



JUDICIAL COUNCIL OF CALIFORNIA

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INFORMATION TECHNOLOGY ADVISORY COMMITTEE

RULES AND POLICY SUBCOMMITTEE

MINUTES OF OPEN MEETING

August 19, 2016

12:10 PM – 1:30 PM

Teleconference

**Advisory Body
Members Present:**

Justice Peter Siggins, Professor Dorothy Glancy, Judge Jackson Lucky, Mr. Darrel Parker, Mr. Don Willenburg,

**Advisory Body
Members Absent:**

Justice Louis Mauro, Judge Julie Culver

Others Present:

Ms. Fati Farmanfarmaian, Ms. Nicole Rosa, Ms. Diana Glick, Mr. Patrick O'Donnell, Mr. Douglas Miller

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

Call to Order and Roll Call

The chair called the meeting to order at 12:10 pm, and roll call was taken.

Approval of Meeting Minutes

Meeting minutes were approved for the July 8, 2016 Rules and Policy Subcommittee meeting and the July 12, 2016 Unlimited Case and Complex Litigation Subcommittee and Rules and Policies Subcommittee joint meeting.

PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75 (K)(2))

WRITTEN COMMENT

No public comments received.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1

Legislative Proposal to Authorize E-Service in Probate Proceedings (Action Required)

Action: *The subcommittee voted to recommend the proposal to the Information Technology Advisory Committee (ITAC).*

Justice Siggins introduced the proposal. Mr. Patrick O'Donnell presented the public comments received in response to the proposed amendments to a legislative proposal that would amend the Probate Code sections to authorize e-service by consent of notices and other papers in probate matters.

Mr. O'Donnell explained that the Probate and Mental Health Advisory Committee drafted a proposal that systematically examined the Probate Code and other related codes to facilitate providing notice by electronic means and electronic service. The key approach throughout the review was to take a closer look at Probate Codes 1215 and 1216. These codes currently provide for "notice by mail" and "notice in person", but are missing "notice by electronic means". The committee's approach was to combined PC 1215 and 1216 and add a third form of notice which says "notice by electronic means with the consent of the entity entitled to be served or given notice". Following that change, throughout the code wherever there was reference to "service or notice by mail", the verbiage was replace with "by delivery of the notice pursuant to PC section 1215".

A total of six (6) public comments were received. All commentators conceded with the committee's approach and offered suggestions. Commentator suggestions on substantive matters were considered by the committee and will be added to the proposal next year when the proposal is in legislation. Other suggestions (outlined in the memorandum) were reviewed by the committee and added to this year's proposal: i.e. the Welfare and Institution Code 5362 in support of PC 1215.

Motion to approve the changes and recommend the rules proposal to ITAC. Motion passed.

Item 2

Legislative Proposal to Authorize E-Service and E-Filing in Juvenile Proceedings (Action Required)

Action: *The subcommittee voted to recommend the proposal to the Information Technology Advisory Committee (ITAC).*

Justice Siggins introduced the proposal. Ms. Diana Glick presented the public comments received in response to the proposed amendments to a legislative proposal that would amend the Welfare and Institutions Code to allow for e-service by consent and e-filing in juvenile dependency and delinquency proceedings.

Ms. Glick highlighted Bill 8879 that resulted in a rules proposal that allowed for the electronic email notice of certain dependency hearings. As a result, the current proposal seeks to expand on the Bill into delinquency and all different types of proceedings that occur in the juvenile realm to both e-filing and e-service.

Ms. Glick explained that the Family and Juvenile Law Advisory Committee thoroughly discussed the use of the term "encryption" for confidentiality because juvenile matters are confidential. Public comments were received from five (5) different entities with numerous discussions about encryption. At their August 4, 2016 meeting, the Committee discussed how detailed to be in code, and if there is a different venue that might be more appropriate for standards around encryption. The Committee ultimately agreed that encryption is the term that is broad enough to encompass the different technologies, also broad enough to not become obsolete tomorrow; but would enforce the notion that encryption will guarantee security.

Ms. Glick reported other suggestions on substantive matters raised by commentators including the electronic submission of medical and psychological records and age requirements (outlined in the memorandum). Concern around HIPA standards were expressed by members of the Rule & Policies

Subcommittee; specifically, that HIPA standards are met regarding the electronic submission of medical and psychological records. Ms. Glick agreed to complete an analysis on this concern.

Motion to approve these changes and recommend the rules proposal to ITAC. Motion passed.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:32 PM.

Approved by the Rules and Policy Subcommittee on January 19, 2017.