



JUDICIAL COUNCIL OF CALIFORNIA

RULES COMMITTEE

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RULES COMMITTEE

MINUTES OF OPEN MEETING

Thursdays, December 13, 2022

4:10 - 5:30 p.m.

Videoconference

Advisory Body Members Present: Hon. Carin T. Fujisaki, Hon. Kevin C. Brazile, Hon Samuel K. Feng, Ms. Rachel W. Hill, Hon Kimberly Merrifield, Mr. Maxwell Pritt, and Hon. David Rosenberg.

Advisory Body Members Absent: Hon. Glenn Mondo, and Mr. Shawn C. Landry

Staff Present: Ms. Anne M. Ronan and Ms. Benita Downs

Others Present Hon. Jayne Lee, Theresa Chiong, Charlene Depner, Anne Hadreas, Audrey Fancy, Michael Giden, Eric Long, and Corby Sturges.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:10 p.m., and Ms. Downs took roll call.

DISCUSSION AND ACTION ITEMS (ITEMS 1 – 6)

Item 01

Jury Instructions: Public Access and Publication

The committee reviewed a recommendation from the Rules Committee proposing revising California Rules of Court, rule 2.1050, to express the council's continued interest in both free public access to the Judicial Council of California Civil Jury Instructions (CACI) and the Judicial Council of California Criminal Jury Instructions (CALCRIM) and having publishers accurately publish the instructions, properly attribute the council as the source of the instructions, and not claim copyright in them. The proposal originated with a suggestion from a nonprofit organization following a change in copyright law that impacts government bodies.

Action: *The committee unanimously approved the proposal for circulation on the regular winter cycle through January 20.*

Item 02

Rules and Forms: Community Assistance, Recovery, and Empowerment Act

The committee reviewed a recommendation from the Probate and Mental Health Advisory Committee proposing eleven rules of court and eleven forms to implement requirements in the Community Assistance, Recovery, and Empowerment (CARE) Act. The CARE Act establishes a new, noncriminal proceeding that authorizes a court—in response to a petition and after determining by clear and convincing evidence that the subject of the petition meets the necessary statutory criteria—to order the county behavioral health agency to work with the subject to engage in treatment and determine whether a CARE agreement can be reached or, if those efforts are unsuccessful, to develop a CARE plan. Once the court has approved a CARE agreement or ordered a CARE plan, the court must hold regular hearings to review the progress of the subject and the county behavioral agency with the services ordered in the agreement or plan. The act requires the Judicial Council to develop a mandatory petition form, any other forms necessary for the court process, and rules of court to implement the act's procedural provisions.

Action: The committee unanimously approved the proposal for circulation on the regular winter cycle through January 27.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 5:05 p.m.

Approved by the advisory body on February 16, 2023.