters: Hon. Mark Ashton Cope, Cochair, Judge, Superior Court of Riverside County
Hon. Joyce D. Hinrichs, Cochair, Judge, Superior Court of Humboldt County
Hon. Mark A. Juhas, Cochair, Judge, Superior Court of Los Angeles County

Item 2

Public Comment

Facilitators: Hon. Mark Ashton Cope, Cochair, Judge, Superior Court of Riverside County
Hon. Joyce D. Hinrichs, Cochair, Judge, Superior Court of Humboldt County
Hon. Mark A. Juhas, Cochair, Judge, Superior Court of Los Angeles County

Three public comments were offered by the following members of the public: Child Support Commissioner Rebecca Wightman (San Francisco), Family Law Facilitator Lollie Roberts (Sacramento), and Family Law Facilitator Melanie Snider (Butte, Lake, and Tehama).

Item 3

Presentation on Updates to the Proposed AB1058 Child Support Commissioner Funding Models

Presenters: Leah Rose-Goodwin, Manager, Judicial Council Office of Court Research

Don Will, Deputy Director, Judicial Council Center for Families, Children & the Courts

Ms. Rose-Goodwin reviewed Model 1, which follows a process similar to that of the Workload-Based Allocation and Funding Methodology (WAFM) in determining the funding for each court. As she explained, Model 1 uses the Judicial Needs Study to determine the Child Support Commissioner staffing need and the Resource Assessment Study (RAS) to determine non-CSC staffing need, translates the staffing needs to dollars based on a statewide salary average (adjusted for each county's cost of labor per the Bureau of Labor Statistics (BLS)), adds in benefits and operating expenses and equipment totals per full-time equivalent staff member (FTE), and a court reporter at a 1:1 ratio to CSCs. The total funding need per Model 1 of \$67,695,798 far exceeds the available funding for the program of \$31,616,936, so each court's allocation would be prorated down to the available funding.

Mr. Will presented on the three additional models which use Model 1 as a base and then apply various adjustments to limit the cuts to courts. Model 2 applies a 5% cap on funding decreases from each court's prior year's allocation. Model 3 maintains the current funding for all Cluster 1 courts. Model 4, which the Joint Subcommittee requested be developed for this meeting, includes both the adjustment of the 5% cap and maintains the current funding for the Cluster 1 courts.

Item 4

Discussion and Development of Recommendation Regarding the AB1058 Child Support Commissioner Funding Model

Facilitators: Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Rebecca Fleming, Court Executive Officer, Superior Court of Santa Clara County

The Joint Subcommittee began by reviewing the objectives and goals developed at the prior meetings. The objectives and goals were approved without objection by the Joint Subcommittee.

The members discussed the merits of each of the models presented and thereafter approved following motions without objection:

- Motion to approve the underlying assumptions for determining funding need as reflected in Model 1. Child support commissioner need is determined for each court by taking a 3 year average of JBSIS filings times case weights in the Judicial Needs Study for other family law case types divided by judicial officer minutes in a year. The child support commissioner need for each court is then multiplied by 85% of a judge salary to determine the child support commissioner salary need. The salary need is added to salary-driven benefits and non-salary driven benefits to determine the total CSC funding needs for each court. Staffing need is determined by taking a three year average of JBSIS filings times case weights for IN RAS for non-management staff divided by number of staff minutes in a year. The staffing need is multiplied by salary/FTE from 7A times BLS for each court to determine non-child support commissioner salary need for each court. Total non-child support commissioner funding need for each court is determined by adding non-child support salary need to salary-driven benefits, non-salary driven benefits and court reporter costs. Finally to determine total funding need for each court, the total non-child support commissioner funding need is added to total child support funding need and OE & E. Because there are insufficient funds to meet the total program need, any allocations identified for each court needs to be prorated.
- Motion to build a model using a 1:1.25 CSC to court reporter ratio to more accurately reflect program need and to be consistent with the ratio used in WAFM
- Motion to have the model spreadsheet reflect the funding level for every court, even courts who have an intra-branch agreement to share services and one court is designated as the primary court to receive all of the funding and submit invoices for reimbursement on behalf of both courts.
- Motion to maintain the current funding levels of the Cluster 1 courts and any courts that have an existing agreement for shared services and direct the Family and Juvenile Law Advisory Committee to develop data and information to identify basic funding need for small courts to maintain minimum services for the CSC program by FY 2020-2021.

- Motion to limit any decrease or increase in existing base funding to no more than 5% from what the court received in funding from the prior fiscal year with implementation of this methodology for FY 2019-2020 with a reallocation of funds every two years
- Motion to direct the Trial Court Budget Advisory Committee's (TCBAC) Funding Methodology Subcommittee (FMS) to hear all future proposed revisions to the funding methodology and to direct FMS to consult with Family and Juvenile Law Advisory Committee in considering these proposals

One motion was made, but not approved, by the Joint Subcommittee. This motion was to include courts with shared services agreements in the model variance that limited any increase or decrease in funding of up to 5% of the total allocation for the combined total of the prior year's allocations for all courts in the agreement, rather than maintaining those courts' prior year allocations. This motion failed.

Item 5

Recommendation Regarding the Family Law Facilitator Funding Model

Facilitators: Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Rebecca Fleming, Court Executive Officer, Superior Court of Santa Clara County

The members considered whether to make any changes to the funding model for the Family Law Facilitator (FLF) program. Noting concerns raised at previous meetings regarding possible adverse consequences to the implementation of the new self-help funding in the courts if the FLF funding model were to be changed, the Joint Subcommittee approved the following motion without objection:

- Motion to leave the current funding methodology in place until at least fiscal year 2021-2022 after the conclusion of the review of the impacts of the new self-help funding is undertaken and to develop better workload data from FLF offices.

Item 6

Discussion and Development of Recommendation Regarding the AB 1058 Federal Drawdown Funds

Facilitators: Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Rebecca Fleming, Court Executive Officer, Superior Court of Santa Clara County

The members discussed the options for allocating the federal drawdown (FDD) funds and approved the following motion without objection:

- Motion to allow courts to decide whether to opt-in to the FDD program for the CSC program in advance of the FY allocations and to fund courts proportional to their new base funding allocations up to the amount of FDD funds they have requested and can provide the required matching funds.
- Motion to maintain the current FDD program for the FLF program without change

Item 7

Review and Discussion of Judicial Council Recommendations

Facilitators: Judicial Council Staff

Staff reviewed the motions approved by the members. Staff was directed to prepare a draft Report to the Judicial Council regarding the Joint Subcommittee's recommendations and to circulate it amongst the members via e-mail and to have conference call meeting in early October to allow members to propose changes to the report. After being approved by the Joint Subcommittee, the report would be forwarded to the three advisory committees (F&J, TCBAC, and the Workload Assessment Advisory Committee) for their consideration, prior to being submitted to the Judicial Council for its consideration.

ADJOURNMENT

Concluding Remarks and Adjourn at 1:56 p.m..

Family and Juvenile Law Advisory Committee
Annual Agenda¹—2019
Approved by RUPRO: October 19, 2018

I. COMMITTEE INFORMATION

| | |
|---|--|
| Chair: | Hon. Jerilyn Borack and Hon. Mark A. Juhas, Co-chairs |
| Lead Staff: | Ms. Audrey Fancy and Ms. Tracy Kenny, Co-lead Staff; Ms.Carolynn Bernabe, Administrative Coordinator, Center for Families, Children & the Courts |
| <p>Committee’s Charge/Membership: Rule 10.43. Family and Juvenile Law Advisory Committee of the California Rules of Court states the charge of the Family and Juvenile Law Advisory Committee, which is to make recommendations to the Judicial Council for improving the administration of justice in all cases involving marriage, family, or children. Rule 10.43. Family and Juvenile Law Advisory Committee sets forth additional duties of the committee.</p> <p>The Family and Juvenile Law Advisory Committee currently has 36 voting members and one advisory member. The Family and Juvenile Law Advisory Committee website provides the composition of the committee.</p> | |
| <p>Subcommittees/Working Groups²:</p> <ol style="list-style-type: none">1. Protective Order Working Group (POWG)2. Violence Against Women Education Program/Victims of Crime Act (VAWEP/VOCA)3. Joint Juvenile Competency Issues Working Group4. AB 1058 Funding Allocation Joint Subcommittee | |

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

II. COMMITTEE PROJECTS

| # | New or One-Time Projects ³ | |
|----|--|-------------------------------|
| 1. | Legislative Changes from the 2017-2018 Legislative Session | Priority 1⁴ |
| | <p>Project Summary: As directed by the Judicial Council, review legislation identified by Governmental Affairs that may have an impact on family and juvenile law issues within the advisory committee's purview. The committee will review the legislation below, and any other identified legislation, and propose rules and forms as may be appropriate for the council's consideration.</p> <p><u>Domestic Violence:</u></p> <p>a. AB 2694 (Rubio) Domestic violence: ex parte orders (Ch. 219, Statutes of 2018) Prohibits denial of an ex parte petition under the Domestic Violence Prevention Act (DVPA) solely because the other party was not provided with notice of the proceeding.</p> <p>b. SB 1200 (Skinner) Firearms: gun violence restraining orders (Ch. 898, Statutes of 2018) Makes various changes to procedures governing gun violence restraining orders, including a clarification of the definition of ammunition and a requirement that the notice to restrained persons conform with this change, and a requirement that the court hold a hearing on a one year order within 21 days of issuance of a temporary restraining order.</p> <p><u>Family:</u></p> <p>c. AB 2044 (Stone) Domestic violence: family court (Ch. 941, Statutes of 2018) Provides that when making a child custody determination the court must consider the safety of the child as the primary consideration. Codifies the holding in <i>Jaime G. v. H.L.</i> that the court must make specified findings on the record or in writing when rebutting the presumption against custody for a parent found to have perpetrated domestic violence.</p> <p>d. AB 2185 (Chiu) Civil actions: pleadings: party names (Ch. 817, Statutes of 2018) Allows a guardian ad litem petitioning on behalf of a minor to file the petition with a pseudonym or fictitious name.</p> | |

³ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁴ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

| # | New or One-Time Projects ³ |
|---|---|
| | <p>e. <u>AB 2274 (Quirk) Division of community property: pet animals (Ch. 820, Statutes of 2018)</u> Authorizes a court, upon request of a party to proceedings for dissolution of marriage or for legal separation of the parties and notwithstanding other requirements for dividing the community estate of the parties, to assign sole or joint ownership of a community property pet animal taking into consideration the care of the pet animal. Also authorizes, upon the request of a party, the court to order a party to care for the pet animal prior to the final determination of ownership.</p> <p>f. <u>AB 2684 (Bloom) Parent and child relationship (Ch. 876, Statutes of 2018)</u> This bill updates the Uniform Parentage Act to: ensure equal treatment of same-sex couples; update provisions regarding genetic testing for parentage; and establish a process for children conceived from donated sperm or egg donors to receive medical information of the donor, and, if the donor agrees, identifying information.</p> <p>g. <u>AB 3248 (Committee on Judiciary) Judiciary omnibus (Ch. 504, Statutes of 2018)</u> Extends until 2021 provision exempting local child support agencies (LCSA) from local court requirements to electronically file and serve documents unless the LCSA and the Department of Child Support Services certify that the LCSA can comply.</p> <p>h. <u>SB 273 (Hill) Marriage and domestic partnership: minors (Ch. 660, Statutes of 2018)</u> Creates additional requirements and court oversight before a minor may marry or establish a domestic partnership.</p> <p>i. <u>SB 1129 (Monning) Spousal support award: conviction for act of domestic violence (Ch. 850, Statutes of 2018)</u> Prohibits awards of spousal support, attorney fees, and community property interest in retirement, pension, or insurance benefits to individuals convicted of felony domestic violence against their spouses and creates a presumption against an award of similar benefits to those spouses convicted of misdemeanor domestic violence.</p> <p><u>Juvenile dependency:</u></p> <p>j. <u>AB 1617 (Bloom) Juvenile case files: inspection (Ch. 992, Statutes of 2018)</u> Allows certain parties involved in appeals of juvenile court orders, who previously had been granted access to the juvenile case file pursuant to a court order, to access the case file for the appeals. Requires the Judicial Council to adopt rules to implement this provision.</p> <p>k. <u>AB 1930 (Stone) Foster care (Ch. 910, Statutes of 2018)</u></p> |

| # | New or One-Time Projects ³ |
|---|--|
| | <p>Adopts various changes to further facilitate implementation of the Continuum of Care Reform (CCR), which was initiated in 2015 in order to better serve children and youth in California’s child welfare services system.</p> <ul style="list-style-type: none"> l. <u>AB 2337 (Gipson) Nonminor dependents (Ch. 539, Statutes of 2018)</u> Expands eligibility for extended foster care benefits to nonminors who have not yet reached 21 years of age and who would have received extended foster care benefits at age eighteen but for receiving Supplemental Security Income benefits or other similar federal aid in lieu of foster care payments. m. <u>AB 3047 (Daly) Court fees: Indian Child Welfare Act (Ch. 399, Statutes of 2018)</u> Waives the fee and renewal fee for filing pro hac vice when the applicant is an attorney representing a tribe in a child welfare matter under the federal Indian Child Welfare Act. n. <u>AB 3176 (Waldron) Indian children (Ch. 833, Statutes of 2018)</u> Updates the Indian Child Welfare Act provisions in the Welfare and Institutions Code in order to comply with recent Federal Bureau of Indian Affairs regulations. o. <u>SB 925 (Beall) Foster care (Ch. 151, Statutes of 2018)</u> Requires the Court Appointed Special Advocate to be included in the child or youth’s child and family team as defined in Welfare and Institutions Code section 16501 unless the child or youth objects. <p><u>Juvenile Justice:</u></p> <ul style="list-style-type: none"> p. <u>AB 1214 (Stone) Juvenile proceedings: competency (Ch. 991, Statutes of 2018)</u> Revises and recasts statutory provisions governing the determination of competency in a juvenile delinquency proceeding. Requires the Judicial Council to adopt a rule of court governing the qualifications of experts appointed in these proceedings. q. <u>AB 2595 (Obernolte) Wards: confinement (Ch. 766, Statutes of 2018)</u> Clarifies that the limitations on the length of the physical confinement of a ward committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, do not limit the powers of the Board of Juvenile Hearings and the committing juvenile court to, set a maximum base term, retain jurisdiction of the ward, discharge a ward, and establish conditions of supervision. r. <u>AB 2952 (Stone) Juvenile records: sealed records: access (Ch. 1002, Statutes of 2018)</u> |

| # | New or One-Time Projects ³ | |
|----|--|-------------------|
| | <p>Authorizes a prosecuting attorney to access, inspect, or utilize a juvenile record that has been sealed under the automatic sealing process in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case.</p> <p>s. <u>SB 439 (Mitchell) Jurisdiction of the juvenile court (Ch. 1006, Statutes of 2018)</u> Prohibits the prosecution of children under the age of 12 years in the juvenile court, except when a minor is alleged to have committed murder or specified sex offenses.</p> <p>t. <u>SB 1281 (Stern) Juvenile records (Ch. 793, Statutes of 2018)</u> Prohibits the destruction of a sealed juvenile record if an offense in that record has made the person subject to a firearms restriction until he or she turns 33 years of age, and authorizes a prosecuting attorney or the Department of Justice to inspect, to utilize those records for purposes related to the enforcement of that restriction, as specified.</p> <p>u. <u>SB 1391 (Lara) Juveniles: fitness for juvenile court (Ch. 1012, Statutes of 2018)</u> Repeals the authority of a prosecutor to make a motion to transfer a minor from juvenile court to adult criminal court in a case in which a minor is alleged to have committed a specified serious offense when he or she was 14 or 15 years of age, unless the individual was not apprehended prior to the end of juvenile court jurisdiction.</p> <p>Status/Timeline: Any rules and forms proposals required to implement legislation enacted in 2018 will be prepared for the Winter or Spring public comment cycles in 2019 as appropriate with anticipated effective dates of either September 1, 2019 or January 1, 2020.</p> <p>Fiscal Impact/Resources: CFCC staff, in consultation with staff from the Legal Services will prepare revised rules and forms as needed. Joint Rules Subcommittee of Trial Court Presiding Judges and Court Executive Advisory Committees (TCPJAC/CEAC JRS) will review proposals for court operations impacts as necessary.</p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.</p> <p>AC Collaboration: For proposals that impact family and civil courts, the committee will collaborate with the Civil and Small Claims Advisory Committee. For proposals impacting tribal courts, the committee will collaborate with the Tribal Court–State Court Forum. For proposals impacting the Courts of Appeal, the committee will collaborate with the Appellate Advisory Committee.</p> | |
| 2. | Sex Offender Registration Requirement Changes | Priority 1 |

| # | New or One-Time Projects ³ | |
|----|---|---------------------------|
| | <p>Project Summary: Monitor implementation of SB 384 (Wiener; Stats. 2017, ch. 541), and assist juvenile courts with any required implementation of new sex offender registration requirements.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Criminal Justice Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Criminal Law Advisory Committee</p> | |
| 3. | <p>Family First Prevention Services Act Implementation</p> | <p>Priority 1a</p> |
| | <p>Project Summary: The Family First Prevention Services Act (FFPSA) was signed into law as part of the Bipartisan Budget Act on February 9, 2018. This act reforms the federal child welfare financing streams, Title IV-E and Title IV-B of the Social Security Act, to provide services to families who are at risk of entering the child welfare system. The committee may be asked to provide input on required changes to California law or to develop rules and forms.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2020 or January 1, 2021 for rules and forms.</p> <p>Fiscal Impact/Resources: Legal Services and Government Affairs; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p>Internal/External Stakeholders: California Department of Social Services, Chief Probation Officers of California, Child Welfare Directors Association</p> <p>AC Collaboration: None known</p> | |
| 4. | <p>Indian Child Welfare Act Legal Updates</p> | <p>Priority 1a</p> |

| # | New or One-Time Projects ³ | |
|----|---|--------------------|
| | <p>Project Summary: Update Indian Child Welfare Act (ICWA) rules and forms pursuant to AB 3176 (Waldron) Indian children and In re E.H. (D073635) and make any other technical amendments as appropriate. Assembly Bill 3176 update the Indian Child Welfare Act provisions in the Welfare and Institutions Code in order to comply with recent Federal Bureau of Indian Affairs regulations. <i>In re E.H.</i> noted that form ICWA-030 does not have a designated space for information pertaining to great-great-grandparents and suggests that the Judicial Council revise the form to include a designated space. In addition, judicial officers and practitioners have suggested other corrections and amendments to the ICWA rules and forms which will be considered during this cycle.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2020 for rules and forms. TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p>Fiscal Impact/Resources: Legal Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Tribal Court–State Court Forum</p> | |
| 5. | Fee Waiver: Changes to Rules and Forms Based on <i>Jameson v. Desta</i> | Priority 1a |
| | <p>Project Summary: The California Supreme Court in Jameson v. Desta, (2018) 5 Cal.5th 594, held that a superior court cannot withhold court reporter services from an indigent litigant, who had been granted an initial fee waiver, based on a general policy that official court reporters are not made available for civil cases. Consider implementation of changes to rules 3.55(7) and 2.956; form FW-001-INFO (<i>Information Sheet on Waiver of Superior Court Fees and Costs</i>) and form FW-001 (<i>Request to Waive Court Fees</i>) in collaboration with the Civil Small Claims Advisory Committee and Probate and Mental Health Advisory Committee.</p> <p>Status/Timeline: Anticipated effective date of September 1, 2019 for rules and forms.</p> <p>Fiscal Impact/Resources: Legal Services; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Civil and Small Claims Advisory Committee, Probate and Mental Health Advisory Committee</p> | |
| 6. | Juvenile Law: Update <i>Authorization to Release Health and Mental Health Information (Form JV-226)</i> | Priority 1a |

| # | New or One-Time Projects ³ | |
|----|--|--------------------|
| | <p>Project Summary: Optional form JV-226 allows parents, guardians, and youth to provide authorization for medical and mental health providers to release information about the child. This form does not address the provisions of Civil Code section 56.106 which limits the rights of a parent from whose custody the child has been removed to authorize the release of mental health information unless the court has made specified findings.</p> <p>Fiscal Impact/Resources: None</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 7. | Juvenile Law: Notice to Parties of Proposal to Place Child Out of County | Priority 1b |
| | <p>Project Summary: Implement Assembly Bill 404 (Stone; Stats. 2017, ch. 732), which amended Welf. and Inst. Section 361.2 to require that notice and an opportunity to object be provided to all parties when the social worker recommends a child be place in an out of county placement.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2020 for rules and forms.</p> <p>Fiscal Impact/Resources: Legal Services; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 8. | Juvenile Law: Legal Accuracy of Juvenile Forms | Priority 1b |

| # | New or One-Time Projects ³ | |
|----|---|--------------------|
| | <p>Project Summary: To comply with Senate Bill 190 (Mitchell; Stats. 2017, ch. 678) remove references to payment of fees from form JV-618, along with other sunsetted provisions. Include required title IV-E dismissal findings and orders to improve the legal accuracy of form JV-364. Create a findings and orders form for the statutorily authorized process of reinstatement of reunification services.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2020 for rules and forms.</p> <p>Fiscal Impact/Resources: Lega Services; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 9. | AB 1058 Program Rule and Statutory Changes | Priority 1d |
| | <p>Project Summary: Consider implementation of rule changes and sponsored legislation to improve the fair, efficient and effective operation of the AB 1058 child support program in the courts to include:</p> <ul style="list-style-type: none"> a) A new rule setting forth the minimum qualifications for an AB 1058 child support commissioner. b) Amend rule 5.330 to increase compliance with submission of federally required child support registry form. c) Amend rule 5.305(b) to clarify the requirements and timeframe for Title IV-D cases heard by a judge to be directed to the calendar of a child support commissioner. d) Amend rule 5.275 to require that child support calculators include the low-income adjustment range on the first page and to conform fee requirements for child support calculator submission to the Judicial Council with current practice of the council not to accept payment of these fees. <p>Status/Timeline: Anticipated effective date of January 1, 2020 for rules and forms, and introduction of legislation in 2020 for possible sponsored legislation. TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p>Fiscal Impact/Resources: Legal Services and Government Affairs; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p>Internal/External Stakeholders: California Department of Child Support Services</p> <p>AC Collaboration: None</p> | |

| # | New or One-Time Projects ³ | |
|-----|--|--------------------|
| | | |
| 10. | Juvenile Traffic Offenders | Priority 2 |
| | <p>Project Summary: At the request of the Futures Traffic Working Group, provide subject matter expertise on the impact on juvenile traffic offenders in proposed Judicial Council sponsored legislation to implement Futures Commission recommendations that would make adult traffic offenses subject to civil rather than criminal sanctions.</p> <p>Status/Timeline: Develop sponsored legislation proposal to be circulated for comment in 2019.</p> <p>Fiscal Impact/Resources: Criminal Justice Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Futures Traffic Working Group</p> | |
| 11. | Advisement of Appellate Rights in Juvenile Law | Priority 2b |
| | <p>Project Summary: At the request of several counties and the Appellate Advisory Committee, to clarify the extent of appellate rights available to parties in juvenile law cases, rule 5.590 should be revised to remove the requirement of presence to receive the advisement, include a reference to additional hearing types and the applicable statutory section. In addition, one of the advisory committee comments is no longer accurate and requires revision.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2020 for rules and forms.</p> <p>Fiscal Impact/Resources: Committee staff and Appellate Advisory Committee staff; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Appellate Advisory Committee</p> | |

| # | Ongoing Projects and Activities | |
|----|---|-------------------|
| 1. | Proposition 47 & AB 2765, Proposition 57, and Proposition 64 | Priority 1 |
| | <p>Project Summary: Monitor implementation of three recently enacted proposition and assist juvenile courts with any required implementation:</p> <ul style="list-style-type: none"> a) Proposition 47 enacted November 5, 2014, which reduced the classification of many nonserious and nonviolent property and drug crimes from a felony to a misdemeanor, as well as its extension to November 4, 2022 under Assembly Bill 2765 (Weber, Stats. 2016, ch. 767); b) Proposition 57 enacted November 8, 2016 which restructured the process for transfer of jurisdiction from juvenile to criminal court and eliminated the ability of prosecutors to directly file cases in criminal court; and c) Proposition 64 enacted November 8, 2016 which reduced most marijuana offenses for minors to misdemeanors and allows for prior offenses to be reclassified accordingly. <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Criminal Justice Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Criminal Law Advisory Committee</p> | |
| 2. | Assembly Bill 1058 Child Support Program Funding | Priority 1 |
| | <p>Project Summary: Provide recommendations to the council for allocation of funding pursuant to Family Code sections 4252(b) and 17712</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Budget Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Court Executives Advisory Committee</p> | |

| # | Ongoing Projects and Activities | |
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| 3. | Access to Visitation Funding and Legislative Report | Priority 1 |
| | <p>Project Summary: Provide recommendations to the council for allocation of funding pursuant to Family Code section 3204. Additionally, the committee will provide the council with the statutorily mandated legislative report on the program due every other year.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Budget Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 4. | Court Appointed Special Advocates (CASA) grants program (Welf. & Inst. Code, § 100 et seq.) | Priority 1 |
| | <p>Project Summary: Recommend annual funding to local programs pursuant to the methodology approved by the Judicial Council in August 2013. Conduct 5-year review of 2013 methodology and recommend changes if necessary as referred by the council.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Budget Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 5. | Blue Ribbon Commission on Children in Foster Care (BRC) Recommendations | Priority 1 |
| | <p>Project Summary: Continue to provide Judicial Council members input on council accepted recommendations concerning child welfare made by the BRC.</p> <p>Status/Timeline: Ongoing</p> | |

| # | Ongoing Projects and Activities | |
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| | <p><i>Fiscal Impact/Resources:</i> None</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p> | |
| 6. | Family Law: Elkins Family Law Task Force recommendations | Priority 1 |
| | <p><i>Project Summary:</i> Continue to provide Judicial Council members input on council accepted recommendations for family law issues addressed by the Elkins Family Law Task Force.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> None</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p> | |
| 7. | Referrals from the Commission on the Future of California’s Court System | Priority 1 |
| | <p><i>Project Summary:</i> The Futures Commission made recommendations for significant reform in family and juvenile law. If those recommendations are referred to the committee it would review them and determine the next steps needed for implementation. See Letter from Chief Justice to Judicial Council internal committee chairs, May 17, 2017</p> <p><i>Family Recommendations:</i></p> <ul style="list-style-type: none"> a) Provide mediation without recommendations as the first step in resolving all child custody disputes. b) Explore through pilot projects or otherwise whether additional services, including tiered mediation, would be effective in complex or contentious cases. | |

| # | Ongoing Projects and Activities | |
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| | <p><i>Juvenile Recommendations:</i></p> <ul style="list-style-type: none"> a) Establish a single juvenile court with consolidated jurisdiction over all juvenile court matters. b) Provide courts with jurisdiction over children and parents in all juvenile cases and provide children and parents counsel when appropriate. c) Test these proposals via pilot programs in a diverse set of courts <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> Legal Services, Governmental Affairs</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p> | |
| 8. | <p>Domestic Violence</p> <p><i>Project Summary:</i> Provide recommendations to the council on statewide judicial branch domestic violence issues in the area of family and juvenile law, including projects referred from the work of the Domestic Violence Practice and Procedure Task Force and the Violence Against Women Education Program (VAWEP). Serve as lead committee for Protective Orders Working Group (POWG). Examine the need for statewide guidance and policies on access to the California Courts Protective Order Registry (CCPOR).</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> Criminal Justice Services, Lega Services</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> Civil Small Claims Advisory Committee, Criminal Law Advisory Committee</p> | <p>Priority 1</p> |

| # | Ongoing Projects and Activities | |
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| 9. | Legislation | <i>Priority 1</i> |
| | <p>Project Summary: As requested by the Judicial Council Policy Coordination and Liaison Committee review and recommend positions on legislation related to family and juvenile law matters.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Governmental Affairs</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 10. | Education | <i>Priority 1</i> |
| | <p>Project Summary: Contribute to planning efforts in support of family and juvenile law judicial branch education.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CJER</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: CJER Governing Committee</p> | |
| 11. | Review approval of training providers under 5.210, 5.225, 5.230, and 5.518. | <i>Priority 1</i> |
| | <p>Project Summary: Training providers/courses are reviewed for compliance with these rules by Judicial Council staff, in consultation with the Family and Juvenile Law Advisory Committee. As directed by the Judicial Council, result of review of delegations.</p> <p>Status/Timeline: Ongoing</p> | |

| # | Ongoing Projects and Activities | |
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| | <p>Fiscal Impact/Resources: Support Services, Legal Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 12. | AB 1058 Funding Allocation Joint Subcommittee | Priority 1 |
| | <p>Project Summary: To enrich recommendations to the council and avoid duplication of effort, members of the committee will continue to collaborate with members of the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and make recommendations to the council for fiscal year 2019-20 allocations. In addition to approving the finalized recommendations on a funding methodology to allocate AB 1058 grant funds, the committee will examine strategies for courts to manage their existing workloads within their future funding allocations to ensure that statutory and contractual obligations for the AB 1058 child support program can be met within the reallocated funding.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Budget Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Trial Court Budget Advisory Committee</p> | |
| 13. | FL-800 Joint Petition for Summary Dissolution | Priority 1a |
| | <p>Project Summary: Update to reflect change in cost of living per Family Code section 2400(b) as a technical change.</p> <p>Status/Timeline: Ongoing requirement to adjust every other year, next adjustment to be effective January 1, 2018 (approved by the Judicial Council 3/24/17 in a technical report)</p> <p>Fiscal Impact/Resources: Lega Services</p> | |

| # | Ongoing Projects and Activities | |
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| | <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p> | |
| 14. | <p>Privacy of Minor’s Information in Protective Orders</p> | <p>Priority 1b</p> |
| | <p><i>Project Summary:</i> In 2018, the committee, working with Family and Juvenile Advisory Committee, recommended that the council adopt new rules and forms to implement Assembly Bill 953, which authorized a minor or a minor’s guardian to petition the court to keep information regarding the minor that was submitted to the court for issuance of a civil harassment or domestic violence protective order in a confidential case file. There is still need for an information sheet to be developed to go along with the new rules and forms, and work to be done to clarify how best to address the issue of confidentiality in CLETS system.</p> <p><i>Status/Timeline:</i> New rules and forms will go into effect January 1, 2019; goal is to have the information sheet and any revised forms circulate for comment in Spring 2019, with January 1, 2020 effective date.</p> <p><i>Fiscal Impact/Resources:</i> Legal Services; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> Civil and Small Claims Advisory Committee</p> | |
| 15. | <p>Juvenile Law: Guardianship Information: Revise forms JV-330 and JV-350</p> | <p>Priority 1b</p> |
| | <p><i>Project Summary:</i> Revise two forms to update legal information covering the establishment, oversight, modification, and termination of guardianships in juvenile court proceedings in language and a format easily understood by a person not trained in law. The revisions are needed to comply with an ongoing statutory mandate and to work collaboratively with Probate and Mental Health as well as the Committee on Providing Access and Fairness on issues related to court coordination and allegations of child abuse and neglect in guardianship cases.</p> <p><i>Status/Timeline:</i> Ongoing; develop revised form for September 1, 2019 effective date.</p> | |

| # | Ongoing Projects and Activities | |
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| | <p>Fiscal Impact/Resources: Legal Services; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Probate and Mental Health, Advisory Committee on Providing Access and Fairness</p> | |
| 16. | Domestic Violence Forms | Priority 1b |
| | <p>Project Summary: Assembly Bill 413 (Eggman; Stats 2017, ch. 191) authorizes individuals seeking domestic violence restraining orders to record confidential communications if they contain evidence germane to the restraining order request for the sole purpose of providing that evidence in support of the request.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Criminal Justice Services, Lega Services; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Criminal Law Advisory Committee, Civil and Small Claims Advisory Committee</p> | |
| 17. | Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976) | Priority 1c |
| | <p>Project Summary: Develop rule and form proposal to implement Assembly Bill 976 (Berman; Stats. 2017, ch. 319), which authorizes electronic filing and service in juvenile matters, pursuant to Code of Civil Procedure section 1010.6. The bill extends the ability to conduct electronic filing and service to all juvenile matters, with some important exceptions and conditions designed to protect the confidential information of minors and to preserve paper notice of specified proceedings. The bill also requires affirmative consent to electronic service as of January 1, 2019. These statutory changes require the modifications to rules and forms recommended in this report.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2019 for rules and forms.</p> <p>Fiscal Impact/Resources: Lega Services; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> | |

| # | Ongoing Projects and Activities | |
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| | <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p> | |
| 18. | <p>Family Law: Changes to Continuance Rule and Forms</p> | <p><i>Priority 1d</i></p> |
| | <p><i>Project Summary:</i> Amend rule 5.94; revise form FL-303, FL-306 and FL-307, approve forms FL-302-INFO, FL-306-INFO, and form FL-308. Propose changes to one rule of court and three forms relating to the procedure for continuing a hearing as described in rule 5.94 of the California Rules of Court. In addition, the committee proposes two new information sheets—one that explains the process associated with form FL-306 and another that describes the options for rescheduling a hearing. The changes are intended to respond to the concerns raised by courts that form FL-306, revised effective September 1, 2017, is not being used by attorneys and the parties for the limited purpose intended by the Judicial Council and provide general information to litigants about rescheduling hearings.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p> | |
| 19. | <p>Court coordination and allegations of child abuse and neglect</p> | <p><i>Priority 1e</i></p> |
| | <p><i>Project Summary:</i> A proposal to work collaboratively with Probate and Mental Health as well as the Advisory Committee on Providing Access and Fairness on issues related to court coordination and allegations of child abuse and neglect in guardianship cases. Initial joint work will include updating an existing pamphlet (JV-350) concerning guardianships established in juvenile court as well as the probate guardianship pamphlet (GC-205), both of which need significant revision.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> None</p> | |

| # | Ongoing Projects and Activities | |
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| | <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> Probate and Mental Health Advisory Committee</p> | |
| 20. | <p>Juvenile Law: Competency Issues</p> <p><i>Project Summary:</i> To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Collaborative Justice Courts Advisory Committee, and members serving on other advisory bodies with mental health expertise, to consider developing recommendations to the Judicial Council to: (1) revise rule 5.645 to define appropriate evaluation tools for use with juveniles, (2) amend legislative language to clarify the presumption of competency, (3) suggest other legislative changes necessary to improve the handling of cases where competency issues are raised, and (4) identify effective practices developed by local courts to address juvenile cases in which competency is a factor. Continued work to secure legislative change consistent with the Governor's veto message on AB 935.</p> <p><i>Status/Timeline:</i> January 1, 2020</p> <p><i>Fiscal Impact/Resources:</i> Governmental Affairs</p> <p><i>Internal/External Stakeholders:</i> Associations representing probation officers, prosecutors, and public defenders</p> <p><i>AC Collaboration:</i> Collaborative Justice Courts Advisory Committee</p> | <p>Priority 2</p> |
| 21. | <p>Consider Mental Health Issues Implementation Task Force Referrals</p> <p><i>Project Summary:</i> Coordinate with Judicial Council staff and other advisory committees on developing and implementing recommendations to improve access and procedures in mental health proceedings, including review and consideration of implementation of select recommendations referred by the Judicial Council following the task force's final report to the council. Recommend appropriate action within the committee's purview. As referred by the council.</p> <p><i>Status/Timeline:</i> Ongoing</p> | <p>Priority 2</p> |

| # | Ongoing Projects and Activities | |
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| | <p><i>Fiscal Impact/Resources:</i> Legal Services, Criminal Justice Services</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> Collaborative Justice Courts Advisory Committee, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee</p> | |
| 22. | Rules Modernization Project | <i>Priority 2</i> |
| | <p><i>Project Summary:</i> Continue to assist Information Technology Advisory Committee (ITAC) in its Rules Modernization Project, a collaborative multi-year effort to comprehensively review and modernize statutes and rules so that they will be consistent with and foster modern e-business practices.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> Committee staff</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> Information Technology Advisory Committee</p> | |
| 23. | Serve as subject matter resource for other advisory groups to avoid duplication of efforts and contribute to development of recommendations for council action. | <i>Priority 2</i> |
| | <p><i>Project Summary:</i> Such efforts may include providing family and juvenile law expertise and review to working groups, advisory committees, and subcommittees as needed.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> None</p> | |

| # | Ongoing Projects and Activities | |
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| | <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Respective advisory bodies</p> | |
| 24. | <p>Juvenile Dependency: Court-Appointed-Counsel Workload</p> | <p>Priority 2</p> |
| | <p>Project Summary: As referred by the council, begin fulfilling the Judicial Council’s charge to “Consider a comprehensive update of the attorney workload data and time standards in the current workload model” by monitoring and assessing the impact of the new funding provided for court-appointed dependency counsel in the 2017-18 Budget Act..</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Budget Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 25. | <p>Court Coordination and Efficiencies</p> | <p>Priority 2</p> |
| | <p>Project Summary: Review promising practices that enhance coordination and increase efficient use of resources across case types involving families and children including review of unified court implementation possibilities, court coordination protocols, and methods for addressing legal mandates for domestic violence coordination to provide recommendations for education content and related policy efforts.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: None</p> <p>Internal/External Stakeholders: None</p> | |

| # | Ongoing Projects and Activities | |
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| | <i>AC Collaboration:</i> None | |
| 26. | Minors and Nonminor Dependents | Priority 2a |
| | <p>Project Summary: Continue monitoring implementation, and recommend rule and form changes as necessary, to improve the handling of proceedings involving nonminor dependents. The Judicial Council was a cosponsor of Assembly Bill 12, the original legislation that authorized extended foster care for young adults ages 18 to 21, which was enacted in 2010, with most of its provisions effective January 1, 2012. The council has supported each of the subsequent cleanup bills to make changes to ensure smooth and effective implementation of Assembly Bill 12: Assembly Bill 212 in 2011, Assembly Bill 1712 in 2012, and Assembly Bill 787 (Stone; Stats. 2013, ch. 487) in 2013.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Legal Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |
| 27. | Rules and Forms: Miscellaneous Technical Changes | Priority 2a |
| | <p>Project Summary: Develop rule and form changes as necessary to correct technical errors meeting the criteria of rule 10.22(d)(2); “a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy....”.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Legal Services</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p> | |

| # | Ongoing Projects and Activities | |
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| 28. | Juvenile Law: Intercounty Transfers | <i>Priority 2b</i> |
| | <p><i>Project Summary:</i> Review requests under rule 5.610(g) to approve local collaborative agreements for alternative juvenile court transfer forms in lieu of JV-550. This project originated from the Judicial Council Delegations to the Administrative Director of the Courts (October 25, 2013).</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> None</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p> | |

III. LIST OF 2018 PROJECT ACCOMPLISHMENTS

| # | Project Highlights and Achievements |
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| 1. | <p>Implementation of Legislative Changes from the 2015-2016 Legislative Session (Completed by September 1, 2018 or January 1, 2019)</p> <p>As directed by the Judicial Council, reviewed legislation identified by Governmental Affairs that may have an impact on family and juvenile law issues within the advisory committee’s purview. The committee reviewed the legislation below, and other identified legislation, and proposed rules and forms as appropriate for the council’s consideration.</p> <ul style="list-style-type: none"> <p><u>Juvenile Law: Presumptive Transfer of Specialty Mental Health Services</u> (<u>AB 1299 Ridley-Thomas</u>) <i>Ch.603, Statutes of 2016</i> Effective September 1, 2018 adopted one statewide rule and four juvenile law (JV) forms, including an information sheet. The rule and forms implement a procedural framework and are intended to provide procedural clarity for a juvenile court review hearing created by recent legislation involving foster children’s access to specialty mental health services under federal Early and Periodic Screening, Diagnosis and Treatment services. The committee also recommended renumbering a JV form to keep the JV forms related to this proposal in sequential order with other JV forms related to mental health treatment for foster children, including the administration of a foster child’s psychotropic medications.</p> <p>Juvenile Law: Intercounty Placements (Amend Cal. Rules of Court, rule 5.610; repeal and adopt rule 5.614; approve forms JV-555 and JV-556) <u>Assembly Bill 1688</u> (Rodriguez) <i>Ch. 605, Statutes 2016</i> Effective January 1, 2018 amended one rule of the California Rules of Court, repealed and adopted one rule, and approved two Judicial Council forms to conform to recent statutory changes regarding who a child welfare agency must notice when moving a foster child to a different county.</p> |
| 2. | <p>Implementation of Legislative Changes from the 2017-2018 Legislative Session (Completed by September 1, 2018 or January 1, 2019)</p> <p>As directed by the Judicial Council, reviewed legislation identified by Governmental Affairs that may have an impact on family and juvenile law issues within the advisory committee’s purview. The committee reviewed the legislation below, and other identified legislation, and proposed rules and forms as appropriate for the council’s consideration.</p> |

| # | Project Highlights and Achievements |
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| | <p><u>Family:</u></p> <ul style="list-style-type: none"> <p>AB 264 (Low): Protective orders <i>Ch. 270, Statutes of 2017</i> Would require the court to consider issuing a protective order restraining the defendant from any contact with a percipient witness to a crime involving domestic violence, a violation of specified sex offenses, or a violation of laws relating to criminal gangs, if it is shown by clear and convincing evidence that the witness has been harassed.</p> <p>Determined no rules and forms necessary.</p> <p>Family Law: Transfer of Jurisdiction (Adopt Cal. Rules of Court, rule 5.97) Effective January 1, 2018 adopted a new rule of court to implement family law–specific transfer of jurisdiction procedures to comply with the requirements of Assembly Bill 712 (Bloom; Stats. 2017, ch. 316). The legislation required the council to adopt a rule of court to establish time frames for the transfer and receipt of jurisdiction over family law actions.</p> <p>Protective Orders: Protecting Information of People Under 18 Years Old <i>Ch. 384, Statutes of 2017</i> Effective January 1, 2018, in collaboration with the Civil and Small Claims Advisory Committee, adopted rule of court, eight forms (a set of four in the Domestic Violence Prevention series and a set of four in the Civil Harassment Prevention series), and revised two forms, in order to implement the provisions in Assembly Bill 953 (Stats. 2017, ch. 384) that seek to protect information relating to minors in domestic violence and civil harassment restraining orders.</p> <p>AB 1396 (Burke): Surrogacy <i>Ch. 326, Statutes of 2017</i> Clarifies that the parent and child relationship cannot be established between a child and a surrogate, as defined, by proof of having given birth. Requires the court to issue the judgment or order regarding parentage forthwith, unless specified conditions are met.</p> <p>Determined no statewide rules and forms necessary, process unique to each court.</p> <p>Gender change/name change implementation SB 179 (Atkins): Gender identity: female, male, or nonbinary <i>Ch. 853, Statutes of 2017</i> Changes the requirements for getting a new birth certificate issued to reflect a change in gender designation. New forms proposed by the Civil and Small Claims Advisory Committee with input from this committee.</p> <p>Will need to change sex to gender and related changes on forms in 2019 and future cycles.</p> |

| # | Project Highlights and Achievements |
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| | <ul style="list-style-type: none"> Protective Orders: Entry of Interstate and Tribal Protective Orders, Canadian Protective Orders, and Gun Violence Restraining Orders into CLETS <i>Ch. 98, Statutes of 2017</i> Effective January 1, 2018, in collaboration with the Civil and Small Claims Advisory Committee, amended two rules of the California Rules of Court relating to protective orders to (1) include the registration of interstate and tribal court protective orders, Canadian protective orders, and gun violence restraining orders as protective orders that must be submitted to the court with a completed California Law Enforcement and Telecommunications System (CLETS) confidential information form; and (2) add records in gun violence prevention proceedings to the list of electronic court records that are accessible only at the courthouse and not remotely. These changes implement new statutory requirements. The Family and Juvenile Law Advisory committee also recommended the adoption of a new mandatory form to implement the requirements of Senate Bill 204, which allows domestic violence protection orders issued in a Canadian civil court to be registered and enforced in California. SB 469 (Skinner D): Child support guidelines: low-income adjustments <i>Ch. 730, Statutes of 2017</i> Extends existing low-income adjustment on the net disposable income threshold for child support obligors from 1/1/2018 to 1/1/2021. Determined no rules and forms necessary. Family Law: Income and Expense Declaration Effective January 1, 2018, amended <i>Income and Expense Declaration</i> (form FL-150) to implement recent changes to the tax treatment of alimony (spousal support) under the Internal Revenue Code (IRC) of 1986. In addition, the committee updated the reference to a military housing allowance acronym in the form to clarify the meaning of the term. <p><u>Juvenile Dependency:</u></p> <ul style="list-style-type: none"> Juvenile Law: Dependency Hearings—Continued Condensing of the Rules of Court Effective January 1, 2018, amend Cal. Rules of Court, rules 5.526, 5.678, 5.690, 5.695, and 5.708 to delete some sections that unnecessarily repeat statutory language or replace them with references to the relevant code sections to enhance the brevity and accuracy of the rules. <ul style="list-style-type: none"> a) AB 404 (Stone): Foster care <i>Ch. 732, Statutes of 2017</i> Makes changes to procedures relating to the placement of dependent children, including, among other things, by revising the preference to make a placement with specified relatives and, instead, to grant a preference for placement with any relative. |

| # | Project Highlights and Achievements |
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| | <p>b) <u>AB 1332 (Bloom): Juveniles: dependents: removal</u> <i>Ch. 665, Statutes of 2017</i> Would prohibit the removal of a child from the physical custody of his or her parent with whom the child did not reside at the time the petition was initiated, unless the juvenile court finds clear and convincing evidence that there would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child for the parent to live with the child or otherwise exercise the parent's right to physical custody, and there are no reasonable means available by which the child's physical and emotional health can be protected without removing the child from the child's parent's physical custody.</p> <p>c) <u>AB 1401 (Maeinschein): Juveniles: protective custody warrant</u> <i>Ch. 262, Statutes of 2017</i> Would authorize the court to issue a protective custody warrant, without filing a petition in the juvenile court alleging that the minor comes within the jurisdiction of the juvenile court as a dependent, if there is probable cause to believe the minor comes within the jurisdiction of the juvenile court as a dependent, there is a substantial danger to the safety or physical health of the child, and there are no reasonable means to protect the child's safety or physical health without removal.</p> <p>• Juvenile Law: Vacatur of Convictions Related to Human Trafficking and Preservation of Extended Foster Care Eligibility <i>Ch. 707, Statutes of 2017</i> Effective January 1, 2018, amended three rules and adopted one new rule of the California Rules of Court, revising eight Judicial Council forms, and approving two new Judicial Council forms to implement <u>Assembly Bill 604</u> (Gipson; Stats. 2017, ch. 707), which clarified that extended foster care benefits are available to young people who have adjudications that are eligible for vacatur pursuant to Penal Code section 236.14. The committee further proposes revising form JV-462 to include certain changes necessitated by recent legislation, making a technical change to form JV-462, and revising form JV-367 to reflect how the form is typically used. Finally, the committee proposes amending rules 5.903 and 5.906 to clarify who may attend status review hearings for former wards who have become nonminor dependents.</p> <p>• <u>AB 1371 (Stone): Juveniles: ward, dependent, and nonminor dependent parents</u> <i>Ch. 666, Statutes of 2018</i> Extends prohibition for program of supervision from being undertaken until the parent has consulted with his or her counsel to a parent who is a nonminor dependent or ward of the juvenile court.</p> <p>Determined no rules and forms necessary.</p> <p>• <u>SB 213 (Mitchell): Placement of children: criminal records check</u> <i>Ch. 733, Statutes of 2017</i> Prohibits final approval for adoption, placement, and licensure (for foster care providers and resource families) if a person in the house has been convicted of certain crimes.</p> |

| # | Project Highlights and Achievements |
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| | <p>Determined no rules and forms necessary.</p> <p><u>Juvenile Delinquency:</u></p> <ul style="list-style-type: none"> <p><u>Juvenile Law: Information for Parents</u> Effective January 1, 2018, revise information for parents pamphlet; effective September 1, 2018 revised two Judicial Council forms to update advisements to parents of a child who is the subject of juvenile court wardship proceedings, in order to provide these parents with accurate information about the limits of their responsibility to pay for the costs of services and support provided to their child by the court and county as required by <u>SB 190</u>, (Mitchell) <i>Ch. 678, Statutes of 2017.</i></p> <p>Juvenile Law: School Notification of Delinquency Court Adjudication Effective January 1, 2018, revised Judicial Council form JV-690 to correct inaccuracies in the listed offenses and to conform the form to Welfare and Institutions Code section 827(b)(1). The proposed changes reflect closely the language of Welfare and Institutions Code section 827(b) and give the court the option to indicate the specific code section of the offense that was adjudicated. The form would also be revised to include notice under Education Code section 48267.</p> <p>Juvenile Law: Decriminalization of Penal Code section 647f Effective January 1, 2018, approved two new forms to comply with Senate Bill 239, which requires the Judicial Council to promulgate forms to implement the legislation that repeals Penal Code section 647f and vacates convictions that were based on that code section. The forms allow those who are eligible for relief to request that their Penal Code 647f convictions be vacated and dismissed and that they be resentenced, if appropriate.</p> <p><u>AB 90 (Weber): Criminal gangs</u> <i>Ch. 695, Statutes of 2017</i> Clarifies requirements to petition the court to be removed from state managed gang database.</p> <p>Provided subject matter expertise to Civil and Small Claims Advisory Committee on implementation.</p> <ul style="list-style-type: none"> <p><u>Juvenile Law: Sealing of and Access to Records</u> Effective September 1, 2018, new and amended rules and new and revised forms to conform to recently enacted statutory provisions concerning the sealing of juvenile records. The proposal updated recently adopted rules and forms to implement sealing of records under Welfare and Institutions Code section 786 to include recent changes to that section, modify forms to reflect the authority of the court to seal records for section 707(b) offenses, and adopted a new rule and optional form for use by probation to seal records under newly enacted section 786.5.</p> |

| # | Project Highlights and Achievements |
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| | <p>a) <u>AB 529 (Stone): Juveniles: sealing of records</u> <i>Ch. 685, Statutes of 2017</i> Would require, if a person who has been alleged to be a ward of the juvenile court and has his or her petition dismissed or if the petition is not sustained by the court after an adjudication hearing, the court to seal all records pertaining to that dismissed petition that are in the custody of the juvenile court, and in the custody of law enforcement agencies, the probation department, or the Department of Justice.</p> <p>b) <u>SB 312 (Skinner): Juveniles: sealing of records</u> <i>Ch. 679, Statutes of 2017</i> Expands the exception to sealing of juvenile court records to include those cases where a finding on a serious or violent offense is reduced to a misdemeanor.</p> <p>c) <u>SB 462 (Atkins): Juveniles: case files: access</u> <i>Ch. 462, Statutes of 2017</i> Expands the list of who can be allowed to access an otherwise sealed juvenile case file to include law enforcement agencies, probation departments, or other specified agencies for the purposes of data collection and research, provided the court is satisfied that identifying information is protected.</p> |
| 3. | <p>Rules Modernization Project and Implementation of AB 976 (Completed January 1, 2018) Each advisory committee was asked to include in their annual agendas for 2015 and 2016 an item providing for the drafting of proposed amendments to modernize the California Rules of Court related to their subject matter areas. This effort was undertaken in coordination with ITAC, which is responsible for developing and completing the overall rules modernization project. Implementation of council sponsored legislation (<u>AB 976 (Berman) Electronic filing and service</u>) that emerged from this project necessitated rule and form changes noted above.</p> |
| 4. | <p>Dual-Status Youth (Completed January 1, 2018) Pursuant to Assembly Bill 1911 ([Eggman]; Stats. 2016, ch. 637) convene a group of stakeholders to define data elements and outcome tracking for youth involved in the dependency and delinquency system and <u>report to the legislature</u> by January 1, 2018.</p> |
| 5. | <p>Appellate Rule and Forms (Completed January 1, 2018) Work with the Appellate Advisory Committee on the development of rules and forms regarding appellate procedures related to juvenile and family law proceedings. For 2018 this may include a family law specific form for preparing a Proposed Statement on Appeal.</p> |
| 6. | <p>Updated guardianship materials to ensure coordination between courts addressing child abuse and neglect issues via proposed revised guardianship pamphlets circulated for comment (Juvenile Law: Guardianship Forms – Spring 2018 rules and forms proposal).</p> |
| 7. | <p>Provided technical assistance and position recommendations on family and juvenile related proposed legislation via numerous legislative review calls.</p> |
| 8. | <p>Approved list of training providers for court connected child custody mediators, recommending counselors, and evaluators as directed by the Judicial Council.</p> |
| 9. | <p>Worked with Appellate Advisory Committee to develop forms for a self-represented appellant to prepare a settled statement (Spring 2018 cycle: Appellate Procedure and Family Law: Settled Statements in Unlimited Civil Cases).</p> |

| # | Project Highlights and Achievements |
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| 10. | Worked with the Information Technology Advisory Committee to develop proposed rules of court for remote access to court records by parties and others for records not accessible to the general public remotely (Spring 2018 cycle: Technology: Remote Access to Electronic Records). |
| 11. | Prepared rules and forms to implement legislation allowing for electronic filing and service in juvenile matters in furtherance of the Rules Modernization Project and to implement council sponsored legislation (Spring 2018 cycle: Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)). |
| 12. | AB 1058 Funding related activities: in addition to making recommendations to the council for ongoing funding allocations and midyear reallocations, the committee also provided members and a co-chair to the AB 1058 Funding Allocation Joint Subcommittee which continues to work on a new workload-based methodology for allocating funds for child support commissioners and family law facilitators. |
| 13. | Submitted report to legislature pursuant to legislative directive on youth involved in the child welfare and juvenile justice systems. |
| 14. | Provided recommendations to the Judicial Council for allocation of funding for the Access to Visitation Grant Program and submitted a report to the legislature on the grant program for council approval. |
| 15. | Provided recommendations to the Judicial Council for allocation of funding for CASA programs, including a new CASA funding allocation methodology. |
| 16. | Provided support for the activities and meetings of the Violence Against Women Education Program and hosted a statewide users forum for the California Courts Protective Order Registry. |
| 17. | Began process of considering a comprehensive update of the attorney workload data and time standards in the current workload model by monitoring and assessing the impact of the new funding provided for court-appointed dependency counsel in the 2017-18 Budget Act. |
| 18. | Updated guardianship materials to ensure coordination between courts addressing child abuse and neglect issues via proposed revised guardianship pamphlets circulated for comment (Juvenile Law: Guardianship Forms – Spring 2018 rules and forms proposal). |
| 19. | Provided technical assistance and position recommendations on family and juvenile related proposed legislation via numerous legislative review calls. |
| 20. | Approved list of training providers for court connected child custody mediators, recommending counselors, and evaluators as directed by the Judicial Council. |
| 21. | Worked with Appellate Advisory Committee to develop forms for a self-represented appellant to prepare a settled statement (Spring 2018 cycle: Appellate Procedure and Family Law: Settled Statements in Unlimited Civil Cases). |
| 22. | Worked with the Information Technology Advisory Committee to develop proposed rules of court for remote access to court records by parties and others for records not accessible to the general public remotely (Spring 2018 cycle: Technology: Remote Access to Electronic Records). |
| 23. | Prepared rules and forms to implement legislation allowing for electronic filing and service in juvenile matters in furtherance of the Rules Modernization Project and to implement council sponsored legislation (Spring 2018 cycle: Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)). |

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| 24. | AB 1058 Funding related activities: in addition to making recommendations to the council for ongoing funding allocations and midyear reallocations, the committee also provided members and a co-chair to the AB 1058 Funding Allocation Joint Subcommittee which continues to work on a new workload-based methodology for allocating funds for child support commissioners and family law facilitators. |
| 25. | Submitted report to legislature pursuant to legislative directive on youth involved in the child welfare and juvenile justice systems. |
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| 30. | Updated guardianship materials to ensure coordination between courts addressing child abuse and neglect issues via proposed revised guardianship pamphlets circulated for comment (Juvenile Law: Guardianship Forms – Spring 2018 rules and forms proposal). |

Family and Juvenile Law Advisory Committee

Effective September 17, 2018 (rev. 1/30/19)

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Effective September 17, 2018 (rev. 1/30/19)

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Family Law: Forms and Usability

Annual Agenda Item:

25. Court Coordination and Efficiencies

Review promising practices that enhance coordination and increase efficient use of resources across case types involving families and children including review of unified court implementation possibilities, court coordination protocols, and methods for addressing legal mandates for domestic violence coordination to provide recommendations for education content and related policy efforts.

Background:

After a career in graphic design, Alison Corn enrolled in law school at UC Davis, where she finds that her background in design continues to be relevant. Specifically, in her work at a family law self-help center Ms. Corn sees how Judicial Council forms are used and, with her background in design, she also sees how they could be improved to enhance the user's experience. Ms. Corn will discuss the key concepts of user centered design and how the design process differs as it is applied to form development. Ms. Corn will give her insights on what to look for when designing a user centered form and will also discuss how to make forms accessible for those with disabilities.