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August 16, 2022

Hon. Thomas J. Umberg, Chair  
Senate Judiciary Committee  
1021 O Street, Suite 6730  
Sacramento, California 95814

Subject: Senate Bill 616 (Rubio), as amended June 20, 2022 – Oppose

Dear Senator Umberg:

The Judicial Council respectfully opposes Senate Bill 616 because it will create a significant unfunded mandate as it is duplicative and unnecessary in light of the robust training that judicial officers and court connected staff already receive. SB 616 ignores existing provisions for judicial and staff training that include topics listed in SB 616. Moreover, the specificity of the topics listed in the bill give rise to serious concerns about impartiality and neutrality. And finally, SB 616 represents an impermissible interference in the operations of the judicial branch by imposing specific training hours and topics for judicial officers and other court personnel.

**Current Training Requirements are Robust**

The Judicial Council exercises its constitutional authority to address court administration, practice and procedure through the enactment of rules of court. The California Rules of Court contain several rules pertaining to judicial training and education for trial court judges, including specific additional training required for Family Court judges. New trial court judges sitting in Family Law currently undertake judicial training as follows:

- New judge orientation, taken within 6 months of taking the oath of office.
  - Duration: 2 consecutive weeks / 60 hours
- Primary assignment orientation, taken within 1 year of taking the oath of office.
  - Duration: 1 week / 30 hours (in most case types including Family Law)

- Judicial College, taken within 2 years of taking the oath of office.
  - Duration: 1 week / 30 hours
- Family Law assignment training, taken within 6 months of beginning the Family Law assignment (within 1 year for judges sitting in courts with 5 or fewer judges).
  - Duration: 1 week / 30 hours

There are additional specific training and education requirements for Child Support Commissioners<sup>1</sup>, Family Court judicial officers and staff pertaining to children participating in and providing testimony during Family Law proceedings,<sup>2</sup> training for court-appointed child custody investigators and evaluators<sup>3</sup> and specific/stand-alone domestic violence training and education for trial court judicial officers who hear Criminal, Family, Juvenile Justice, Child Welfare or Probate matters.<sup>4</sup>

SB 616 requires an additional 25 hours of very prescriptive “orientation” training for judges who sit in Family Law on top of this existing training.<sup>5</sup> In addition to the required minimum 25 hours “orientation” training, judicial officers are currently expected to undertake a minimum of 30 hours of continuing judicial education every three years. SB 616 adds 20 minimum hours, nearly doubling this requirement.

### **Significant Unfunded Costs and Delays**

SB 616 will result in significant unfunded cost impacts to the courts and the judicial branch by increasing required training for judges and court connected personnel. For training judicial officers, we estimate \$2.5 million one-time and \$1.9 million on-going to develop unbiased, education in the specific topics listed in SB 616. For non-judicial court staff, we estimate first year costs to be \$3 million one-time and \$1.4 million on-going for staff costs, regional training faculty, participant travel and expenses, staff back-fill, and staff supervisors.

For court connected (but not court-employed) staff, it is unknown how these individuals will be trained, who will provide it, or what the costs will be.

Note that cases may need to be continued if funding is insufficient and assigned judges and back fill staff are unavailable to keep calendars moving while required training is being received which may result in delays for Family Law litigants.

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<sup>1</sup> See California Rules of Court, rule 5.340.

<sup>2</sup> See California Rules of Court, rule 5.250(g).

<sup>3</sup> See California Rules of Court, rule 5.230.

<sup>4</sup> See California Rules of Court, rule 10.464

<sup>5</sup> See SB 616, which adds subparagraph (d) to Section 68553 of the Government Code and requires “[a] minimum of 25 hours shall be required for the orientation session” in 8 specified topics.

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### **Judicial Neutrality and Other Concerns**

The judicial branch is fundamentally based on impartiality and neutrality. Bias in the courts erodes confidence in the court system. The highly specific training topics mandated by SB 616 give rise to concerns regarding who the possible training experts could be, and whether the training topics implicate an advocacy agenda intended to improperly influence judicial impartiality and neutrality rather than pedagogically sound education and training.

And finally, SB 616 creates internally inconsistent conflicts for judicial officers sitting in Family Law assignments. While the fundamental tenets of child custody determinations include consideration of the best interests, and ensuring the safety, of the child, SB 616 would prohibit a court from separating a child from a parent to whom a child is bonded or attached even if the court determines that the child is bonded or attached to the parent found to be the abuser.

For these reasons, the Judicial Council respectfully opposes SB 616.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,



Cory T. Jasperson  
Director, Governmental Affairs

CTJ/AL/yc-s

cc:

Members, Senate Judiciary Committee  
Hon. Susan Rubio, Member of the Senate  
Ms. Kathleen Russell, Founding Executive Director, Center for Judicial Excellence  
Ms. Allison Meredith, Counsel, Senate Judiciary Committee  
Mr. Morgan Branch, Consultant, Senate Republican Office of Policy  
Ms. Jessica Devencenzi, Deputy Legislative Secretary, Office of the Governor  
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Ms. Shelley Curran, Chief Policy & Research Officer, Judicial Council of California